References to the United States are relatively infrequent in Bertrand de Jouvenel's major works, but America was never far from his thoughts. He knew America well, at first hand as well as from books, and he united a friend's familiarity with American culture with a profound appreciation of American political institutions.

He admired America as an exceptional regime, the world's chief bulwark against totalitarianism, a liberal polity which survived the Great Depression and total war with its character more or less intact. Recognizing that the power available in American society is so great that the United States can rank as a superpower with a comparatively small fraction of that power made available to the central government, Jouvenel nevertheless saw the fundamental restraints on American government as political and moral. In *On Power*, he referred to America as a regime in which Power "has no history" and is limited by local authorities, by a stubbornly independent legislature, by a judiciary "with a penchant for a traditional scheme of individual rights," and by the fact that the country is inclined to regard those rights as "sacred." ²

Yet although the American *imperium* was necessarily "improvised" and bound to be relatively weak for an extended period, Jouvenel did not think it could remain weak *forever*. For all its uniqueness, America was definitely not an exception to Power's "natural history," nor to the dynamics of its growth. Jouvenel first visited the United States in the 1930s and was impressed by the New Deal as a non-totalitarian response to the Depression. Yet, despite the "complete contrast" between Roosevelt and Hitler, Jouvenel
noted that the New Deal involved a prodigious growth in executive authority, an expansion of Power even more "astounding" given the restraints that characterize the American political tradition. Eventually, impelled by the logic of total war, Roosevelt was led to speak of the population of the United States as "human potential" for the war effort, so much fuel for the Powerhouse. Jouvenel was sufficiently struck by the phrase that he quoted it twice in On Power: it reflected liberal democracy's bow to the nature of modern war, and with it, modern political life.

Jouvenel, like his Rousseau, was a "pessimistic evolutionist," convinced that while Power's expansion may be regretted, it is a basic and pervasive datum of our politics, virtually if not precisely inevitable. Any polity must match or mirror Power anywhere—whether military or economic, in public or private hands—in the interest of minimal self-government, if not survival. In our time, Jouvenel recognized, any curbing or taming of Power requires both untimely wisdom and timely prudence, and nowhere more than in the United States, the chief defender of political freedom.

However, in Jouvenel's view, there is a crucial flaw in America's public philosophy and self-understanding. The American tradition is prone to an individualistic view of human nature, one that neglects the fact that human beings are born dependent and that their capacity for liberty, developed in and through political society, naturally requires public authority. American public discourse falls easily into the Lockean idiom of "reserved rights"—the notion that naturally free individuals surrender some portion of their liberty to government but retain the remainder—in which individual rights are conceived as separate from politics and serve as immunities against it. In practice, Jouvenel argued, this Lockean doctrine fails as a restraint on Power. Rousseau's critique of Locke is valid. Since, as Locke maintains, individuals cannot be trusted to be judges in their own cases, who will decide the extent of rights and the limits of the private sphere? If individuals are to be judges in some things, they will edge toward becoming judges in all things; to avoid disorder, public authority will have to mark the boundaries of private right. Contra Locke, political authority is a "natural necessity," with
a primacy over "social and spiritual authorities." In political society, consequently, individual rights depend on public decision: in practice, all rights rest on politics.

In Lockean doctrine, the "higher law" of natural right lacks "concrete sanction" within the laws: its inarticulate premise is the "dominion of religious and moral ideas" in lawmakers, in default of which Locke offers only the extra-legal and risky alternative of popular rebellion. In part, Jouvenel wrote in the hope of bringing that moral premise into political speech and political science, but also to point to the dangers entailed by its neglect. In Europe, he observed, Lockeanism had encouraged confiding liberty to the discretion of sovereign parliaments, and hence-given the development of disciplined political parties—to the executive, paving the high road of Power.

By contrast, Jouvenel contended, Montesquieu "demonstrated" that all political authority needs to be restrained within and by law. And since the most natural barrier to power is the desire of others not to relinquish it, it must be arranged so that one authority checks another. The United States, in other words, partly avoided the Lockean pitfall by paying attention to Montesquieu: the separation of powers is the constitutional foundation of political liberty. And the fact that the American Constitution avoids parliamentary sovereignty, providing for an independent and powerful executive, paradoxically results in a legislature stronger and more autonomous than in parliamentary regimes.

In this, of course, Jouvenel sided with American conservatives and against the liberal-progressive mainstream of political science which disdained the separation of powers and aspired to an American politics much closer to the parliamentary model of party government. However, Jouvenel defies ideological labels, and in many ways is best understood as a liberal-progressive attempting to give his fellows a measure of his own prudential wisdom. Rejecting authority which "fears all change" along with authority which "directs all change"—since both involve radical restraints on freedom—Jouvenel spoke on behalf of an authority which "permits changes to happen," recognizing that this sort of authority is not
passive and neutral but active and moral, "filtering and remedying" the insecurities occasioned by change in the interest of the public good.  

For example, Jouvenel valued the American development of judicial review for carrying the idea of fundamental law—a "fixed framework" of principles superior to political will—to the logical end of limiting legislation itself, holding "laws to the test of law."  

