

## Excerpt from *On Revolution*

By Hannah Arendt

*[In earlier chapters of her book, Arendt compares the historical context and results of the American and French revolutions. She observes that by contrast with the French and the Old World, Americans enjoyed a relative lack of poverty in the New World and this gave them the ability to focus on concerns with "public happiness" (political freedom) instead of the basic economic needs. So where the French, sustained by revolutionary leaders like Robespierre, sought to remedy social and economic injustices, Americans pursued their revolution to enlarge the opportunities of distinctly political freedom.]*

*In the following chapter, Arendt explains the important political link between revolution and constitution. She shows how Americans, recognizing the political power inherent in their act of revolution, sought to maximize that power and so produced a successful and enduring constitution that has enlarged the political freedom of the nation. By contrast, attempts by other nations to limit post-revolutionary political power or to focus on non-political concerns has led to empty or irrelevant documents.]*

### Chapter Four

#### **FOUNDATION I: CONSTITUTIO LIBERATIS**

##### I

That there existed men in the Old World to dream of public freedom, that there were men in the New World who had tasted public happiness—these were ultimately the facts which caused the movement for restoration, for recovery of the old rights and liberties, to develop into a revolution on either side of the Atlantic. And no matter how far, in success and failure, events still have agreed with Robespierre on the ultimate aim of revolution, the constitution of freedom, and on the actual business of revolutionary government, the foundation of a republic. Or perhaps it was the other way round and Robespierre had been influenced by the course of the American Revolution when he formulated his famous "Principles of Revolutionary Government." For in America the armed uprising of the colonies and the Declaration of Independence had been followed by a spontaneous outbreak of constitution-making in all thirteen colonies—as though, in John Adams' words, "thirteen clocks had struck as one"—so that there existed no gap, no hiatus, hardly a breathing spell between the war of liberation, the fight for independence which was the condition for freedom, and the constitution of the new states. Although it is true that "the first act of the great drama," the "late American war," was closed before the American Revolution had come to an end\* it is equally true that these two altogether different stages of the revolutionary process began at almost the same moment and continued to run parallel to each other all through the years of war.

The importance of this development can hardly be overestimated. The miracle, if such it was, that saved the American Revolution was not that the colonists should have been

strong and powerful enough to win a war against England but that this victory did not end "with a multitude of Commonwealths, Crimes and Calamities . . . ; till at last the exhausted Provinces [would] sink into Slavery under the yoke of some fortunate Conqueror,"\* as John Dickinson had rightly feared. Such is indeed the common fate of a rebellion which is not followed by revolution, and hence the common fate of most so-called revolutions. If, however, one keeps in mind that the end of rebellion is liberation, while the end of revolution is the foundation of freedom, the political scientist at least will know how to avoid the pitfall of the historian who tends to place his emphasis upon the first and violent stage of rebellion and liberation, on the uprising against tyranny, to the detriment of the quieter second stage of revolution and constitution, because all the dramatic aspects of his story seem to be contained in the first stage and, perhaps, also because the turmoil of liberation has so frequently defeated the revolution. This temptation, which befalls the historian because he is a storyteller, is closely connected with the much more harmful theory that the constitutions and the fever of constitution-making, far from expressing truly the revolutionary spirit of the country, were in fact due to forces of reaction and either defeated the revolution or prevented its full development, so that—logically enough—the Constitution of the United States, the true culmination of this revolutionary process, is understood as the actual result of counter-revolution. The basic misunderstanding lies in the failure to distinguish between liberation and freedom; there is nothing more futile than rebellion and liberation unless they are followed by the constitution of the newly won freedom. For "neither morals, nor riches, nor discipline of armies, nor all these together will do without a constitution" (John Adams).

Yet even if one resists this temptation to equate revolution with the struggle for liberation, instead of identifying revolution with the foundation of freedom, there remains the additional, and in our context more serious, difficulty that there is very little in form or content of the new revolutionary constitutions which was even new, let alone revolutionary. The notion of constitutional government is of course by no means revolutionary in content or origin; it means nothing more or less than government limited by law, and the safeguard of civil liberties through constitutional guarantees, as spelled out by the various bills of rights which were incorporated into the new constitutions and which are frequently regarded as their most important part, never intended to spell out the new revolutionary powers of the people but, on the contrary, were felt to be necessary in order to limit the power of government even in the newly founded body politic. A bill of rights, as Jefferson remarked, was "what the people are entitled against every government on earth, general or particular, and what no just government should refuse, or rest on inference."

