Beginning with Hannah Arendt’s depiction of the American Revolution and founding, I critically examine Arendt’s reading of the Declaration of Independence, comparing it with Jacques Derrida’s reading of (a draft of) the same document, in order to show that Arendt is careless in her easy dismissal of the declaration’s essentialist moments. Derrida, it seems to me, has a better, more subtle appreciation of the both necessary and impossible role of essentialism in modern political theory and practice. I conclude, however, that Arendt nonetheless succeeds in theorizing a powerful and suggestive practice of political authority for modernity, a practice that is uniquely activist and appropriate for a democratic politics.

The men who create power make an indispensable contribution to the Nation’s greatness, but the men who question power make a contribution just as indispensable, especially when that questioning is disinterested, for they determine whether we use power or power uses us.

—John F. Kennedy

The problem to which the title of this essay refers—that of founding a republic—is the problem of politics in modernity. I shall treat Hannah Arendt as a political theorist interested primarily in responding to this problem. As Arendt conceives of it, the problem is largely attributable to the rise of secularism and to the corresponding dearth in modernity of commonly held and publicly powerful instruments of legitimation, such as political authority. It is tempting to think of Arendt as a nostalgic or essentialist theorist of authority, a theorist for whom political authority is (or was) a uniquely ancient and Roman experience that was lost, irrevocably, along with the modern “loss of tradition and the weakening of religious beliefs” (Arendt 1963, 117–18).

In my view, however, Arendt does not simply mourn the disappearance of political authority in modernity; she also celebrates it. Moreover, in the spirit of celebration, she constructs a replacement for it: through her notably fabulist rendering of the American revolution and founding, she offers a powerful account of a practice of authority for modernity, an account that has received scant attention from Arendt scholars.

Arendt is ambivalent about the disappearance of authority in modernity. On the one hand, it marks the restoration of the world to humanity, the recovery of human worldliness, and new possibilities of innovative political action. On the other hand, it leaves the modern world bereft of the very things that secured the foundation and longevity of the Roman republic: tradition, religion, and authority. Without the resources of authority, it seems as if the task of founding and main-
taining lasting institutions is impossible. Arendt poses the problem, quoting Rousseau:

"The great problem of politics, which I compare to the problem of squaring the circle in geometry . . . is: How to find a form of government which puts the law above man." Theoretically [Arendt adds], Rousseau's problem closely resembles Sieyes's vicious circle: Those who get together to constitute a new government are themselves unconstitutional, that is, they have no authority to do what they set out to achieve. The vicious circle in legitimating is present not in ordinary lawmaking, but in laying down the fundamental law. . . . The trouble was—to quote Rousseau once more—that to put the law above man and thus to establish the validity of man-made laws, il faudrait des dieux. "one would actually need gods." (1963, 183-84)

For Arendt, then, the problem of politics in modernity is, How do we establish lasting foundations without appealing to gods, a foundationalist ground, or an absolute? Can we conceive of institutions possessed of authority without deriving that authority from some law of laws, from some extrapolitical source? In short, is it possible to have a politics of foundation in a world devoid of traditional (foundational) guarantees of stability, legitimacy, and authority? Arendt answers yes, and she turns to the American revolution and founding as a model of this possibility. I take her account of the American experience to be part of a retheorization of authority for a nonfoundational politics.

The American Model

The Quest for Examples

Arendt glorifies the American revolutionaries and founders of the American republic for their great innovations, their courage, their vision. But she faults them for being inadequately conscious of themselves as innovators. Their revolution took them by surprise (1963, 44). Somewhat frightened, they sought to mitigate the radical contingency of the revolution by speaking the language of restoration, which was indeed true to their original intentions in rebellion. Ultimately, though, it became clear to them that restoration was not the whole goal. Their experience of public freedom in the revolutionary process made them value political action and participation, the act of coming together in deliberation, debate, and decision. Free political action is seductive (1963, 33).

Thus, they were moved to complete their revolutionary task, seeking in the end not just liberation but the reconstitution of the political realm in order to enable the citizenry of the new republic to experience the happiness of public freedom and political action. Now conscious that this new goal, which they had not deliberately chosen, was radically new, they both reveled in their good fortune to be a part of this world-historical event and sought comfort from its weightiness. They turned to theory—to the science of politics—for aid in their task, "the creation of new power." And they turned to history, pedantically documenting republican constitutions of all sorts, driven, Arendt argues, not by the need to learn how to "safeguard . . . civil liberties—a subject on which they certainly knew more than any previous republic" but by the need to learn about "the constitution of power" (1963, 149-50).

The Quest for an Absolute

The turn to antiquity, however, constituted not only a search for pedagogic examples; it constituted also a search for a beginning to anchor the newly constituted republic. "Politically speaking," the American revolutionaries were right. Arendt argues, to believe that they had to derive "the stability and authority of any given body politic from its beginning." The problem was that "they could not conceive of a beginning except as some-
thing which must have occurred in a distant past" (1963, 198). In this respect then, the turn to antiquity was in quest of reassurance that the innovation of the revolution was not radical but derivative. But the reassurance was false, for their action was unprecedented. Hence its greatness.

The quest for reassurance marked a lack of faith on the part of the revolutionaries in their own action. This lack of faith led them also to attempt to ground their reconstitution of the political realm in an absolute, a law of laws that they trusted to serve as "the source of validity of their laws and the fountain of legitimacy for the new government" (1963, 199). The result was a paradox: "It was precisely the revolutions ... which drove the very 'enlightened' men of the eighteenth century to plead for some religious sanction at the very moment when they were about to emancipate the secular realm from the influences of the churches and to separate politics and religion once and for all" (1963, 185-86).

