

THE APORIAS OF THE VICIOUS CIRCLE IN A POLITICAL BEGINNING: REFLECTIONS ON H. ARENDT'S THOUGHTS ON THE FOUNDATION OF A POLITY

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Abstract. *Modern revolution as the beginning of founding a new political order has to confront the vicious circle inhered in all beginnings: in so far as it is the beginning, where does its principle come from? Or, if there is no principle, how could the beginning establish one? Set in the context of modern political experience, the aporia is equal to the problem of how modern politics to be self-grounded or how to re-establish political authority in modernity? By an exploration into the relevant writings of Hannah Arendt, the article tries to investigate the vicious circle of beginning and principle in the political realm, and to point out that Arendt has told a story about the mutual generating of beginning and principle, turning the so-called vicious circle into a hermeneutic circle, in which those implicit principles become explicit through the performance of founding actions.*

Keywords: *authority; constituent power; legitimacy; political beginning*

1. Sieyès's vicious circle

One of the biggest challenges we face in the post-enlightenment age is that those pillars of religion, truth and tradition, which once supported this world, have collapsed one by one. How would men, in this situation of uncertainty following the decline of religious faiths, the disintegration of traditions and the loss of political authority, establish and sustain a durable political community? Or so to speak, how could men establish a secular political realm without an absolute transcendental foundation?

Mainly based on Arendt's constitutionalism, the article will argue that Arendt did not abandon herself in despair and lose her faith in the possibility of re-establishing the political or public life as postmodernists did, though the above problem takes on a tragic hue either from the perspective of the tradition of political philosophy or from the perspective of those revolutionary events in modern history. It is necessary for us to find out a new foundation for political life and to lay a secular base for political authority, so to speak, to develop "a politics of foun-

dation” (Honig 1991: 98), if people long to have the experience of being at home in this world, and if political life deserves independence and dignity.

What is critical for this politics of foundation is how to break out of Sieyès’s vicious circle at the political beginning which, by definition, refers to any activities of establishing a new polity. These activities, on Arendt’s view, are best demonstrated by revolutionary actions in the modern world, since revolution is the new beginning of the constitution of freedom (*constitutio libertatis*) or the foundation of a republic (cf. Arendt 1972: 275; Arendt 1965: 162, 261, 275). It is during the period of revolution that the self-institution of body politic is explicitly and definitely objectified and thematised, and citizens will coordinate to make explicit the particular form of their political existence, namely, the fundamental regulative principles of a body politic.

Hence, taken as a whole, the aporia of beginning that revolution immediately and inevitably sets before us could be expressed as how secular political power and political authority is to be self-founded under the background of the loss of traditional authority. To be more precise, because of the revolution, we encounter with the aporia of Sieyès’s vicious circle, which is haunting all the modern political beginnings. As the term implies, this vicious circle was first pointed out by Sieyès: facing with the constitutional crisis entailed by the legislative power and administrative power in France at that time, Sieyès posed an acute question in *Qu’est-ce que le Tiers État?*: when the constitutional crisis appears, who will play the role of the highest judge? Who owns the constituent power? Arendt (1965: 183-4) summarizes the vicious circle more precisely as:

Those who get together to constitute a new government are themselves unconditional, that is, they have no authority to do what they have set out to achieve. The vicious circle in legislating is present not in ordinary lawmaking, but in laying down the fundamental law, the law of the land or the constitution which, from then on, is supposed to incarnate the “higher law” from which all laws ultimately derive their authority. (1965: 183-4)

To break out of the above vicious circle, Sieyès developed the concept of constituent power and the opposing concept of constituted power for the first time in *Qu’est-ce que le Tiers État?*. While constituent power is the power to constitute (a constitution), constituted power is the power obtained according to the constitution. It is beyond question that the constituent power is more fundamental, which always exists implicitly and potentially in ordinary politics, and which will show up and serve as the guardian of constitutional order only when the current one is in trouble and the present constitution is so unsustainable that there appears to be a period of constitutional vacancy. Then, the question is, who is the highest judge owning the constituent power under these circumstances? Sieyès gave us an ostensibly irrefutable way-out: “It must be the Nation, independent as it necessarily is of all positive forms” (Sieyès 2003: 138-9); as a result, the will of the people or the nation who owns the constituent power should be placed into a perpetual state of nature. Thus Sieyès broke out of the vicious circle by introducing an absolute beginner who is apparently necessitated in all revolutions, so long as revolution means to be totally separated from the past and unfettered by any tradition, so that it could be completely free to initiate a new future,