In other words, limited government was even then, as it still is today, limited government in the sense in which the eighteenth century spoke of a "limited monarchy," namely a monarchy limited in its power by virtue of laws. Civil liberties as well as private welfare lie within the range of limited government, and their safeguard does not depend upon the form of government. Only tyranny, according to political theory a bastard form of government, does away with constitutional, namely, lawful government. However, the liberties which the laws of constitutional government guarantee are all of a negative character, and this includes the right of representation for the purposes of taxation which

later became the right to vote; they are indeed "not powers of themselves, but merely an exemption from the abuses of power";\* they claim not a share in government but a safeguard against government. Whether we trace the notion of this constitutionalism back to Magna Carta and hence to feudal rights, privileges, and pacts concluded between the royal power and the estates of the kingdom, or whether, on the contrary, we assume that "nowhere do we find modern constitutionalism until an effective central government as been brought into existence,"\* is relatively unimportant in our context. If no more had ever been at stake in the revolutions than this kind of constitutionalism, it would be as though the revolutions had remained true to their modest beginnings when they still could be understood as attempts at restoration of "ancient" liberties; the truth of the matter, however, is that this was not the case.

There is another and perhaps even more potent reason why we find it difficult to recognize the truly revolutionary element in constitution-making. If we take our bearings not by the revolutions of the eighteenth century but by the series of upheavals that followed upon them throughout the nineteenth and twentieth centuries, it seems as though we are left with the alternative between revolutions which become permanent, which do not come to an end and do not produce their end, the foundation of freedom, and those where in the aftermath of revolutionary upheaval some new "constitutional" government eventually comes into existence that guarantees a fair amount of civil liberties and deserves, whether in the form of a monarchy or a republic, no more than the name of limited government. The first of these alternatives clearly applies to the revolutions in Russia and China, where those in power not only admit the fact but boast of having maintained indefinitely a revolutionary government; the second alternative applies to the revolutionary upheavals which swept nearly all European countries after the First World War, as well as to many colonial countries that won their independence from European rule after the Second World War. In these cases, constitutions were by no means the result of revolution; they were imposed, on the contrary, after a revolution had failed, and they were, at least in the eyes of the people living under them, the sign of its defeat, not of its victory. They were usually the work of experts, though not in the sense in which Gladstone had called the American Constitution "the most wonderful work ever struck off at a given time by the brain and purpose of man," but rather in the sense in which Arthur Young even in 1792 felt that the French had adopted the "new word," which "they use as if a constitution was a pudding to be made by a recipe."\* Their purpose was to stem the tide of revolution, and if they too served to limit power, it was the power of the government as well as the revolutionary power of the people whose manifestation had preceded their establishment.\*

One, and perhaps not the least, of the troubles besetting a discussion of these matters is merely verbal. The word "constitution" obviously is equivocal in that it means the act of constituting as well as the law or rules of government that are "constituted," be these embodied in written documents or, as in the case of the British constitution, implied in institutions, customs, and precedents. It is clearly impossible to call by the same name and to expect the same results from those "constitutions" which a non-revolutionary government adopts because the people and their revolution had been unable to constitute their own government, and those other "constitutions" which either, in Gladstone's

phrase, "had proceeded from progressive history" of a nation or were the result of the deliberate attempt by a whole people at founding a new body politic. The distinction as well as the confusion are perfectly apparent in the famous definition of the word by Thomas Paine, a definition in which he only summed up and reasoned out what the fever of American constitution-making must have taught him: "A constitution is not the act of a government, but of a people constituting a government."\* Hence the need in France as in America for constituent assemblies and special conventions whose sole task it was to draft a constitution; hence also the need to bring the draft home and back to the people and have the Articles of Confederacy debated, clause by clause, in the town-hall meetings and, later, the articles of the Constitution in the state congresses. For the point of the matter was not at all that the provincial congresses of the thirteen colonies could not be trusted to establish state governments whose powers were properly and sufficiently limited, but that it had become a principle with the constituents "that the people should endow the government with a constitution and not vice versa."\*