This quest for an absolute in which to ground and legitimate the reconstitution of the political realm is, according to Arendt, deeply misguided. The positing of an absolute undermines the contingency that is the quintessential feature of the public realm, the feature in virtue of which political freedom and human innovation are possible (1958, 179-240; 1963, 184-85). Moreover, it deprives the very human achievement of reconstitution and founding, making it dependent on something external to the human world. And that external something is untenable in the modern era, whether it be god, natural law, or self-evident truth. Natural law needs "divine sanction to become binding for men" and "the authority of self-evident truth ... still bears clear signs of divine origin," while in modernity "the loss of religious sanction for the political realm is a matter of accomplished fact" (1963, 190, 194, 196).

But there is a more fundamental issue at stake here. Even if appeals to an absolute could still bind us, even if religious sanction was still viable for the political realm, appeals to an absolute as a ground of politics, in Arendt's view, would be illicit. For an absolute is a truth that needs no agreement since, because of its self-evidence, it compels without argumentative demonstration or political persuasion. By virtue of being self-evident, these truths are pre-rational—they inform reason but are not its product—and since their self-evidence puts them beyond disclosure and argument, they are in a sense no less compelling than despotic power and no less absolute than the revealed truths of religion or the axiomatic verities of mathematics. (1963, 192)

In politics, the appeal to an absolute is illicit because of its constative character. The uniquely political action, on Arendt's account, is not the constative but the performative utterance, a speech act that in itself brings "something into being which did not exist before" (1977, 151). Thus, the grandeur of the Declaration of Independence, according to Arendt, consists "[not] so much in its being 'an argument in support of an action' as in its being the perfect way for an action to appear in words. ... And since we deal here with the written, and not the spoken word, we are confronted with one of the rare moments in history when the power of action is great enough to erect its own monument (1963, 130; emphasis mine).

The Ambiguity of the American Revolution

In spite of Arendt's celebratory tone, she is forced to admit that the Declaration of Independence does not consistently maintain the performative posture she so admires. The preamble to the declaration contains two appeals to a "transcendent source of authority for the laws of the new body politic": an appeal to "nature's god" and an appeal to self-evident truths.
What is interesting, though, about the appeal to self-evident truths is that the sentence—"We hold these truths to be self-evident"—is partly performative in character. These famous words, Arendt argues, "combine in a historically unique manner the basis of agreement [we hold] between those who have embarked upon revolution, an agreement necessarily relative because related to those who enter it, with an absolute [self-evident"] that signals not agreement but compulsion (1963, 192).

The statement's performative quality Arendt attributes to Jefferson's dim awareness that it was a fallacy that irresistible laws were "of the same nature as the laws of a community." Were it not for this dim awareness, Jefferson "would not have indulged in the somewhat incongruous phrase 'We hold these truths to be self-evident' but would have said: These truths are self-evident, namely, they possess a power to compel which is as irresistible as despotical power, they are not held by us, we are held by them; They stand in no need of agreement" (1963, 193). Jefferson's awareness of the fallacy could be no more than dim because he was caught in a period of transition. The new political developments of his time were "nowhere matched by an adequate development of new thought." In particular, "there was no avoiding the problem of the absolute . . . because it proved to be inherent in the traditional concept of law. If the essence of secular law was a command, then a divinity, not nature but 'nature's god,' not reason but a divinely informed reason, was needed to bestow validity on it" (1963, 195).

Fortunately for the American republic, this problem was a theoretical one. This bondage to the "conceptual and intellectual framework of the European tradition" did not, Arendt argues, determine "the actual destinies of the American republic to the same extent as it compelled the minds of the theorists." For if it had, she speculates (somewhat naively), "the authority of this new body politic in actual fact might have crumbled under the onslaught of modernity—where the loss of religious sanction for the political realm is an accomplished fact. . . . What saved the American revolution from this fate was neither 'nature's god' nor self-evident truth, but the act of foundation itself" (1963, 195–96). In short, Arendt believes that in practice, the We hold—the performative part of Jefferson's "incongruous phrase"—won out over the constative part, the reference to self-evident truths. This saved the American revolution because the We hold constitutes the only sort of power that is "real" and "legitimate," the sort of power that "rest[s] on reciprocity and mutuality" and comes into being only "when men join themselves together for the purpose of action" by binding "themselves through promises, covenants and mutual pledges" (1963, 181, 175).

The appeal to self-evidence stands in opposition to the We hold. It expresses not a free coming together but an isolated acquiescence to compulsion and necessity. The appeal, therefore, coerces and disempowers. It violates the integrity of politics and denatures and disables its practice. This is a crucial point for Arendt, who, throughout her work, insists on the autonomy of the political realm and on the sui generis character of politics. In The Human Condition she argues that politics should not be held to standards external to it, that it has two precepts of its own—forgiving and promising—precepts that "are not applied to action from the outside [but] arise directly out of the will to live together with others in the mode of acting and speaking" (1958, 245–46). It is now clear that what is unique about these precepts is that they are both performatives; indeed, it is that feature that makes these two practices—ordinarily thought of as the subject of ethics—profoundly political in an Arend-
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The Power of Performatives

The performative *We hold*, on Arendt’s account, empowers an existing community as much as it constitutes a free coming together and gives public expression of a shared agreement to abide by certain rules in the community’s subsequent being together. The *We hold* is a promise and a declaration; it signals the existence of a singularly human capacity: that of world-building (1963, 175).

The source of power in this world-building act of foundation is the speech act itself, the declaration of the *We hold*. And the act of foundation is the source of its own authority as well. In short, power and authority are interdependent, on Arendt’s account (1970, 47). The authority of the world built by power derives from all that is implied by the fact that that world is the product of power, rather than strength or violence. (What is implied, of course, is that it is the product of free action by equals who act in concert, bound together by mutual promises and reciprocity for the sake of bringing something new into being.) Properly understood and performed, the act of foundation requires no appeal to a source of authority beyond itself: “It was the authority which the act of foundation carried within itself, rather than the belief in an immortal Legislator, or the promises of reward and threats of punishment in a ‘future state,’ or even the doubtful self-evidence of the truths enumerated in the preamble to the Declaration of Independence, that assured stability for the new republic” (1963, 199). Thus, Arendt squares Sieyes’s circle by finding the source of authority in the act of foundation, thereby making appeals to an absolute, transcendent source of authority not merely illicit but redundant and unnecessary. Arendt’s political performative does not require the blessing of a constative in order to work. Nor, Arendt claims, did the U.S. Constitution: the preamble to the declaration she argues, “provides the sole source of authority from which the Constitution, not as an act of constituting government but as the law of the land, derives its own legitimacy” (1963, 193).