which is exactly what those thinkers who favour the French Revolution, as Sieyès and Schmitt, conceive of the revolution and the activity of constitution. They argue that the revolution is a natural state of lawless vacancy, in which the new constitution has not yet entrenched while the preceded laws had been annulled. Were it still constrained by preceded order of law, then the so-called constituent power would degenerate into the constituted power and, in consequence of this, the activity to constitute a new order would correspondingly degenerate into a revision of the former frame of laws. However, is there really such an absolute beginning, that is, a virtual creation coming from nothing?

2. The Absolute Beginning

On Arendt's view, there is virtually no absolute beginning, and she argues "a characteristic of human action is that it always begins something new, and this does not mean that it is ever permitted to start *ab ovo*, to create *ex nihilo*" (Arendt 1972: 5). By the same token, no matter how radically the revolutionaries emphasize their rupture with the ancient times, revolution is nevertheless consistently a human action, thus it is definitely not a sheer rupture or an absolute beginning. Arendt's critique of the absolute beginning should be divided into two parts. For one thing, she argues theoretically for the impossibility of the absolute beginning; for another, she points out the tragic fate of the revolution regarded as an absolute beginning through an examination of the French Revolution.

Firstly, a new action or an event without anything to hold on to actually is no more

than an illusion. Of course we could not deny human ability to begin something new, and in fact every action is just like one's second birth and begins something new. But since actions always take place in a horizon of potentiality, the novelty of actions or events does not imply their absolute arbitrariness. While the horizon does not decide all the actions in advance, it does in some way project in advance all the possibilities of actions. The horizon, in short, is the world. Yet, far from diminishing the novelty of an event, the projection of the worldly horizon or horizontal world in advance is what makes its novelty as it should be rather than allows it to degenerate into something unintelligible without any prescription.

As far as action is concerned, even if it is always beyond our expectation, action must *make sense* for us. Actions separating away from the worldly or temporal horizon are meaningless rather than new. For as such neither the agent himself nor the spectators could derive from traditions the means to reveal its significance. In Arendt's own words, conceiving an absolute beginning is "thinking the unthinkable". (Arendt 1978: 208) Thus, the truly new things appear themselves only in a world extending itself towards the future as well as the past, just as the birth always signifies *coming into the world* and brings new possibilities in general for this pre-given and already existent worldly horizon. In other words, the impact of the novelty makes sense only when it is relative to the durability of the world (Arendt 1968: 167).

The French revolutionaries who suffered from the old regime, however, evidently would not accept a relative beginning, but when they took themselves as the Creator,

who can create *ex nihilo*, the fact that limited being arrogated itself to the unlimited Being brought dual disasters. One was that it entailed the continual violence, which in fact hid in all the absolute beginnings; the other was that the absolute constituent power required by those revolutionaries would finally jeopardize the career of the revolution itself.

Firstly, although a human certainly cannot become the true Creator, he can nevertheless regard himself in the image of the Creator. When he does so, he is fabricating like *homo faber*. For Arendt, when the French revolutionaries imaged themselves as the absolute beginners, they did not truly possess the authority of God, on the contrary, as *homines fabri*, they just substituted works for actions, that is, infused the element of fabrication into the activity of constitution, which inevitably led to the violence. For violence is the basic experience of *homo faber*: to make a chair, man must kill a tree (cf. Arendt 1958: 153). Here, what justifies the use of violence is the couple of categories of ends-means: to make a chair, killing a tree is legitimate; the end justifies any means. If they are just confined to the natural realm, the categories and experiences of *homo faber* are beyond reproach on the whole; once those categories are applied to the realm of human affairs, however, disasters are not far away. As a result, the process of the French Revolution was always accompanied by the frequent violence and bloodshed.