A brief glance at the various destinies of constitutional government outside the Anglo-American countries and spheres of influence in power and authority between a constitution imposed by a government upon a people and the constitution by which a people constitutes its own government. The constitutions of experts under which Europe came to live after the First World War were all based, to a large extent, upon the model of the American Constitution, and taken by themselves they should have worked well enough. Yet the mistrust they have always inspired in the people living under them is a matter of historical record as is the fact that fifteen years after the downfall of monarchical government on the European continent more than half of Europe lived under some sort of dictatorship, while the remaining constitutional governments, with the conspicuous exception of the Scandinavian countries and of Switzerland, shared the sad lack of power, authority, and stability which even then was already the outstanding characteristic of the Third Republic in France. For lack of power and the concomitant want of authority have been the curse of constitutional government in nearly all European countries since the abolition of absolute monarchies, and the fourteen constitutions of France between 1789 and 1875 have caused, even before the rainfall of postwar constitutions in the twentieth century, the very word to become a mockery. Finally, we may remember, the periods of constitutional government were nicknamed times of the "system" (in Germany after the First World War and in France after the Second), a word by which the people indicated a state of affairs where legality itself was submerged in a system of half-corrupt connivances from which every right-minded person should be permitted to excuse himself since it hardly seemed worthwhile even to rise in revolt against it. In short, and in the words of John Adams, "a constitution is a standard, a pillar, and a bond when it is understood, approved and beloved. But without this intelligence and attachment, it might as be a kite or balloon, flying in the air."\*

The difference between a constitution that is the act of government and the constitution by which people constitute a government is obvious enough. To it must be added another difference which, though closely connected with it, is much more difficult to perceive. If there was anything which the constitution-makers of the nineteenth and twentieth centuries had in common with their American ancestors in the eighteenth century, it was

a mistrust in power as such, and this mistrust was perhaps even more pronounced in the New World than it ever had been in the old countries. That man by his very nature is "unfit to be trusted with unlimited power," that those who wield power are likely to turn into "ravenous beasts of prey," that government is necessary in order to restrain man and his drive for power and, therefore, is (as Madison put it) a "reflection upon human nature"—these were commonplaces in the eighteenth century no less than in the Founding Fathers. All this stands behind the bills of rights, and it formed the general agreement on the absolute necessity of constitutional government in the sense of limited government; and yet, for the American development it was not decisive. The founders' fear of too much power in government was checked by their great awareness of the enormous dangers to the rights and liberties of the citizen that would arise from within society. Hence, according to Madison, "it is of great importance in a republic, not only to guard the society against the oppression of its rulers; but to guard one part of the society against the injustice of the other part," to save "the rights of individuals, or of the minority . . . from interested combinations of the majority." This, if nothing else, required the constitution of public, governmental power whose very essence could never be derived from something which is a mere negative, i.e., constitutional limited government, although European constitution-makers and constitutionalists saw in it the quintessence of the blessings of the American Constitution. What they admired, and from the viewpoint of Continental history rightly, was in fact the blessings of "mild government" as it had developed organically out of British history, and since these blessings were not only incorporated into all constitutions of the New World but most emphatically spelled out as the inalienable rights of all men, they failed to understand, on one hand, the enormous, overriding importance of the foundation of a republic and, on the other, the fact that the actual content of the Constitution was by no means the safeguard of civil liberties but the establishment of an entirely new system of power.

In this respect, the record of the American Revolution speaks an entirely clear, unambiguous language. It was not constitutionalism in the sense of "limited," lawful government that preoccupied the minds of the founders. On this they were agreed beyond the need for discussion or even clarification, and even in the days when felling against England's king and Parliament ran highest in the country, they remained somehow conscious of the fact that they still dealt with a "limited monarchy" and not with an absolute prince. When they declared their independence from this government, and after they had forsworn their allegiance to the crown, the main question for them certainly was not how limit power but how to establish it, not how to limit government but how to found a new one. The fever of constitution-making which gripped the country immediately after the Declaration of Independence prevented the development of a power vacuum, and the establishment of new power could not be based upon what had always been essentially a negative on power, that is, the bills of rights.