Arendt thereby seems to have found for the new world the new thought it needed, the thought that enables it to conceive of a founding that secures law for a community without appealing to a law of laws and without lapsing into foundationalism, the thought that salvages political authority for an age unable or unwilling to support the authority of tradition and religion. One might say that Arendt’s project is to save authority—to find a way to sustain it—because she realizes that without it there can be no politics. In a world devoid of authority, we are denied the opportunity to exercise our “human capacity for building, preserving, and caring for a world that can survive us and remain a place fit to live in for those who come after us” (1977, 95).

This reading of Arendt may appear implausible because of what Richard Flath-
man calls the essentialist character of her account of authority. Flathman notes that Arendt asserts "a necessary connection between in authority and a quite definite and complex constellation of values and beliefs about tradition and religion," meaning that of ancient Rome. According to Flathman, it follows from Arendt's argument that once "this particular constellation of values and beliefs has disappeared, in authority has thereby disappeared as well" (1980, 71; emphasis original). Furthermore, Flathman argues, given Arendt's insistence that power and authority are interdependent, it is curious that she claims both that authority has disappeared from the modern world and yet insists that power has not (263, n. 6). On my reading, however, the problem disappears, for Arendt is understood to be claiming that a certain kind of authority, the kind that sustained the Roman republic together with tradition and religion, has disappeared in modernity. This is not, as Arendt herself says, "authority in general," but rather a very specific form which had been valid throughout the Western World over a long period of time" (1977, 92). And it is this specific form of authority — "authority as we once knew it, which grew out of the Roman experience of foundation and was understood in the light of Greek political philosophy" — that, in Arendt's view, "has nowhere been re-established" (1977, 141).

In On Revolution, Arendt gives an account of an alternative form of authority, the authority inherent in the performative Declaration of Independence and in the practice of constitution-making that "preceded, accompanied, and followed [it] in all thirteen colonies." Both, she argues, "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" (1963, 166; emphasis mine). Arendt understands that we cannot recover the lost form of authority that sustained Rome for so long; it is untenable in modernity. But neither can we exercise our world-building capacities in a world without authority. If we love the world, if we are committed to world building — to politics — we must find another form of authority, one that can be sustained in modernity. Only then will we experience the privilege of political action that is not just revolutionary (1963, 171, 238).

Revolutions are frequent in the modern age (and peculiar to it) because of the failure of traditional authority. But most revolutions themselves fail for the same reason. They seek to ground their reconstitution of the political realm in the same sort of traditional authority whose very untenability made their own revolution possible. Arendt tries to get out of this vicious circle by offering an alternative conception of authority, one that inhere not in an untenable absolute, nor in a law of laws, but in the power of reconstitution itself.^

Only the modern conception of authority is viable for modernity because it requires for its sustenance not a shared belief in particular deities or myths but a common subscription to the authoritative linguistic practice of promising. Consequently, it assumes a preexisting community but not in the strong sense of "homogeneity of past and origin," which is the "decisive principle of the nation state" (1963, 174). This is a community in a weaker sense, bound together by common linguistic practices, not even necessarily by a single, common, inherited first language. This is a community whose members understand and subscribe to performative practices. Such a community should be able to sustain this new kind of authority, in Arendt's view — assuming, that is, that it can overcome its nihilistic craving for a law of laws, for a
source of authority that is transcendent or self-evident, assuming that it can see and be satisfied with the power and authority inherent in its own performatives. Conversely, one might say not that Arendt seeks to salvage authority for the sake of politics but that she seeks to salvage politics for the sake of authority. To see Arendt’s politics as a response to modern nihilism is to make sense of her claim that we need politics for the sake of the world. We cannot live without standards or some stability; yet our traditional sources of stability are no longer viable. Consequently, we are left to the devices of politics and action. Politics is more important than ever because it is the only alternative to violent domination, the only source in modernity of legitimate rules possessed of authority and capable of addressing “the elementary problem of human living-together” (1977, 141).

Arendt’s description of the signing of the Mayflower Compact is enlightening in this context. The parties to the compact obviously 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 men who 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 promises ‘in the Presence of God and one another’, supposedly was powerful enough to ‘enact, constitute, and frame’ all necessary laws and instruments of government (1963, 167).8

Like the parties to the compact, the founders of the American republic built small “islands of security” in an “ocean of contingency” (1958, 237) through joint action, promising, and constitution making, all performatives that are not solipsistic because they presuppose a plurality of participants who subscribe to a shared authoritative practice of promising, and not nihilistic because, by virtue of their power, they are the guarantors of their own authority. Arendt can do no better than this; she refuses to, in fact, because of her conviction that the “realm of human affairs” is “relative by definition” (1963, 213). Political action has no anchor: a beginning, it “has, as it were, nothing to hold on to; it is as though it came out of nowhere in either time or space” (1963, 206).9

The Postulates of Promising

Arendt’s characterization of action as a beginning with nothing to hold on to is somewhat misleading. In Arendt’s own account, a beginning does have something to hold on to—the public subscription to an authoritative discursive practice in which performatives utterances are understood to possess their own authority as long as they meet the conditions necessary for them to function. Arendt’s performatives presupposes a community of promisers, a preexisting community composed of people who may hold different values and beliefs but who, nonetheless, have shared understandings of what a promise is, what it means to make a promise, and what one must do in order for one’s performance to be recognizable as a promise. In short, promising, even on Arendt’s account, is a practice.8

Yet Arendt gives no account of the conditions of the practice. She only tells us why the practice of promising is of paramount importance to those committed to the activity of politics in modernity. But if the practice of promising is to be the source of legitimacy in an Arendtian politics, the question of the legitimacy of the practice and of its own techniques of self-legitimation must be addressed. Indeed, Friedrich Nietzsche addresses the problem directly: “To breed an animal with the right to make promises—is not this the paradoxical task that nature has

The process by which this problem has been resolved historically is the object of Nietzsche’s scathing criticism in the second essay of On the Genealogy of Morals. Arendt, however, never addresses these questions, perhaps because she does not share Nietzsche’s ambivalence toward the construction of promisers and the practice of promising. Promising is the “highest human faculty.” Indeed, Arendt denies Nietzsche’s own ambivalence, claiming with approval that “he saw in the faculty of promises . . . the very distinction which marks off human from animal life” (1958, 245), ignoring the fact that in the phrase to which she refers Nietzsche says the problem is how to breed an animal with the right to make promises.

