

2nd Edition

Revolutions AND Constitutions

The United States
The USSR
The Islamic Republic of Iran

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INTRODUCTION

REVOLUTIONS AND CONSTITUTIONS: THE UNITED STATES, THE USSR, AND THE ISLAMIC REPUBLIC OF IRAN

Revolutions and constitutions have played a fundamental role in creating the modern society in which we live. Although definitions of “revolution” vary, most societies in the world have experienced some kind of political and or social upheaval that has been labeled “revolutionary.” For some countries this happened a relatively long time ago. Thus Great Britain experienced a revolution in the 1640s, the American colonies in the 1770s, and France for a decade or so beginning in 1789. Other countries have experienced revolutions relatively recently — for example, Iran in 1979 and a number of Arab countries in 2011 (the so-called “Arab Spring”). Looking across the globe, one would find it hard to identify many societies that have not experienced some kind of revolutionary upheaval.

This observation is even truer with respect to constitutions. Although a few countries continue to have only “unwritten constitutions” (something that we will address below), the vast majority of societies have a specific document that they regard as a constitution.¹ In short, it is impossible to understand the modern world today without some grasp of both revolutions and constitutions. This proposition is the starting point for this book and for this course, which examine three revolutions and sets of constitutions that had tremendous worldwide significance at different stages of human history: the United States, Russia, and Iran.

But we can go further still. In fundamental ways revolutions and constitutions are connected. Even in cases where constitutions emerged gradually, revolutionary change proved critical to their appearance. Great Britain’s constitution is perhaps the one that appeared most gradually, and there were of course many factors that went into its composition. But dramatic events that can be seen

as revolutionary — the English Civil War in the mid-17th century and the so-called Glorious Revolution of 1688-89 — were central to the constitution’s appearance. The connection between revolution and constitution is even clearer in those countries where the drafting of a new fundamental legal document followed quickly on the heels of the rejection or destruction of the previous political order. Thus Americans moved quickly to produce state constitutions after declaring independence from Britain in 1776, and drafted the Articles of the Confederation in 1777 (although that document was not formally ratified until 1781). Likewise, in Russia the seizure of power by radical socialists called “Bolsheviks” in October of 1917 was followed by the creation of the first Soviet constitution by the next summer. In Iran the process was almost equally rapid: a constitution for the newly proclaimed Islamic Republic went into force ten months after the previous ruler, the Shah, had been overthrown in February of 1979. In short, in most cases in modern history, constitutions emerged more or less directly from a revolutionary experience. They represent the products of dramatic political and social change. They are efforts to codify the values of the given revolution and to construct new institutions by which the transformed society will live.

This book begins from the premise that one of the most productive and insightful ways to study the United States Constitution (1787) and the constitution of the State of Nevada (1864) is, first, to analyze those documents in relation to the preceding revolution against Great Britain; and, second, to consider the American experience in comparative perspective. By “comparative,” we mean that we examine several different cases and ask the same or similar questions of each of them. This exercise reveals both similarities and differences from case to case, which in turn allows us to understand each individual case better. This comparative approach has the added benefit of allowing us to learn about

¹ See for example the list at <https://www.cia.gov/library/publications/the-world-factbook/fields/2063.html>.

different parts of the world, thus enhancing our awareness of the increasingly globalized context in which we live.

In this course we focus on three revolutions that occurred at different times and produced very different outcomes. The first is the American Revolution and Constitution, with which most students are already at least somewhat familiar. The American Revolution, which occurred towards the end of the eighteenth century, may be seen as a liberal-democratic revolution in light of the social and political order that it helped to create. The second case is the Russian Revolution, which occurred in the early twentieth century. In fact, there were two revolutions in Russia in 1917—one that overthrew the regime of the Tsar, or Emperor, in favor of a Provisional Government that sought to create the conditions for a new democratic society; and a second revolution that saw a group of radical socialists, known as the “Bolsheviks,” take power and embark on a remarkable but also destructive experiment lasting a good portion of the twentieth century. The third revolution that we will examine took place in Iran towards the end of the twentieth century. Here, a movement inspired by a combination of socialism, Islam, and opposition to foreign interference overthrew the Shah, or king, and replaced his regime with a new entity known as the Islamic Republic. Thus a fundamentally new political order appeared in Iran at the beginning of 1979.