This whole matter is so easily and frequently confused because of the important part the "Declaration of the Rights of Man and the Citizen" came to play in the course of the French Revolution, where these rights indeed were assumed not to indicate the limitations of all lawful government, but on the contrary to be its very foundation. Quite apart from the fact that the declaration "All men are born equal," fraught with truly

revolutionary implications in a country which still was feudal in social and political organization, had no such implications in the New World, there is the even more important difference in emphasis with regard to the only absolutely new aspect in the enumeration of civil rights, and that is that these rights were now declared solemnly to be rights of all men, no matter who they were or where they lived. This difference in emphasis came about when the Americans, though quite sure that what they claimed from England were "the rights of Englishmen," could no longer think of themselves in terms of "a nation in whose veins the blood of freedom circulates" (Burke); even the trickle of immigrants of non-English and non-British stock in their midst was enough to remind them: "Whether you be English, Irish, Germans, or Swedes, . . . you are entitled to all the liberties of Englishmen and the freedom of this constitution."\* What they were saying and proclaiming was in fact that those rights which up to now had been enjoyed only by Englishmen should be enjoyed in the future by all men\*—in other words, all men should live under constitutional, "limited" government. The proclamation of human rights through the French Revolution, on the contrary, meant quite literally that every man by virtue of being born had become the owner of certain rights. The consequences of this shifted emphasis are enormous, in practice no less than in theory. The American version actually proclaims no more than the necessity of civilized government for all mankind; the French version, however, proclaims the existence of rights independent of and outside the body politic, and then goes on to equate these so-called rights, namely the rights of man *qua* man, with the rights of citizens. In our context, we do not need to insist on the perplexities inherent in the very concept of human rights nor on the sad inefficacy of all declarations, proclamations, or enumerations of human rights that were not immediately incorporated into positive law, the law of the land, and applied to those who happened to live there. The trouble with these rights has always been that they could not but be less than the rights of nationals, and that they were invoked only as a last resort by those who had lost their normal rights as citizens.\* We need only to ward off from our considerations the fateful misunderstanding, suggested by the course of the French Revolution, that the proclamation of human rights or the guarantee of civil rights could possibly become the aim or content of revolution.

The aim of the state constitutions which preceded the Constitution of the Union, whether drafted by provincial congresses or by constitutional assemblies (as in the case of Massachusetts), was to create new centers of power after the Declaration of Independence had abolished the authority and power of crown and Parliament. On this task, the creation of new power, the founders and men of the Revolution brought to bear the whole arsenal of what they themselves called their "political science," for political science, in their own words, consisted in trying to discover "the forms and combinations of power in republics."\* Highly aware of their own ignorance on the subject, they turned to history, collecting with a care amounting to pedantry all examples, ancient and modern, real and fictitious, of republican constitutions; what they tried to learn in order to dispel their ignorance was by no means the safeguards of civil liberties—a subject on which they certainly knew much more than any previous republic—but the constitution of power. This was also the reason for the enormous fascination exerted by Montesquieu, whose role in the American Revolution almost equals Rousseau's influence on the course of the French Revolution; for the main subject of Montesquieu's great work, studied and

quoted as an authority on government at least a decade before the outbreak of the Revolution, was indeed "the constitution of political freedom,"\* but the word "constitution" in this context has lost all connotations of being a negative, a limitation and negation of power; the word means, on the contrary, that the "grand temple of federal liberty" must be based on the foundation and correct distribution of power. It was precisely because Montesquieu—unique in this respect among the sources from which the founders drew their political wisdom—had maintained that power and freedom belonged together, that, conceptually speaking, political freedom did not reside in the I-will but in the I-can, and that therefore the political realm must be construed and constituted in a way in which power and freedom would be combined, that we find his name invoked in practically all debates on constitution.\* Montesquieu confirmed what the founders, from the experience of the colonies, knew to be right, namely, that liberty was "a natural Power of doing or not doing whatever we have a Mind," and when we read in the earliest documents of colonial times that "deputyes thus chosen shall have *power and liberty* to appoynt" we can still hear how natural it was for these people to use the two words almost as synonyms.\*