The other aspect of Arendt's critique of the French Revolution lies in that the insistence of the absolute constituent power could overthrow the enterprise of revolution. The French people were thrown into a state of

nature by the Revolution, and the hypothesis of a natural state always implies a beginning which separates it from everything following it. Between the natural state and the state after it, there seems to be an insurmountable hiatus. It appeared that only by falling into this hiatus of revolution and becoming "a multitude only in the mere numerical sense" (Arendt 1965: 94), could the people suffering from abject poverty form a nation dominated and driven by a single will, who obtained a persona and thus could execute absolutely the constituent power just as a man selected a suit for himself. However, the nature of the will is without restraint, that is, it cannot bind its own future. "It is absurd that the will should take on chains as regards the future" (Rousseau 2002: 170). Hence, neither the general will, developed by Rousseau, nor the national will by Sieyès conforms to any aim of a stable, firm constitution. During the course of its virtual execution, the national will or the will of people always degenerates into an empty form manipulated by a certain revolutionary leader, who could label anyone as a counter-revolutionary in the name of the national will, and who could even lose his own life in the hands of this volatile will. In the end, the absolute constitution proves itself to be no more than the continual constitutions, that is, the continual overthrows. It is the very reason why the French Revolution fell into the vicious circle of continual revolutions or as it were, frequent constitution-collapses instead of establishing an enduring and stable constitutional order.

The same thing reoccurred in the later Russian Revolution and even revolutions in our time. In the Russian Revolution, for example, we find that the only way to break

out of the vicious circle of continual revolutions within the framework of absolute constituent power was to establish a lasting dictatorship, which, to be sustainable, must infiltrate in the form of dictatorial party the new revolutionary power centres, such as the Communes or Soviets, which had sprung up spontaneously (Arendt 1965: 257), transforming these bottom-up revolutionary organizations into a top-down layer of control. This was exactly what Lenin did in the Russian Revolution. When the elections to the Constituent Assembly, after the revolution, demoted the Bolsheviks from the government in power to the minority in the Constituent Assembly, Lenin opposed the slogan of “All Power to the Constituent Assembly”, voicing that of “All Power to the Soviets”. Formally he was right. The situation at the time made him see the absurdity of an absolute constitutional power, but by then the Soviets had become an organization controlled by the Bolsheviks, and had lost their real ability to generate power, becoming instruments of applause for one-party dictatorship (cf. Arato 2017: 426ff).¹

3. The Relative Beginning

In consequence of this, we can only choose the alternative that revolution is just a relative beginning, and the legitimacy of constituent power actually originates from the past political experiences and the principles and spirits formed by and implied in these experiences. The American Revolution is exactly the paradigm of such a relative be-

ginning. The people going to the new world of America had embarked to make mutual contracts like the Mayflower Compact even before they left the old world, drifted on the sea and set their feet on the American continent. They had constituted themselves into various civilized political bodies by openly making and keeping mutual promises, deliberately thinking about their future. All these meant that the people in the North American Colonies were organized from the very beginning. From the Pilgrim Fathers, then the colonial habitants until to the revolutionary generation, the colonial people invariably made and kept promises. By this “art of associating together” (Arendt 1972: 94), they constituted themselves into assorted political and legal bodies, and further constituted themselves into townships, counties and states by joint actions and further combinations. Therefore, the people before and after the actions of foundation were exactly the same political existences: the properly organized people; and the acts of foundation or the actions of constitution only endowed them with a new and definite identity: the people of the United States of America. By the same token, they never put themselves into a natural state just as the French revolutionaries did, the Revolution unfolded invariably within the framework of regulations and laws.

It was in all these political actions of mutual promises, deliberations and persuasions in public spheres that the powers of the colonial people came into being and burgeoned, and the powers not only were divisible but also expanded by the colonial people’s joint actions and further combinations at all levels. The so-called constituent power was just that this kind of power repeated itself with the same increase that it had already realized at

¹ Arato believes that any revolution must be followed by a pre-assembly phase, an important role of which is to create rules for a non-sovereign, i.e., limited constituent or constitutional assembly.

the level of townships, counties and states. Hence, to ensure the origin of this kind of power intact is to ensure the origin of the constituent power, and thus amounts to ensure the origin of the new power to be established (the constituted power). The Mayflower Compact, even the earlier decision to leave the old world and the like, all these pre-colonial and colonial experiences demonstrated together that the dispersing powers born in these experiences were preserved by the forms of promises and compacts.²