In the case of each revolution, we see the creation of a new state that was defined, in part at least, by a new constitution. In each case a form of monarchy (a political system ruled by a king, tsar, or shah) was replaced by a republic, although each republic was quite distinct in character. The American Revolution saw a wave of new constitutions, first for the individual states such as Pennsylvania and Virginia, and then for the new country as a whole, in the form of the Articles of Confederation. Yet for the first decade or so after the American Declaration of Independence, it was unclear whether there was really one new country or thirteen. The Articles themselves reflect that confusion and ambivalence, as we shall see. The Constitution of 1787 clarified the question somewhat, although there were still many issues that remained unresolved, not least of all the question of slavery. Some of those could be resolved only by a bloody

civil war in the 1860s, and still others, for example the relationship between the states and federal government, continue to shape our modern politics today. In Russia, the new Bolshevik regime fairly quickly declared the existence of a new country—the Russian Soviet Federated Socialist Republic, or RSFSR—and by the summer of 1918 the Bolsheviks had produced a new constitution for the republic. That constitution was supplemented several years later by a treaty that created the Union of Soviet Socialist Republics—the USSR, or “Soviet Union.” Finally, in Iran the new regime of the Ayatollah Ruhollah Khomeini produced a new constitution in the fall of 1979. It, too, sought to express the values of the revolution and also the political aspirations of the new republic’s leadership.

To say that each new state produced a constitution (or several of them) is not to say that constitutions had the same significance in each country. Much depended on the conception of law that existed in each society. Thus a constitution could serve as a form of law that genuinely restrained governmental power, at least most of the time; or it could represent primarily an article of propaganda or an instrument that the new regime sought to use in consolidating its power and achieving its goals. As we go forward with our analysis, we should think about the different functions that constitutions can perform, and which of those functions has been most important at any given time.

Each of these three revolutions represents an event of world significance. The American Revolution articulated a set of values that were understood to apply to all of humanity, and at least some of those values have indeed been broadly embraced across much of the world. The Bolshevik Revolution established communism as an alternative to liberal capitalist development; it made German Nazism possible and also represents the foundation for the Cold War that followed World War II and shaped the second half of the twentieth century. The Iranian Revolution, finally, occurred in the midst of crucial shifts in the world order and revealed the possibility that religiously inspired ideologies, which were assumed to be irrelevant in an increasingly secular age, could actually obtain substantial support. This course accordingly rests on the proposition that these three revolutions offer major insights for understanding the world in which we live.

As we begin our investigation of these three revolutions, it is worthwhile to keep in mind a set of questions that we may pose of each of them. This will allow us to engage in effective and meaningful comparative analysis. The first question involves the pressures and antagonisms that produced revolutionary change in each case. What kinds of social and political problems appeared in each case to create a crisis sufficient to allow a revolution to occur? And why in each case was the old regime unable to deal with these challenges? Here we should avoid the temptation to conclude simply that revolutions occur when people are oppressed and their dissatisfaction reaches a critical point. The fact of the matter is that oppression is quite common in human history, while revolutions are quite rare.

A second question concerns the experiences with constitutions or constitutional ideas that each society had *prior* to those revolutions. We shall see that in each case there were some efforts at constitution-making prior to the revolution. In the case of the American Revolution, we will look back to seventeenth-century England to investigate important political developments that created part of the ideological foundations for the American revolt in 1776. In the case of Russia, we will see that in 1905—some twelve years *before* the Bolshevik Revolution—the old monarchy was compelled by political crisis to create a new parliament, grant basic civil rights to the population, and revise its fundamental law in such a way as to give it constitutional significance. And in the case of Iran, we will see that even before the revolution of 1979, the country had a constitution that had originally been created in 1906, when the country experienced an earlier political revolution. These earlier constitutional experiences all have distinct importance for the constitutional development of these societies *after* their respective revolutions.