It is well known that no question played a greater role in these debates than did the problem of the separation or the balance of powers, and it is perfectly true that the notion of such a separation was by no means Montesquieu's exclusive discovery. As a matter of fact, the idea itself—far from being the outgrowth of a mechanical, Newtonian world view, as has recently been suggested—is very old; it occurs, at least implicitly, in the traditional discussions of mixed forms of government and thus can be traced back to Aristotle, or at least to Polybius, who was perhaps the first to be aware of some of the advantages inherent in mutual checks and balances. Montesquieu seems to have been unaware of this historical background; he had taken his bearings by what he believed to be the unique structure of the English constitution, and whether or not he interpreted this constitution correctly is of no relevance today and was of no great importance even in the eighteenth century. For Montesquieu's discovery actually concerned the nature of power, and this discovery stands in so flagrant a contradiction to all conventional notions on this matter that it has almost been forgotten, despite the fact that the foundation of the republic in America was largely inspired by it. The discovery, contained in one sentence, spells out the forgotten principle underlying the whole structure of separated powers: that only "power arrests power," that is, we must add, without destroying it, without putting impotence in the place of power.\* For power can of course be destroyed by violence; this is what happens in tyrannies, where the violence of one destroys the power of many, and which therefore, according to Montesquieu, are destroyed from within: they perish because the engender impotence instead of power. But power, contrary to what we are inclined to think, cannot be checked, at least not reliably, by laws, for the so-called power of the ruler which is checked in constitutional, limited, lawful government is in fact not power but violence, it is the multiplied strength of the one who has monopolized the power of the many. Laws, on the other hand, are always in danger of being abolished by the power of the many, and in a conflict between law and power it is seldom the law which will emerge as victor. Yet even if we assume that law is capable of checking power—and on this assumption all truly democratic forms of government must rest if they are not to degenerate into the worst and most arbitrary tyranny—the limitation

which laws set upon power can only result in a decrease of its potency. Power can be stopped *and* still be kept intact only by power, so that the principle of the separation of power not only provides a guarantee against the monopolization of power by one part of the government, but actually provides a kind of mechanism, built into the very heart of government, through which new power is constantly generated, without, however, being able to overgrow and expand to the detriment of other centers or sources of power. Montesquieu's famous insight that even virtue stands in need of limitation and that even an excess of reason is undesirable occurs in his discussion of the nature of power;\* to him, virtue and reason were powers rather than mere faculties, so that their preservation and increase had to be subject to the same conditions which rule over the preservation and increase of power. Certainly it was not because he wanted less virtue and less reason that Montesquieu demanded their limitation.

This side of the matter is usually overlooked because we think of the division of power only in terms of its separation in the three branches of government. The chief problem of the founders, however, was how to establish union out of thirteen "sovereign," duly constituted republics; their task was the foundation of a "confederate republic" which—in the language of the time, borrowed from Montesquieu—would reconcile the advantages of monarchy in foreign affairs with those of republicanism in domestic policy.\* And in this task of the Constitution there was no longer any question of constitutionalism in the sense of civil rights—even though a Bill of Rights was then incorporated into the Constitution as amendments, as a necessary supplement to it—but of erecting a system of powers that would check and balance in such a way that the power neither of the union nor of its parts, the duly constituted states, would decrease or destroy one another.

How well this part of Montesquieu's teaching was understood in the days of the foundation of the republic! On the level of theory, its greatest defender was John Adams, whose entire political thought turned about the balance of powers. And when he wrote: "Power must be opposed to power, force to force, strength to strength, interest to interest, as well as reason to reason, eloquence to eloquence, and passion to passion," he obviously believed he had found in this very opposition an instrument to generate more power, more strength, more reason, and not to abolish them.\* On the level of practice and the erection of institutions, we may best turn to Madison's argument on the proportion and balancing of power between the federal and the state governments. Had he believed in the current notions of the indivisibility of power—that divided power is less power\*—he would have concluded that the new power of the union must be founded on powers surrendered by the states, so that the stronger the union was to be, the weaker its constituent parts were to become. His point, however, was that the very establishment of the Union had founded a new source of power which in no way drew its strength from the powers of the states, as it had not been established at their expense. Thus he insisted: "Not the states ought to surrender their powers to the national government, rather the powers of the central government should be greatly enlarged. . . . It should be set as a check upon the exercise by the state governments of the considerable powers which must still remain with them."\* Hence, "if [the governments of the particular states] were abolished, the general government would be compelled by the principle of self-preservation to reinstate them in what their proper jurisdiction."\* In this respect, the great