When the people of the American colonies constituted themselves as communities by mutual promises and joint compacts at all levels, they were actually constituting and expanding their powers. The combination of powers meant the coming into being of a new power. For Arendt, power is a relationship, the spatial definition of which indicates that power itself implies the capability to constitute the world, that is, the dimension of constitution and institution are implied in the definition of power; moreover, power is a kind of potentiality, which means there is always a possibility of increase for it. Hence, in this sense, for one thing, constituent power means the constitutive capability by its literal meaning; for another, power is *the force to constitute* in the light of Arendt's definition, as it were, power and constituent power thus overlaps to this extent. Therefore, keeping the origins of powers intact amounted to ensure the legitimacy of the constituent power.

Furthermore, when we say that constituent power is legitimate, we mean that its execution conforms to certain principles or laws, whether they are rational arguments,

religious or moral norms, or some other rules. Legitimacy, Arendt argues, is a retrospective conception (cf. Arendt 1972: 151). Hence, if the constituent power can be proved to be legitimate, the proof must come from the past, be buried in earlier history. Let us shift focus back to the American Revolution. The pre-colonial and colonial experiences demonstrated that, by self-governance, the people in the North American colonies constituted their powers as well as obtained certain principles and spirits coexisting with the powers, actions and self-governing bodies. Although these principles and spirits were not brought to light at that time, they had already become the way of thinking and acting of the colonial inhabitants. In a nutshell, there was a relationship of mutual generating between those principles, spirits and actions, powers, communities. And these principles are nothing but what Arendt refers to as "the grammar of action" and "the syntax of power" (Arendt 1965: 175). We might conclude now that, the constituent power in American Revolution was legitimate only if its legitimacy came from the self-governing experiences, that is, the constituent power itself must conform to those principles and spirits implicit in the self-governing experiences.

4. The Separation of Authority from Power: Double Vicious Circles

Another main difficulty confronted by the endeavour to establish a new body politic is how it can obtain stability and durability? Theoretically, action and power are fragile and transient, as such, the public space coming into being with them is unstable or impermanent either. Meanwhile, the mutual promise, contract and compact are

² The later federal system made the new structure of powers further fixed in definite forms of institutions.

not enough for keeping the stability of a free public space which is needed by action and power. Not only is contract by nature changeable, it is also evident that the contract made by the founding generation could not be guaranteed to be obeyed by offspring, as either contract or treaty was relative and valid only to those who had made it. Its validity for the offspring is uncertain.

For revolutionaries, the problem of how to sustain a new body politic or how to keep public spaces durable and stable could be reduced to the problem of where the authority of the constitution comes from. Although power and authority are interdependent, and authority is something that derives from power and is conversely used to restrain, condition and structure powers, or as it were, *authority is the alienation of power*; yet they are “with clearly recognized different origins, different legitimations, and different spheres of application” (Arendt 1965: 166). While power comes from below, that is, it comes from people and belongs to people; source of law or authority locates “in some higher and transcendent region”, the origin of power could not at the same time represent this higher origin which instead should be provided by the constitution. While power represents the spatial dimension of politics, authority represents its temporal dimension (cf. Leibovici 2000: 206). So, as it were, it is the revolution or the establishment of a new body politic that makes the separation of power and authority inevitable. The task of revolution is to entrench a new system of powers as well as a new authority, separating the original mixture of power and authority.

After defining the separation of power and authority, we shall inevitably find out that Sieyès’s vicious circle actually contains double circles concerning the origin of power

and that of law respectively: one is the *petitio principii* inherent in all political foundations, the other is the difficulty inherent in men’s activity of law-making. The first circle inheres in what we have discussed above, that is, the legitimacy of the constituent power – if the principle is the result of the beginning, then what is the principle to which the beginning itself holds on? If the beginning itself has no principle to depend on, then how could the principle laid by the beginning be valid? In the activity of foundation, this is presented as the problem of the legitimacy of action of constitution. Since actions of constitution precede the constitution, they cannot be constitutional, and thus have no authority, then how could the new power stipulated by those actions (constitutional conventions, etc.) be legitimate? The second circle does not constitute a true circle to some extent. What it refers to is nothing but the fact that “the need of all positive, man-made laws for an external source to bestow legality upon them and to transcend as a ‘higher law’ the legislative act itself” (Arendt 1965: 161). When the transcendent authority still existed, the source or the supreme master of positive laws was beyond question, there was no such a vicious circle. Only after revolution has finally exposed the dubious nature of government, the dilemma of law-making does present itself before us for the first time: how could a fundamental law made by men themselves, namely the constitution, incarnate the higher law and bestow all the other laws with the final authority? The second vicious circle thus should be formulated as follows: how to put the constitution made by humans upon humans without appealing to any transcendent origin of law? This is also the problem of squaring the circle in politics posed by Rousseau.