A third set of questions involves the relationship between revolution and war. We shall see that each case of revolution was accompanied by some form of major warfare. In the case of the American colonies, war with Great Britain actually began in 1775, even before the Declaration of Independence. That war continued for several years, ending only in 1783, when the colonies finally secured their independence. Moreover, the American Civil War in 1861-65 also had tremendous constitutional implications, with regard both to the reasons for the war's outbreak and to the fundamentally important amendments

to the Constitution that followed shortly after the war's end, in 1865-70. War was even more central for the revolutionary experience in Russia. The Russian Empire had entered the First World War in 1914, and the strains after three years of devastating military conflict were undoubtedly a crucial factor in producing the revolutionary situation that appeared in 1917. No less important, within a few months of having taken power, the Bolsheviks faced an array of political opponents who were prepared to take up arms against them. Thus Russia experienced a brutal and taxing civil war between 1918 and 1921, leaving the country exhausted and famine-stricken. Nor, finally, did Iran escape warfare as part of its revolutionary experience. Conflict within Iran to determine the future of the revolution arguably took the form of a civil war between socialists and those with a more religious orientation—although it was rare that people referred to it explicitly as a civil war. More dramatically, the Iraqi dictator Saddam Hussein, both fearing the spread of revolutionary upheaval from Iran and also sensing an opportunity to take advantage of that country's chaos to acquire more territory for himself, launched an invasion of his neighbor in 1981. This conflict came to an end only in 1988. Thus the new Iranian regime had to fight a major war for its very survival, much like its American and Bolshevik counterparts. The importance of warfare for all three revolutions is therefore an issue that warrants our attention.

Fourth, we should inquire into the nature of constitutional change. In none of the cases that we will analyze were constitutions left unchanged, even after they had been ratified and implemented. In some cases, one constitution was simply discarded in favor of another. Thus the Philadelphia Convention, even as it was convened in 1787 merely to revise the Articles of Confederation, chose instead to jettison that earlier constitution and to produce an entirely new one in its place. Likewise, early Soviet constitutions were simply replaced by the new Stalin constitution of 1936 (which was itself replaced by the Brezhnev constitution of 1977, though this is beyond our purview in this course). In other cases, existing constitutions have been modified by amendments or other modifications. The US Constitution has been modified 27 times since its ratification, and several of those changes had fundamental significance for how we understand it. Likewise, the constitution of Iran was significantly modified in 1989, with important implications for political life in that country.

A fifth question pertains to federalism. The relationship between a central government and the states has remained a central issue in American history from the moment of the thirteen colonies' declaration of independence. The Articles of Confederation proposed one solution to this conundrum, but one found wanting. The Constitution of 1787 offered a different solution, but even then modifications were required—beginning with the Bill of Rights—to resolve one set of lingering issues, while a civil war proved necessary to resolve others. Even today the balance between federal and state power remains a matter of dispute. Federalism has also proved an important issue in Soviet history, but in a very different way. From the beginning, the young Soviet republic declared itself to be a federation (the “F” in RSFSR stood for “Federated”), but without actually investing that concept with very much actual content. The USSR, likewise, was explicitly a federal state—a “Union of Soviet Socialist Republics”—but with a highly centralized Communist Party, the country's federal character proved to be something of a fiction. In any event, comparison between these two cases offers interesting material for thinking about what federalism actually means.

A final question concerns revolutionary ends. At what point can we say that a revolution is “over”? This question proved especially complicated for the USSR and Iran. At some point it proved desirable for the leaders of the new regime to stabilize their rule and to declare revolutionary goals “accomplished.” We shall see that this was a main purpose of the Stalin constitution of 1936, as the dictator sought to solidify his rule after tumultuous changes over the previous two decades. Contemporary Iran faces the dilemma of deciding whether the revolution of 1979 is complete. The revolution gives the current leadership legitimacy, yet most of the country's current population was born after the revolution occurred, or at least has no memory of it. At what point can a regime safely say that it is no longer “revolutionary” by nature but only by origin?

DEFINITIONS

Before turning to our first case—the British colonies of North America—we need to define a few terms. We do this partly because some of the terms that we need to use may simply be unfamiliar to students,

but also because any good scholar is careful to define clearly the concepts that form the basis for his or her analysis. With this in mind, here are a few key concepts that we will use in this course, along with their derivations and definitions.²

Autocracy – independent, self-derived power; uncontrolled authority; monarchy rooted in claim of absolute right (from *autos* = self; *kratos* = strength). This concept includes two key ideas: first, the idea of unlimited power and authority; and second, authority derived from the ruler himself, not from any other source (except perhaps for God). This is a term that we will use with regard to both the Russian Emperor and the Iranian Shah.