and, in the long run, perhaps the greatest American innovation in politics as such was the consistent abolition of sovereignty within the body politic of the republic, the insight that in the realm of human affairs sovereignty and tyranny are the same. The defect of the Confederacy was that there had been no "partition of power between the General and the Local Governments"; and that it had acted as the central agency of an alliance rather than as a government; experience had shown that in this alliance of powers there was a dangerous tendency for the allied powers not to act as checks upon one another but to cancel one another out, that is, to breed impotence.\* What the founders were afraid of in practice was not power but impotence, and their fears were intensified by the view of Montesquieu, quoted throughout these discussions, that republican government was effective only in relatively small territories. Hence, the discussion turned about the very viability of the republican form of government, and both Hamilton and Madison called attention to another view of Montesquieu, according to which a confederacy of republics could solve the problems of larger countries under the condition that the constituted bodies—small republics—were capable of constituting a new body politic, the confederate republic, instead of resigning themselves to a mere alliance.

Clearly, the true objective of the American Constitution was not to limit power but to create more power, actually to establish and duly constitute an entirely new power center, destined to compensate the confederate republic, whose authority was to be exerted over a large, expanding territory, for the power lost through the separation of the colonies from the English crown. This complicated and delicate system, deliberately designed to keep the power potential of the republic intact and prevent any of the multiple power sources from drying up in the event of further expansion, "of being increased by the addition of other members," was entirely the child of revolution.\* The American Constitution finally consolidated the power of the Revolution, and since the aim of revolution was freedom, it indeed came to be what Bracton had called *Constitutio Libertatis*, the foundation of freedom. To believe that the short-lived European postwar constitutions or even their predecessors in the nineteenth century, whose inspiring principle had been distrust of power in general and fear of the revolutionary power of the people in particular, could constitute the same form of government as the American Constitution, which had sprung from confidence in having discovered a power principle strong enough to found a perpetual union, is to be fooled by words.

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### III

The great and fateful misfortune of the French Revolution was that none of the constituent assemblies could command enough authority to lay down the law of the land; the reproach rightly leveled against them was always the same: they lacked the power to constitute by definition; they themselves were unconstitutional. Theoretically, the fateful blunder of the men of the French Revolution consisted in their almost automatic, uncritical belief that power and law spring from the selfsame source. Conversely, the great good fortune of the American Revolution was that the people of the colonies, prior to their conflict with England, were organized in self-governing bodies, that the

revolution—to speak the language of the eighteenth century—did not throw them into a state of nature,\* that there never was any serious questioning of the *pouvoir constituant* of those who framed the state constitutions and, eventually, the Constitution of the United States. What Madison proposed with respect to the American Constitution, namely, to derive its "general authority . . . entirely from the subordinate authorities,"\* repeated only on a national scale what had been done by the colonies themselves when they constituted their state governments. The delegates to the provincial congresses or popular conventions which drafted the constitutions for state governments had derived their authority from a number of subordinate, duly authorized bodies—districts, counties, townships; to preserve these bodies unimpaired in their power was to preserve the source of their own authority intact. Had the Federal Convention, instead of creating and constituting the new federal power, chosen to curtail and abolish state powers, the founders would have met immediately the perplexities of their French colleagues; they would have lost their *pouvoir constituant*—and this, probably, was one of the reasons why even the most convinced supporters of a strong central government did not want to abolish the powers of state governments altogether.\* Not only was the federal system the sole alternative to the nation-state principle; it was also the only way not to be trapped in the vicious circle of *pouvoir constituant* and *pouvoir constitué*.