Moreover, Arendt’s practice of promising, if it is to do the work she expects of it, must be highly sophisticated, even ritualized. As such, it would belie the moment of contingency that, on her account, characterizes the moment of politics. Indeed, there is an apparent paradox here. Action, which for Arendt consists partly in the activity of promising, is terribly risky because it takes place in a contingent world where its meaning and consequences are always underdetermined if not indeterminate. Yet Arendt also claims that promising serves as a “control mechanism,” that it “counters the enormous risks of action” by establishing little islands of stability in the radical contingency of the public realm (1958, 245–46). The problem is that if promising is to be a source of reassurance and stability, the operation of the practice of promising and the meaning of particular promises must be relatively unproblematic. In that case action as promising cannot occur ex nihilo and it will not be as risky—as contingent and unpredictable—as Arendt says it is. On the other hand, if action is as contingent as that, promising will not be able to provide the stability Arendt expects it to: the stability is coming from somewhere else, possibly from something external to action’s purely performative speech act. And this is precisely the observation made by Jacques Derrida in his own reading of (Jefferson’s draft of) the American Declaration of Independence, a reading that, like Arendt’s, focuses on the document’s curious structural combination of constative and performative utterance.

The Inadequacy of Performatives

Since Arendt dismisses the constative moments of the declaration, and insists that the power of its performative We hold is the sole source of authority for the American republic and its Constitution, it seems likely that the We of the declaration (and of all political action) is the source of stability in Arendt’s account. Yet if we take seriously Arendt’s claim that action is a “beginning” that occurs ex nihilo, if we are persuaded by her that the We (the people) does not exist as such prior to the declaration, the question emerges, How can the We stand as the guarantor of its own performance? How can it function as the sole source of stability for the republic?

The problem is posed by Jacques Derrida in his essay “ Declarations of Independence”:

The “we” of the declaration speaks “in the name of the people.” But this people does not yet exist. They do not exist as an entity, it does not exist, before this declaration, not as such. If it gives birth to itself, as free and independent subject, as possible signer [of the declaration], this can hold only in the act of the signature. The signature invents the signer. This signer can only authorize him- or herself to sign once he or she has come to the end, if one can say this, of his or her own signature, in a sort of fabulous retroactivity. (1986, 10)

On Derrida’s account, the signers are stuck in Sièyes’s vicious circle. They lack

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the authority to sign until they have already signed. The American founders' invocation of "the name of the laws of nature and the name of God" manifests this predicament. They appealed to a constative, according to Derrida, not (as Arendt would have it) because of a failure of nerve nor because they underestimated the power of their own performative but because they did not overestimate its power. In order to guarantee that power and secure their innovation, they had to combine their performative with a constative utterance. They needed "another 'subjectivity' . . . to sign, in order to guarantee it, this production of signature"; for "in this process," Derrida argues, "there are only countersignatures."12

It is still "in the name of" that the "good people" of America call themselves and declare themselves independent, at the instant in which they invent for themselves a signing identity. They sign in the name of the laws of nature and in the name of God. They pose or posit their institutional laws on the foundation of natural laws and by the same coup (the interpretive coup of force) in the name of God, creator of nature. He comes, in effect, to guarantee the rectitude of popular intentions, the unity and goodness of the people. He founds natural laws and thus the whole game which tends to present performative utterances as constative utterances. (1986, 11; emphasis mine)

Founding, promising, or signing, cannot occur ex nihilo: "For this Declaration to have a meaning and an effect there must be a last instance. God is the name, the best one, for this last instance and this ultimate signature"; that is, God is the name Derrida gives to whatever is used to hold the place of the last instance, the place that is the inevitable aporia of founding (or signing or promising) (1986, 12). In short, Derrida, like Rousseau (and yet quite unlike Rousseau), sees that in order to break Sièyes's vicious circle, in order to posit the law of institutional laws, "il [bien sûr] faudrait des dieux."

The moral of Derrida's story is that no act of founding (or signing, or promising) is free of this aporia—this gap that needs to be anchored—and this is a structural feature of language. This gap that marks all forms of utterance is always filled (whether or not we acknowledge it) by a deus ex machina—if not by God himself, then by nature, the subject, language, or tradition. Arendt sees that this aporia is a structural feature of all performatives.13 But she insists that the aporia, the gap that marks all performatives, can and should be held open. She understands that there is often a felt human need to fill this gap but she does not see it as a systemic, conceptual, or linguistic need. Quite the contrary. The difference between her position and Derrida's on this point is made clear by their different assessments of the American declaration's combined performative and constative structure.