As one of the most prominent theorists in the French Revolution, Sieyès had an apparently incontrovertible answer to the problem of the origin of constitutional authority, which represented the general attitude towards it. In the same way that he dealt with the problem of the legitimacy of constituent power, Sieyès appealed to the supreme sovereign, nation or national will, taking it as the final source of power and law. However, as Sieyès pushed the nation on to the altar of absoluteness, it was nevertheless nothing but putting on the emperor's new clothes, for the nation itself did not obtain any transcendent authority similar to that of the God, which needed to be supported by a certain belief in rewards and punishments in afterlife, for it is known to all that we have lost the belief in and the fear of the hereafter long ago. The system of laws based on the sovereign will just as the community based on it is "built on quicksand" (Arendt 1968: 164).³ The fact that the French people experienced about fourteen constitutions from 1789 to 1875 proved that the French Revolution failed to entrench the authority of any of all those constitutions for their offsprings. Without the authority, the government built on it could only count on despotism to maintain stability for a short period of time.

5. Establishing a New Authority

In contrast, the American Revolution prescribed a new possible solution in practice: "it would be the act of foundation itself, rather than an Immortal Legislator or

self-evident truth or any other transcendent, transmundane source, which eventually would become the foundation of authority in the new body politic" (Arendt 1965: 204). As we know, constitution is the framework formed by those fundamental principles that prescribe the basic form of a body politic, while the act of foundation, namely the beginning, is the principle itself. Etymologically, the Greek word *archē* connotes both beginning and principle (cf. Arendt 2005: 321); similarly, the Latin word *principium* has these double connotations as well. Although arbitrariness is innate in all beginnings, the action of beginning overcomes its inherent arbitrariness by the principle within it. Therefore, "beginning and principle, principium and principle, are not only related to each other, but are coeval" (Arendt 1965: 212).

That beginning is principle, however, does not mean "*une métaphysique de l'inaugural*" (Énegrén 1984: 189).⁴ The relation of beginning and principle could be understood as follows: they are coeval as well as mutually generating. Synchronically, beginning and principle are coeval, while diachronically, principle is the necessary condition for beginning, yet the present principle itself is constituted by the past beginnings. Furthermore, both beginning and principle own the dimensions of presentness and historicity, they are nothing but two aspects of the same thing in the continuous flow of time. Beginning is the making-explicit-the-principle which enables the beginning itself in the way of beginning; while principle is what makes itself explicitly presented as a definite principle by virtue of beginning.

³ For an excellent analysis of Arendt's criticism of sovereign and popular sovereignty, see Kalyvas (2008: 210-222).

⁴ Énegrén's interpretation is just another version of absolute beginning.

Hence, the principle of beginning is rooted in the past and beginning itself is not an absolute one in itself and by itself. As far as the American Revolution was concerned, it meant that the reason why the act of foundation could become the source of the Constitutional authority lay in that the act of foundation as a beginning had already obtained its principles from its own past, which made themselves explicit as the Constitution by present act of foundation, only in this sense, could the act of foundation be regarded as the source of the Constitutional authority.

An act of foundation by definition is the action to establish the public sphere and even body politic, thus could be taken as the greatest political action, the main characteristic of which is that it is a continual process rather than a single action;⁵ correspondingly, the foundation is a continuous flow of political time rather than a perfect founding moment. As to the American Revolution, the act of foundation was the colonization of the American continent, which “had preceded the Declaration of Independence, so that the framing of the Constitution, falling back on existing charters and agreements, confirmed and legalized an already existing body politic rather than made it anew” (Arendt 1968: 140).⁶ In other words, the foundation itself was composed by a series of actions from the Pilgrim Fathers’ leaving the old world to the foundation of the United States. Actions and experiences during

this period of time could all be regarded as the foundation of the United States. Hence, those great actions – the signature of the Declaration of Independence or the promulgation of the Constitution of the United States and the like – which were usually believed to decide the destiny of this country by their own force were indeed nothing but the self-founding or as it were, the re-founding of the body politic. Or, just as Ingram argues, that both the Declaration of Independence and the Constitution of the United States could be recognized as the “reenactment of the sorts of social contracts that had been made by the colonists dating back to the Mayflower Compact”, and the “reassertion of the kinds of the rights that typically entered into such agreements” (Ingram 1996: 234; cf. Amiel 2001: 50).