The astounding fact that the Declaration of Independence was preceded, accompanied, and followed by constitution-making in all thirteen colonies revealed all of a sudden to what an extent an entirely new concept of power and authority, an entirely novel idea of what was of prime importance in the political realm had already developed in the New World, even though the inhabitants of this world spoke and thought in the terms of the Old World and referred to the same sources for inspiration and confirmation of their theories. What was lacking in the Old World were the townships of the colonies, and, seen with the eyes of a European observer, "the American Revolution broke out, and the doctrine of the sovereignty of the people came out of the townships and took possession of the state."\* Those who received the power to constitute, to frame constitutions, were duly elected delegates of constituted bodies; they received their authority from below, and when they held fast to the Roman principle that the seat of power lay in the people, they did not think in terms of a fiction and an absolute, the nation above all authority and absolved from all laws, but in terms of a working reality, the organized multitude whose power was exerted in accordance with laws and limited by them. The American revolutionary insistence on the distinction between a republic and a democracy or majority rule hinges on the radical separation of law and power, with clearly recognized different origins, different legitimations, and different spheres of application.

What the American Revolution actually did was to bring the new American experience and the new American concept of power out into the open. Like prosperity and equality of condition, this new power concept was older than the Revolution, but unlike the social and economic happiness of the New World—which would have resulted in abundance and affluence under almost any form of government—it would hardly have survived without the foundation of a new body politic, designed explicitly to preserve it; without revolution, in other words, the new power principle would have remained hidden, it

might have fallen into oblivion or be remembered as a curiosity, of interest to anthropologists and local historians, but of no interest to statecraft and political thought.

Power—as the men of the American Revolution understood it as a matter of course because it was embodied in all institutions of self-government throughout the country—was not only prior to the Revolution, it was in a sense prior to the colonization of the continent. The Mayflower Compact was drawn up on the ship and signed upon landing. For our argument, it is perhaps of no great relevance, though it would be interesting to know, whether the Pilgrims had been prompted to "covenant" because of the bad weather which prevented their landing farther south within the jurisdiction of the Virginia Company that had granted them their patent, or whether they felt the need "to combine themselves together" because the London recruits were an "undesirable lot" challenging the jurisdiction of the Virginia Company and threat-feared the so-called state of nature, the untrod wilderness, unlimited by any boundary, as well as the unlimited initiative of men bound by no law. This fear is not surprising; it is the justified fear of civilized men who, for whatever reasons, have decided to leave civilization behind them and strike out on their own. The really astounding fact in the whole story is that their obvious fear of one another was accompanied by the no less obvious confidence they had in their own power, granted and confirmed by no one and as yet unsupported by any means of violence, to combine themselves together into a "civil Body Politick" which, held together solely by the strength of mutual promise "in the Presence of God and one another," supposedly was powerful enough to "enact, constitute, and frame" all necessary laws and instruments of government. This deed quickly became a precedent, and when, less than twenty years later, colonists from Massachusetts emigrated to Connecticut, they framed their own "Fundamental Orders" and "plantation covenants" in a still uncharted wilderness, so that when the royal charter finally arrived to unite the new settlements into the colony of Connecticut it sanctioned and confirmed an already existing system of government. And precisely because the royal charter of 1662 had only sanctioned the Fundamental Orders of 1639, the selfsame charter could be adopted in 1776, virtually unchanged, as "the Civil Constitution of this State under the sole authority of the people thereof, independent of any King and Prince whatever."

Since the colonial covenants had originally been made without any reference to king or prince, it was as though the Revolution liberated the power of covenant and constitution-making as it had shown itself in the earliest days of colonization. The unique and all-decisive distinction between the settlements of North America and all other colonial enterprises was that only the British emigrants had insisted, from the very beginning, that they constitute themselves into "civil bodies politic." These bodies, moreover, were not conceived as governments, strictly speaking; they did not imply rule and the division of the people into rulers and ruled. The best proof of this is the simple fact that the people thus constituted could remain, for more than a hundred and fifty years, the royal subjects of the government of England. These new bodies politic really were "political societies," and their great importance for the future lay in the formation of a political realm that enjoyed power and was entitled to claim rights without possessing or claiming sovereignty." The greatest revolutionary innovation, Madison's discovery of the federal principle for the foundation of large republics, was partly based upon an experience, upon

the intimate knowledge of political bodies whose internal structure predetermined them, as it were, and conditioned its members for a constant enlargement whose principle was neither expansion nor conquest but the further combination of powers.