The Ambiguity of the Declaration, Reconsidered

Unlike Arendt, Derrida does not see the declaration's structural combination of performative and constative utterance as incongruous. It is not a question "of an obscurity or of a difficulty of interpretation, of a problematic on the way to its (re)solution" because "this obscurity, this undecidability between, let's say, a performative and a constative structure, is required in order to produce the sought after effect" (1986, 9). The insecure performative is not always and necessarily anchored by another utterance. The We hold, on Derrida's account, is capable of anchoring itself not because of its powerful purity as a performative, but because it is in fact both a constative and a performative. It is unclear whether "independence is stated or produced by this utterance." And its rhetorical force derives in large measure from this unclarity, from the fact that one cannot decide which sort

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of utterance it is: constative or performative (1986, 9). For Derrida, the combined constative and performative structure of the document and its *We hold* illustrate beautifully a structural feature of all language: that no signature, promise, or performative—no act of foundation—possesses resources adequate to guarantee itself, that each and every one necessarily needs some external, systemically illegitimate guarantee to work. This need marks the Declaration of Independence just as it marks utterances that are more quotidian. "This happens every day," Derrida says (indeed, "Every signature finds itself thus affected"), "but it is fabulous" (1986, 10).

For Arendt, however, the declaration's constative moments are marks of impurity, tainting what is really, and ought to have been, a purely performative act. She does not see that her cherished performative *We hold* is also a constative utterance. And so there is no undecidability here for her. The other constative moments of the declaration are unfortunate errors or lapses, marring but not obviating modernity's greatest moment, the moment when a new revolution splendidly completed its course in the founding of a republic whose authority rested exclusively in the power of the purely performative *We hold*. The power of this utterance as a performative is sufficient to produce the sought after effect. Acts of founding are not aided, but compromised, by the unnecessary and illicit intrusion of a constative.

As evidence for her claim that the declaration (and its performative *We hold*) is the sole source of authority for the Constitution, Arendt notes that "the Constitution itself, in its preamble as well as in its amendments which form the Bill of Rights, is singularly silent on this question of ultimate authority" (1963, 193–94). But there are two ways to read this silence. The alternative sees this same silence as evidence that the constative structure of the declaration is a guarantor of constitutional authority. Recall that Arendt identifies speech with power and characterizes violence as mute (1953, 378). Recall, too, that in her view, constatives are violent, despotic, and disempowering: they are not the products of shared public agreement, they demand an isolated acquiescence to a truth. They are not held by us, we are held by them. In short, they silence us—hence Arendt's insistence that they are illicit in the realm of action, which is the realm of speech. Consequently, the fact that the Constitution is "silent" on this question of ultimate authority is not overwhelming evidence that the authority of the republic inheres in the performative *We hold*. That silence can be read equally well as evidence that the constative moments of the declaration contribute importantly to the establishment of ultimate authority in the new republic. The silence can do no more than confirm the undecidability that Arendt resists.

In my view, Arendt resists this undecidability because she seeks in the American declaration and founding a moment of perfect legitimacy. Insofar as the authority of the founding derives from a constative, it is rooted not in power but in violence. This undecidability, then, delegitimates the republic; and so, for the sake of her moment of pure legitimacy, Arendt must do away with it. What Arendt does not see is that the American declaration and founding are paradigmatic instances of politics (however impure) because of this undecidability, not in spite of it. Derrida's point, like Nietzsche's, is that in every system (every practice), whether linguistic, cultural, or political, there is a moment or place that the system cannot account for. Every system is secured by placeholders that are irrevocably, structurally arbitrary and prelegitimate. They enable the system but are illegitimate from its vantage point. The question, then, for Arendt is, What
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placeholder fills this place, the place of the last instance, in her account?

The Place of Fables

On my reading, Arendt fills the place of the last instance with a fable, her fable of the American revolution and founding. From a Derridian perspective, it is appropriate that she turns to a fable to hold the place; for all placeholders, according to Derrida, including those that are constative in structure, are fables. Recall Derrida's claim that the signer's authorizing himself to sign by signing is a "fabulous retroactivity." By the word fabulous, Derrida signals that this retroactivity is enabled by a fable: "There was no signer, by right, before the text of the Declaration which itself remains the producer and guarantor of its own signature. By this fabulous event, by this fable which implies the structure of the trace and is only in truth possible thanks to the inadequation to itself of a present, a signature gives itself a name" (1986, 10). Arendt herself recognizes this "inadequation to itself of a present"; her historical fable is an acknowledgment of it and a response to it. Thus, her criticism of the American founders for their inability to conceive of a beginning that was not rooted in the past must be in the service of her fable; for she, too, proves to be unable to conceive of such a totally present event.

Arendt turns to the declaration in the hope that it will provide her with the resources she needs to fill the gap in her own theorization of a politics of founding. The historical event is the inspiration of the fable, but it does not bind it. Arendt dismisses, among other things, the constative structure of the Declaration of Independence and insists that the pure performative of the declaration was a sufficient guarantor of the authority of the new republic—in order to fill the place with a fabulous faith, the faith that the American founding fathers did not need gods in order to found a legitimate republican politics; hence, neither do we. This fable of founding is meant to inspire us, just as "the classical examples shining through the centuries" emboldened the American revolutionaries "for what then turned out to be an unprecedented action" (1963, 196).

Arendt's fable, like all of her spectators' stories, is meant to define and enable new horizons of possibility. It presents itself as a recovery of the origins and heroes of the republic, as an act of memory and dereification meant to recapture and thereby re-enable the revolutionary spirit that is the vitality of republican politics. The fable must take the place of the constative in order for Arendt to theorize a viable politics for modernity, a politics born not of violence but of power, a nonfoundational politics possessed of legitimacy, authority, stability, and durability.

Arendt claims that this fable is the product of her commitment to memory, to the recovery of the American revolutionary spirit; but it invents that spirit. It claims to be a dereification, a recovery of origins; but it erases the violence and the ambiguity that marked the original act of founding. And the effect of Arendt's fable is the same as that of all legitimating fables: to prohibit further inquiry into the origins of the system and protect its center of illegitimacy from the scrutiny of prying eyes.

Arendt seems to recognize this. At the end of Willing, she acknowledges that she has come to an impasse. Her account of freedom, natality, and the will "seems to tell us no more than that we are doomed to be free by virtue of being born, no matter whether we like freedom or abhor its arbitrariness." The only way out of this impasse, Arendt suggests, is through "an appeal to another mental faculty," that of judgment (1978, 217). Judgment is the faculty used by the spectators who turn actions into stories. It is the faculty used by Arendt as a spectator of the
American Revolution and founding. Her fabulist rendering of those events is meant to bridge the impasse of freedom, the abyss that afflicts all performative utterance, all declarations of independence, all acts of founding.