But, in spite of all these, why do we still believe that the signature of the Declaration of Independence or the enactment and the promulgation of the Constitution is a great action? Why do we still believe that the Revolution is the most exciting and inspiring enterprise? It is merely because those principles and spirits implicit and hidden in the self-governing experiences and the actions of foundation before the Revolution had been made explicit exactly by the revolutionary action (cf. Arendt 1965: 166-7). Although these principles and rules as the symbols of self-governing spirit and public spirit had encouraged and inspired the colonial people to constitute themselves into civilized political bodies at all levels, they were still implicit, hidden, indefinite principles and rules before the Revolution, that is, before the waves of activities of constitution. Only after the Revolution, could they become the so-called “Constitutional essentials” or “essential

⁵ While we assert that act of foundation is not a single action, we do not mean to deny the presentness of it mentioned above, for it is the present action of foundation one by one that constitutes the historicity of it.

⁶ Ebebe reduces the act of foundation to two defining events, that is, the making of the Mayflower Compact by the Pilgrim Fathers and the making of the Constitution of the United States. This reduction seems to have diluted the horizon of the foundation. See Ebebe (1997: 217).

Constitution".⁷ The greatness of revolution lays in that it realized the transition of the principles from potentiality to actuality, from the implicit to the explicit; it also made the principle of beginning the principle of all later actions; in a nutshell, the Revolution made the political beginning present as a hermeneutic circle of the principle from the implicit to the explicit, from indefiniteness to definiteness, from potentiality to actuality rather than a Sieyès's vicious circle.

The principle from the implicit to the explicit was just as the god of the ancient Rome Janus, who faces the future as well as the past. The principle, or the *principium*, was rooted in the past, meanwhile, it established the principle for the subsequent actions and the offspring, thus in this sense the Constitution was the origin (cf. Canovan 1992: 173; Gottsegen 1993: 123). Or we can say the pre-colonial and colonial experiences were the horizontal world for the act of foundation, and the latter established the Constitution which further became the horizontal world for all the following actions. It is not difficult for us to perceive a circle from actions' appearance in the world to the transition of actions into the world and so on. As such, the assertion that "*la fondation authentique est une fondation présente*" is only a half truth.⁸

And our analysis of the Constitutional authority is only half complete. Up till now, we have discussed the source of the Constitutional authority, which is only the objective aspect of how to establish the Constitutional authority; to be authoritative, the Constitution has to be actually receptive, that is, to obtain people's reverence for itself. As for the American revolutionaries, the founding

of the republic was their own experience, the Constitution was authoritative for themselves because it was legitimate, because it derived directly from the past colonial experiences; but the Constitutional authority must be valid not only for the revolutionary generation but also for their posterity. The fact was, however, that the founding of the republic had not long gone, the new beginning opened by the Revolution had not yet shrouded in the halo of the time. To found a stable republic, to establish the Constitutional authority, to make the Constitution obtain immediately the reverence that should have been bestowed by the time, the revolutionaries had to and did actually display an extraordinary capacity to begin to look upon and examine the action of the beginning from the perspective of their posterity, dubbing themselves as the Founding Fathers. They did it not because they were so arrogant that they claimed to own more wisdom and virtues than their posterity, rather because they wished ardently the Constitution to be revered, for, once without the reverence, "the wisest and freest government would not possess the requisite stability" (Arendt 1965: 203).

Theoretically, the reason why the Constitution, once enacted, was revered irrationally and would be revered in the generations to come, was that it implied or it made explicit the principles of the colonial experiences; while actually, the reverence for the Constitution originated precisely from the remembrance of the act of foundation. Veneration for the Constitution amounted to return to the beginning, thus "*le moment révolutionnaire devient un passé pour les générations à venir qui auront à s'y ressourcer*" (Leibovici 2000: 202).⁹ As such,

⁷ To borrow Rawls's words (see Rawls 2005: 227).