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For our purpose in general, and our attempt to determine with some measure of certainty the essential character of the revolutionary spirit in particular, it may be worth while to pause here long enough to translate, however tentatively, the gist of these pre-revolutionary and even pre-colonial experiences into the less direct but more articulate language of political thought. We then may say that the specifically American experience had taught the men of the Revolution that action, though it may be started in isolation and decided upon by single individuals for very different motives, can be accomplished only by some joint effort in which the motivation of single individuals—for instance, whether or not they are an "undesirable lot"—no longer counts, so that homogeneity of past and origin, the decisive principle of the nation-state, is not required. The joint effort equalizes very effectively the differences in origin as well as in quality. Here, moreover, we may find the root of the surprising so-called realism of the Founding Fathers with respect to human nature. They could afford to ignore the French revolutionary proposition that man is good outside society, in some fictitious original state, which, after all, was the proposition of the Age of Enlightenment. They could afford to be realistic and even pessimistic in this matter because they knew that whatever men might be in their singularity, they could bind themselves into a community which, even though it was composed of "sinners," need not necessarily reflect this "sinful" side of human nature. Hence, the same social state which to their French colleagues had become the root of all human evil was to them the only reasonable hope for a salvation from evil and wickedness at which men might arrive even in this world and even by themselves, without any divine assistance. Here, incidentally, we may also see the authentic source of the much misunderstood American version of the then current belief in the perfectibility of man. Before American common philosophy fell prey to Rousseauan notions in these matters—and this did not happen prior to the nineteenth century—American faith was not at all based on a semi-religious trust in human nature but, on the contrary, on the possibility of checking human nature in its singularity by virtue of common bonds and mutual promises. The hope for man in his singularity lay in the fact that not man but men inhabit the earth and form a world between them. It is human worldliness that will save men from the pitfalls of human nature. And the strongest argument, therefore, John Adams could muster against a body politic dominated by a single assembly was that it was "liable to all the vices, follies and frailties of an individual."\*

Closely connected with this is an insight into the nature of human power. In distinction to strength, which is the gift and the possession of every man in his isolation against all other men, power comes into being only if and when men join themselves together for the purpose of action, and it will disappear when, for whatever reason, they disperse and desert one another. Hence, binding and promising, combining and covenanting are the means by which power is kept in existence; where and when men succeed in keeping intact the power which sprang up between them during the course of any particular act or

deed, they are already in the process of foundation, of constituting a stable worldly structure to house, as it were, their combined power of action. There is an element of the world-building capacity of man in the human faculty of making and keeping promises. Just as promises and agreements deal with the future and provide stability in the ocean of future uncertainty where the unpredictable may break in from all sides, so the constituting, founding, and world-building capacities of man concern always not so much ourselves and our own time on earth as our "successor," and "posterities." The grammar of action: that action is the only human faculty that demands a plurality of men; and the syntax of power: that power is the only human attribute which applies solely to the worldly in-between space by which men are mutually related, combine in the act of foundation by virtue of the making and the keeping of promises, which, in the realm of politics, may well be the highest human faculty.

In other words, what had happened in colonial America prior to the Revolution (and what had happened in no other part of the world, neither in the old countries nor in the new colonies) was, theoretically speaking, that action had led to the formation of power and that power was kept in existence by the then newly discovered means of promise and covenant. The force of this power, engendered by action and kept by promises, came to the fore when, to the great surprise of all the great powers, the colonies, namely, the townships and provinces, the counties and cities, their numerous differences amongst themselves notwithstanding, won the war against England. But this victory was a surprise only for the Old World; the colonists themselves, with a hundred and fifty years of covenant-making behind them, rising out of a country which was articulated from top to bottom—from provinces or states down to cities and districts, townships, villages, and counties—into duly constituted bodies, each a commonwealth of its own, with representatives "freely chosen by the consent of loving friends and neighbors,"\* each, moreover, designed "for increase" as it rested on the mutual promises of those who were "cohabiting" and who, when they "conjoynd [them] selves to be as one Publike State or Commonwealth," had planned not only for their "successors" but even for "such as shall be adioyned to [them] att any tyme hereafter,"\*—the men who out of the uninterrupted strength of this tradition "bid a final adieu to Britain" knew their chances from the beginning; they knew of the enormous power potential that arises when men "mutually pledge to each other [their] lives, [their] Fortunes and [their] sacred Honor."\*

\* Arendt's notes are omitted in this version.