Intervention, Augmentation, and Resistibility: Arendt’s Practice of Political Authority

In spite of their apparent irreconcilability, I believe that it may be possible to bridge—or at least negotiate—the impasse between Derrida and Arendt. If instead of dismissing, as Arendt does, the constative moment of founding, we treat that moment, as Derrida does, as an invitation for intervention, we could respect Arendt’s prohibition against anchoring political institutions in an absolute while at the same time acknowledging that all acts of founding are (as Derrida claims) necessarily secured by a constative. By this strategy of intervention, we do not deny the constative moment of founding, but neither do we succumb to its claim to resistibility. We resist it. Our intervention testifies to the resistibility of this (allegedly irresistible) constative anchor; and it posts our opposition to the attempt to “put the law above man,” to secure the law of laws from all (political) intervention.

This notion of resistibility is at the center of Arendt’s new conception of authority for modernity. Recall that for Arendt, an absolute is illicit in politics because it is irresistible. God, self-evident truths, natural law, are all despotic in character because they are irresistible. Because they are irresistible, they do not persuade to agreement, they command acquiescence. Thus, it is in virtue of their resistibility that they are, for Arendt, antipolitical. In short, resistibility is the sine qua non of Arendt’s politics.15

On Arendt’s account, it is this feature of resistibility that distinguishes secular law from divine command, political authority from religious devotion. The American founders invoked God (and a whole series of constative anchors) because they (mistakenly) believed that the “essence of secular law was a command.” Their political development, Arendt argues, “was nowhere matched by an adequate development of new thought”; and this is why “there was no avoiding the problem of the absolute” (1963, 195). It was the New World’s failure to distinguish secular law from divine command that left it unable to comprehend the fact that “power under the condition of human plurality can never amount to omnipotence, and laws residing in human power can never be absolute” (1963, 39).

Jacques Derrida recognizes this fact. Indeed, his deconstruction of the American declaration is in the service of this recognition. He exposes “the whole game which tends to present performative utterances as constative utterances.” But he knows that this exposure cannot bring the game to an end. The game proceeds; and Derrida, by his very intervention, by his adoption of a posture of intervention, declares himself a player. In so doing, he joins Arendt in proclaiming his commitment to resistibility. Like her, he refuses to allow the law of laws to be put, unproblematically, above man; but he recognizes, more deeply than does Arendt, that the law will always resist his resistance (1987). His unwillingness to passively accept that is a commitment to politicization, resistibility, and intervention. And his strategy of intervention is not only consistent with Arendt’s own account of the practice of political authority (as I read it); it is required by it.

Arendt’s theorization of authority builds on the close connection in Roman thought and practice between the concept of authority and a practice of augmentation:
The very concept of Roman authority suggests that the act of foundation inevitably develops its own stability and permanence, and authority in this context is nothing more or less than a kind of necessary “augmentation” by virtue of which all innovations and changes remained tied back to the foundation which, at the same time, they augment and increase. Thus the amendments to the Constitution augment and increase the original foundations of the American republic; ... the very authority of the American Constitution resides in its inherent capacity to be amended and augmented. This notion of a coincidence of foundation and preservation by virtue of augmentation ... was deeply rooted in the Roman spirit. (1963, 202; cf. 1977, 123)\textsuperscript{14}

Since republics do not rest on one world-building act of foundation but are manifestly committed to augmentation, to the continual preservation and amendment of their foundation, they are uniquely endowed with political vigor. Not so the American republic, however. In it “there was no space reserved, no room left for the exercise of precisely those qualities which had been instrument in building it.” This was, Arendt argues, no mere oversight; the American founders, intent on “starting something permanent and enduring,” succumbed to the charms of the irresistible absolute. As a result, the experience of free political action remained “the privilege of the generation of the founders.” That privileging, Jefferson felt, was an injustice. No constitution, in his view, was perfect; and none should be treated with “sanctimonious reverence.” Consequently, he greeted the news of Shay’s Rebellion with enthusiasm: “God forbid we should ever be twenty years without such a rebellion,” he said (1963, 233), expressing a sentiment reminiscent of Machiavelli’s advice to princes to reinvigorate their rule with a repetition of the violence of their founding about every 10 years.

Arendt does not endorse this reliance on violence as a way to reinvigorate the republic. But she does admire Jefferson’s later idea of a ward system, a system that he came to see as “the only possible non-violent alternative to his earlier notions about the desirability of recurring revolutions” (1963, 250). The ward system, Arendt says, could correct the fatal flaw of the Constitution (which “had given all power to the citizens, without giving them the opportunity of being republican and of acting as citizens” [1963, 253; emphasis original]) by subdividing counties into small republics in which every citizen would have an opportunity to participate in the activity of politics.

This republican commitment to political action is important to Arendt for two distinct but related reasons. The first is connected to her motif of self-realization. In Arendt’s view, human beings denied the opportunity to exercise their world-building capacities live an impoverished life, a life that is somehow less than human, a life without freedom, without happiness (1963, 255).

The second reason is connected to the character of Arendt’s new conception of authority for modernity. Where other theorists of authority, like Rousseau, believe that the problem of authority is how to put the law above man, that is, how to make the law of laws irresistible, Arendt believes the problem is how to prevent the law of laws from becoming irresistible: she rejects the command model of authority as inappropriate for the human condition of living together in a secular and political world. A practice of authority centered on an irresistible law of laws is inappropriate for the post-foundational age for which Arendt theorizes a politics, and it is also deeply antipolitical. It prohibits the practices of augmentation and amendment that she valorizes, and it encourages a withdrawal from active politics; it deactivated politics. Arendt’s account (as I see it) is aptly summarized by Hanna Pitkin’s description of Machiavelli’s view, in which “republican authority must be exercised in a way that further politicizes the people rather than rendering them qui-
escent. Its function is precisely to keep a political movement or action that the people have initiated . . . from disintegrating into riot, apathy, or privatization” (1984, 88).