Monarchy – a government in which a single person is sovereign (from *monos* = one; and *archien* = to rule). Thus any country ruled by a king/queen or an emperor/empress is a monarchy, since there is only that single ruler. However, we need to acknowledge the possibility that a monarchy can be limited. Thus a “constitutional monarchy” is one in which the power of the monarch is limited by law, and this would describe modern monarchies in Europe like the ones in the United Kingdom and Denmark (in both countries the monarch has become largely ceremonial). In contrast a “constitutional autocracy” is an oxymoron, because autocracy is by definition unlimited, while a constitution suggests limits.

Republic – a state in which sovereign power resides in a certain body of the people (the electorate) and is exercised by representatives elected by them (from *res* = thing, affair; *publicus* = public). Notably, each of the three revolutions in this course involved the termination of monarchy (at least within the given territory) in favor of a republic. At the same time, they were very different republics: one (the US) became a liberal-democratic republic, Russia (the USSR) became a socialist republic, and Iran became an Islamic republic. We will learn more about these differences later.

Sovereignty – supreme political power or authority (from *super* = above). This concept is a bit more abstract than the others, but we will find it to be critical to our analysis in all three cases. The basic issue at stake here involves the question: from where does political power/authority derive? Who

2 These definitions come primarily from the Oxford English Dictionary.

or what is ultimately sovereign in a given society? We will find different answers to this question as we go forward in this course.

Federation & Confederation – I put these two concepts together because they are obviously related. For our purposes they refer to different ways of organizing and distributing political power in a country. Here it is best to imagine a spectrum, where at one end one has a country in which all political power is concentrated in one place (a centralized state), and at the other end one has a country where political power is fragmented throughout the entire realm (a decentralized state). A federation and confederation are both somewhere in between and feature the centralization of some powers, but the decentralization of others. A federation is closer to a centralized state, but reserves some powers to political units at a lower level (for example, states); a confederation features more decentralization, but still grants some powers to a central government.

Constitution – the system or body of fundamental principles according to which a nation, state, or body politic is constituted or established) and governed. Note that the focus in this definition is on the *system* or the *principles* involved in governing a country. In light of this definition, a constitution can take two different forms: On the one hand, this system and its principles can be established gradually by precedent, without being written down in one particular place or document. This is true for the British Constitution, because it does not take the form of a single document. Alternatively, a constitution may be formally set forth in a document framed and adopted on a particular occasion by members of a commonwealth or their representatives. This is what was done in the American case. Similarly most constitutions are indeed written. But even today a few countries—the UK, Israel, and New Zealand—still have “unwritten constitutions.” In short, “constitution” refers both to the system or principles of governance and—in the case of written document—to that document itself. But whether written or unwritten, the basic idea is that a constitution is more fundamental than any other law, and that it therefore contains the principles with which all other legislation must be in harmony.

Our final term—**Revolution**—is even more complicated. Scholars who study revolutions often cannot agree on a single definition, because they are inclined to emphasize different dimensions of the political and social change in question. This makes it hard even to say with certainty which historical or contemporary events “count” as revolutions (although few would deny that our three cases would all qualify). It might be interesting to compare definitions in different languages. The *Oxford English Dictionary* offers the following: “A complete overthrow of the established government or state by those who were previously subject to it; a forcible substitution of a new ruler or form of government.” This definition focuses on the *political* dimension of the question; the emphasis is on the government or the state, and the issue is the substitution of one ruler or set of rulers by another. This nicely captures the essence of revolutions such as the American one or the so-called Glorious Revolution in England in 1688-89. What is absent from the definition is any focus on *social* change. Things look different if we look at a Russian (Soviet) definition of “revolution”: “A fundamental overturning in the life of a society that leads to the liquidation of an obsolete social and political order and transfers power into the hands of the foremost class.” Note here that the focus is on both the political *and* the social order. The Soviet conception includes the idea of the transfer of power to a *new social class* of people. It implies an extensive and thorough structural transformation and massive class upheaval. This definition better describes revolutions like those in France (1789), Russia (1917), and China (1949). A Persian definition of “revolution” looks like this: “To overturn, to capsize; upheaval; an insurgency to topple the existing regime and establish some new governance.” Here the political dimension is again prominent, as in English definition. (Curiously, this same term in Persian can mean “restlessness” and “anxiety” in a medical context.)

These, then, are the key concepts that we will be using in this course. It might make sense to come back to these definitions from time to time, but at present we are now prepared to investigate our first case of revolution and constitution: the American one.