⁸ Indeed, A. Enegrén does not mean exactly this (see Enegrén 1984: 187-90).

⁹ "se ressourcer" is a word quite pertinent here, for its literal sense is "go back to the source for redrawing its moral forces".

the American people's attitude towards the Constitution could be called *religious* and was wrapped with a hue of citizen religion. Indeed, the qualifying word "religious" should be comprehended in its Roman literal sense *religare* – to return to the beginning, bestowing the secular constitution with the sacredness by the religious practices that citizens experience in their public remembrance of the act of foundation.

Indeed, in order to recall the remembrance for the action of beginning, it is necessary for us to reiterate the story of beginning in the first place, by which a series of concepts, vocabularies and grammars has been formed for the contemporaries and the generations to come. To be specific, these stories for one thing constitute the elements of a living tradition of culture, and the continuity of which will be guaranteed by the intelligibility of the stories:

Prospectively, the web of stories that comprise a living tradition will tend to orient the novel deeds toward somewhat familiar and prelegitimated ends. Retrospectively, each new story, which unites the novel with the already known, functions to bind the event which has ruptured the time continuum back into the diachronic matrix of the world. (Gottsegen 1993: 84)

For another, education is needed to guarantee people's veneration for the past, since education is the linkage between humans and the past. It is by civil education that the veneration for the moment of foundation and the Founding Fathers could be transferred to the organization which represents the authority in the body politic, that is, the Supreme Court.¹⁰

¹⁰ We can't discuss in detail here how the American Supreme Court represents the authority in practice.

Conclusion

To conclude, the separation of power and authority implies that Sieyès's vicious circle indeed contains double circles, one concerns the origin of power, namely, the problem of the legitimacy of the constituent power, the other concerns the source of law, that is, the problem of the constitutional authority. Since they did not make such a separation, the French revolutionaries appealed to the sovereign national will or an imitation of the absoluteness of God to find the origins of power and authority. But the legislators in the image of God did not really possess the similar authority. The need for the absolute also appeared in the thoughts and theories of the American revolutionaries, fortunately, they distinguished power and authority in their revolutionary practices. For American revolutionaries, power and its legitimacy were obtained from below, while the source of authority was the act of foundation, superior to the Constitution and all the positive laws, meanwhile still interior to the political spheres. Here, beginning was principle. But it did not signify that the beginning was an absolute one and the act of foundation was a single action which established a new body politic at one stroke. Rather, the act of foundation should be regarded as a series of actions which had displayed themselves before the Revolution. As it were, the beginning and the principle were both rooted in the remote past. The so-called Sieyès's vicious circle actually was a hermeneutic circle, that is, a process that the principles and spirits in the pre-colonial and colonial experiences were made explicit into the Constitution by the Revolution.

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YDINGO RATO APORIJOS PRADEDANT NAUJĄ POLITINĘ TVARKĄ: H. ARENDT MINČIŲ APIE POLITIŠKUMO PAMATUS TYRIMAS

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Santrauka. Modernioji revoliucija, kurianti naują politinę tvarką, patenka į ydingąjį ratą, būdingą bet kuriai pradžiai: jeigu tai yra pradžia, tai iš ko kyla jos principas? Arba, jei principo nėra, kaip pradžia gali jį įsteigti? Šiuolaikinės politinės patirties kontekste ši aporija yra lygiareikšmė problemai, kaip modernioji politika gali save pagrįsti arba kaip perkurti politinę valdžią modernybėje? Straipsnyje nagrinėjami Hannah'os Arendt kūriniai ta tema ir siekiama iširti pradžios ir principo politinėje plotmėje ydingąjį ratą. Teigiama, kad Arendt pasiūlė istoriją apie pradžios ir principo abipusį kūrimą, taigi vadinamąjį ydingąjį ratą pavertė hermeneutiniu ratu, kuriame steigties performatyvumas implicitiškus principus padaro eksplicitiškus.

Pagrindiniai žodžiai: valdžia, steigiančioji galia, teisėtumas, politinė pradžia

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