Recall Arendt’s claim that the American founders correctly perceived that the authority of any body politic derives from its beginning but mistakenly believed that a beginning was “something which must have occurred in a distant past.” The great good fortune of the American republic was that this mistaken belief lost out. The success of the revolution “was decided the very moment when the Constitution began to be worshipped”; for that constitution-worship, Arendt argues, evidenced the fact that the republic was built on a beginning that was very present: “If their attitude towards Revolution and Constitution can be called religious at all, then the word ‘religion’ must be understood in its original Roman sense, and their piety would then consist in religare, in binding themselves back to a beginning” (1963, 198). This constitution-worship has always been ambiguous, its object being “at least as much the constituting act as it was the written document itself.” Consequently, Arendt can say both that the “American remembrance of the event” of constitution is what keeps the authority of the republic safe and intact and that the “very authority of the American Constitution resides in its inherent capacity to be amended and augmented” (1963, 204, 202). For Arendt, this commitment to augmentation maintains a republic and its revolutionary spirit by, in a curious sense, keeping its beginning always present.

Derrida, this maintenance is an augmentation that takes place by way of translation, by way of a translation that is called for and heard in the original text. Just as, on Arendt’s account, the Constitution calls out to be amended, so Derrida’s text calls out to be translated: it is not present yet. This is not translation in the ordinary sense: just as Arendt’s performative founding could never be content merely to transmit a sense of obligation or produce obedient subjects, neither can Derrida’s act of translation be “content merely to transport a content into another language, nor just to communicate or to transmit something,” merely to produce comprehension. Translation augments, necessarily. It does not merely copy or reproduce; it is a new linguistic event, it produces “new textual bodies.” It does not simply preserve an original in a practice of mere repetition, it dislodges the constative yearnings of the original and finds there the point of departure for a new way of life—hence Derrida’s claim that this is survivance not “in the sense of posterity . . . but of ‘more living’,” in the sense of plus de vie and plus que vie (1985, 24–25). This augmentation, says Derrida, is “what survival is.” And this augmentation is, in one sense, arguably like Arendt’s practice of authority, which responds to the text or document that seeks to preserve and refer to the past moment of founding by augmenting it with another event, another speech act or, as in this case, by an act of translation.

Finally, Machiavelli, too, explores this structure of maintenance. He sees the importance of maintaining the act of foundation, understands that human institutions need frequent revitalization, and seeks that revitalization in the return to beginnings, a kind of invitation to augmentation. As Pitkin points out, this return to beginnings may be read as a way of frightening the population back into obedience, but there is also another way to think about it. “Perhaps,” she suggests,
"one should construe the forgetfulness that gradually corrupts a composite body as reification: a coming to take for granted as 'given' and inevitable what in fact is the product of human action." This reification distances citizens from their political institutions. From this perspective, Pitkin argues, the return to origins does not signal the recurrence of violence but a return "to the spirit of origins, the human capacity to originate." If we assume here that "in the beginning lies not chaos but human capacity" (1984, 275-79), we can see that Machiavelli's return to beginnings, like Nietzsche's genealogies and Derrida's deconstructions, is a dereification and a political intervention.

Arendt, like Machiavelli, sees that a beginning too firmly rooted in the past is in danger of becoming reified and foundational. Our commitment to augmentation and amendment may derive from our reverence for a beginning that is in the past; but our practices of augmentation and amendment make that beginning our own—not merely our legacy but our own construction and performative. The commitment to augmentation protects that which was glorious because it was a performative from being sanctified and turned into a law of laws, an absolute whose irresistibility would ultimately and necessarily destroy the uniquely political character of the republic. On this reading of Arendt, augmentation is both a necessary condition of politics and constitutive of one form of the activity of politics itself. What Leo Strauss says of Machiavelli applies equally to Arendt: "Foundation is, as it were, continuous foundation" (1978, 44).

Since, on Arendt's account, the practice of authority consists largely in this commitment to resistibility, the practice of authority turns out to be, paradoxically enough, a practice of deauthorization. On this account, then, Derrida's own project of deauthorization—his adoption of a posture of intervention—becomes part of a practice of authority, not simply an unauthorized assault on the institutions of authority from some outside. This inclusion is the genius of Arendt's account.

It is noteworthy that for both Derrida and Arendt, the moment of intervention is the moment of politics. But for Derrida, politics begins with the entry of the irresistible absolute; it is the impossible superimposition of constative on performative utterance that occasions the Derridian intervention, an intervention that is political. For Arendt, however, politics ends with the entry of the antipolitical (because irresistible) absolute. Arendt's intervention consists in her insistence that acts of founding can and should resist the urge to anchor themselves in an absolute. But Arendt's account of authority as a practice of augmentation and amendment does not, in my view, commit her to this insistence. It commits her only to the insistence that we treat the absolute as an invitation for intervention, that we declare ourselves resistant to it, that we refuse its claim to irresistibility by deauthorizing it. And this, in effect, is what Arendt herself tries to do in her own interventionist critique of the constative structure of the American Declaration of Independence.

The impasse between Arendt and Derrida is not easy to bridge, but neither is it nonnegotiable. If it is at all possible to negotiate it, it is in all likelihood because both these thinkers—Derrida through his strategy of intervention, Arendt through her fable of the American Revolution—seem to be inspired by Nietzsche's counsel to seek "a past from which we may spring rather than that from which we seem to have derived" (1957).

Notes

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1. This view, that Arendt’s account of authority is antimodernist, is the standard interpretation. See, for example, Richard Flathman 1980, whose account of Arendt I discuss briefly below, and Richard Friedman 1973, who cites Arendt’s account as an instance of the “peculiar but interesting and important claim that the very concept of authority has been corrupted or even lost in the modern world, and that it is this loss of understanding that lies behind the confusion over authority prevailing in contemporary thought” (p. 122).

2. Arendt is quoting Rousseau (1985, 3; 1988, bk. 2, chap. 7). In this paper I cite without comment Arendt’s use of gendered language. I explore the issue elsewhere (Honig 1991).

3. The words performative and constative are Austin’s (1962), not Arendt’s. Arendt’s description of action as a form of utterance (The “doer of deeds is possible only if he is at the same time the speaker of words” [1958, 178–79]), a de novo creation; her identification of this form of utterance with politics; and her characterization of politics as worldbuilding—all lead me to believe that her account draws on the model of the originary performative, the Divine utterance Let there be.

4. Arendt’s distinction between an “argument in support of an action” and actions that “appear in words” implies that only performative utterances are speech acts. Austin began with this assumption but later found he could not maintain it and concluded that both performative and constative utterances are speech acts. Note that Arendt is not the only one to make the interesting claim that the written document is the “perfect way for an action to appear in words.” See Warner 1987 on the importance of writing, printing, and textuality to the legitimation of the early American republic.

5. Both the new conception of authority and the older Roman one are sustained by the foundings in which they originated. Arendt says that Roman authority was sustained by particular religious and traditional beliefs, but she does also claim that “the very coincidence of authority, tradition, and religion, all three simultaneously springing from the act of foundation, was the backbone of Roman history from beginning to end” (1963, 199; emphasis mine).

6. Arendt makes no note of it but the phrase “in the Presence of God and one another” instantiates the same incongruous unification of a constative and performative utterance as does Jefferson’s “We hold these truths to be self-evident.” It suggests, contra Arendt, that the confidence the parties had in each other, far from being “granted and confirmed by no one,” was guaranteed by “the Presence of God.”

Although Arendt never mentions it, it is notable that the Mayflower Compact was drawn up in Britain under the sanctioning and supporting gaze of Britain’s legal and political institutions, before the colonists left for the uncertain and unknown New World. Moreover, the document was signed on the ship, before the colonists disembarked in America. It would seem that the colonists’ “confidence . . . in their own power” was perhaps a little less hardy than Arendt estimates it. See n. 12.

7. Sometimes Arendt toys with the notion that a “principle” might save “the act of beginning from its own arbitrariness” (1963, 212–13; cf. 1977, 156). At other times she concedes that the arbitrariness of beginnings is “complete” (1963, 201).

8. As we know from Austin, discursive practices postulate a vast array of political and cultural institutions that set many of the conditions for discursive felicity: for example, they distinguish and sanction the distinction between those who are in authority and those who are not; that is, they identify the authorized speaker of the performative “I call this meeting to order” as the chair of the board and forbid, punish, and fail to comprehend or sanction the interrogation of anyone who impersonates the chair and usurps the chair’s performative privilege.

9. On Austin’s account, the felicity of performatives is often secured by the use of formulaic or ritualistic utterance for performative purposes, as in “I declare this meeting adjourned.”

10. The same point can be made with reference to Arendt’s stories, which (Arendt assumes) are univocal, possessed of a force and meaning that are unproblematic. These are curious assumptions from one so insistently that plurality is the sine qua non of the public realm. Perhaps Arendt’s account of the role of stories in politics is too influenced by the Greek model, in which an authoritative poet (Homer) gives the authoritative account of events.

11. Identity is the product, not the condition of action, on Arendt’s account (1958, 193; Honig 1988, 86–88; Kateb 1983, 1–51).

12. This claim that signing requires countersignatures again renders problematic Arendt’s faith in the power of the We to ensure its own action. In Arendt’s process, there are only cosigners; but cosigners, on Derrida’s account, are not sufficient to get us out of Sîyès’s vicious circle. Hence, the parties to the Mayflower Compact combined “themselves together into a ‘civil Body Politick’” not “solely by the strength of mutual promises” but (as Arendt well knows) “in the Presence of God and one another” (emphasis added; see n. 6). The parties invoke the Presence of God because they need the validation of his witness and the security of his countersignature.

13. Arendt believes that this gap marks only the speech acts of her public realm—hence the risk and danger of public action, which she celebrates. Contra Derrida, she assumes that some language is safe...
and unproblematic (or at least uninteresting)—nonpolitical, nonproductive, nonperformative speech, which addresses “immediate, identical needs and wants.” For this sort of thing, “signs and sounds . . . would be enough” (1958, 176).

14. Here Derrida refers to the phrase We the people; I take his argument to apply equally well to the We hold.

15. This identification of politics with resistibility is what leads Arendt to insist on her problematically severe distinction between the public and the private realm. The private realm is the realm of the body, whose demands upon us are, according to Arendt, necessarily irresistible. I suggest that Arendt’s public–private distinction would lose some of its (problematic) force if instead of insisting on the inadmissibility of the irresistible to the public realm we responded to it with a Derridian strategy of intervention (see Honig 1991).

16. Arendt is not the only one to note the etymological and conceptual connections between authority and augmentation (see Friedman 1973; Friedrich 1973; Peters 1973); but she alone reasons from them to an account of authority as deeply tied to a practice of augmentation.

17. The return to beginnings will be violent only in regimes that are corrupt, Pitkin argues. Others will respond to nonviolent forms of reinvigoration.

18. The absence in the American republic of something like a ward system that would allow citizens to participate in the political activity of augmentation does not mean that the republic lacks authority. It does mean that “the true seat of authority in the American Republic” is the Supreme Court, which is, in Woodrow Wilson’s phrase, “a kind of Constitutional Assembly in continuous session.” Consequently, Arendt argues, the American concept of authority is very different from that of Rome: “In Rome the function of authority was political, and it consisted in giving advice, while in the American republic the function of authority is legal, and it consists in interpretation” (1963, 200). This substitution of legal for political authority, together with the failure of the American republic to vouchsafe spaces of freedom for popular participation in politics, marks, according to Arendt, the loss of the American republic’s revolutionary spirit.

References


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