But he also observed that the Court is a political institution, at least in large measure. Judicial decision, the "rule of law in the specific sense," refers to acts in the past, which are to be assessed in terms of their degree of guilt or culpability. By contrast, political decision involves "an endeavor to affect the future state of the world," and as such, it may reject the past as a standard for conduct. When a judiciary attempts to establish precedent, however, it is no longer dealing simply with past events: it is defining a standard meant to guide future conduct. In these terms, the American judiciary is not only a "dam on Power's encroachments" but a striking effort to preserve the link between law and politics, the past and the future, under the authority of the perennial.  

In its conflict with the New Deal, Jouvenel argued, the Supreme Court held too rigidly to a narrowly judicial standard, elevating "perishable" principles appropriate to a lost society of independent proprietors into a "monstrously distorted conception of the rights of property." Justly "accused of not moving with the times," the Court fought Power "on a terrain which suited Power well and itself badly," opposing the New Deal's political opportunism with "principles which themselves partook of political opportunism"—the pragmatism of times past. The Court eventually had to retreat after a "Pyrrhic victory" in the Court-packing struggle.  

But if the New Deal was right in its critique of the Court, it was wrong in arguing that the "fundamental law should follow the movement of ideas," a position which virtually reduces law to "the flux of interests." There is an immutable or natural element in law, first principles which are especially important because the rule of law is desperately embattled in our times.  

In the broader political sense (as distinct from the "specific
sense" relating to judicial decisions), Jouvenel observed, the rule of law is government by general rule or enactment; law is an expression of the principle of equality. It is most suited to dealing with many similar decisions, each of which can cause little harm to the body politic; the more important or damaging a particular decision, the more it will seem necessary to allow discretion for dealing with the case on its own terms. Similarly, the more each case is thought to differ from others—the more political society is or is thought to be characterized by complexity or diversity—the greater the strain against equality and the general rule. And finally, the more the future is expected to differ from the past, the less appropriate it will seem to try to constrain it by rules enacted on past assumptions and calculations (which, to repeat, is precisely the rule of law in the "specific sense"). All of these challenges to the rule of law—the possibility of great harm, political complexity, and the pace of change—are increasingly characteristic of modern times: the tendency of things works against law and in favor of executive and administrative discretion. And this is a matter for deep concern, because the larger and more diverse a political society, the more it depends on law—as opposed to a sense of community—as the guarantor of a "climate of trustfulness."

Among the industrial countries, the United States is notable for the tenacity with which it seeks to preserve the rule of law. Prosperity and full employment evidently cannot be legislated, although to a considerable extent these desiderata can be managed: the United States at least attempted to give this management the form of law. Forms matter, as Jouvenel often observed, but the direction of change Jouvenel found "worrying," pointing to the decline of legislative independence and the ascendancy of the executive. Still, while admiring the stubborn dignity of the United States Congress, he acknowledged that it is often "inconvenient," and he sympathized with liberal annoyance at congressional resistance "to such reasonable measures as Medicare." He intended his warning as a caution against zeal, an argument that structural restraints on Power should be cherished and preserved wherever possible, counsel that liberals and progressives came to appreciate by the 1970s.
Nevertheless, the ramparts of liberal constitutionalism—including the Framers' Montesquieu-informed contrivances-have "crumbled or been by-passed." For Jouvenel, as for Tocqueville, a new political science is needed for a new world, one in which concern for the source or form of authority (i.e., "the consent of the governed") is supplemented by attention to the quality of political practice.

Toward the end of *Sovereignty*, Jouvenel recites three precepts that he "was taught" but that now stand to be corrected. In the first place, the older teaching, reflecting the distinction between state and society, had held that the concern of political science is more or less confined to public authorities. By contrast, Jouvenel says that he has come to believe that political science includes "all agencies tending to establish and develop conditions of fruitful cooperation between men," a definition that points in the direction of Aristotelianism, but is roughly consistent with pluralism's amendment to state-centered political science, then very much the discipline's American mainstream. Yet Jouvenel's position also involves a decisive criticism of the direction of political science in America: his political science, like politics, is emphatically a moral endeavor. If political science deals with efforts to establish "fruitful cooperation" among human beings, it necessarily must attempt some identification of what is fruitful and what not, some evaluation of ideas of the common good.

He had also been instructed, Jouvenel continues, that "the rule of law obtained when the men in public office merely executed the laws of the realm and saw to it that these were obeyed by citizens." He had come to think, however, that this teaching was dangerously mechanical and superficial. Government is always at bottom a rule by men who must decide, and—whether we are speaking of citizens or officials—their view of the law is inevitably shaped by moral judgment. In 1950-1951, Jouvenel observed, when President Truman decided to send four divisions to Europe, those who substantively opposed the decision invariably argued that it exceeded the president's authority, whereas none of those who supported Truman took this view. Evidently, this was no coincidence: the what of policy inevitably colors, and tends to shape, our positions on the who of constitu-
This tendency is becoming more marked since, "in a society undergoing ceaseless transformation," government by fixed habits or rules of conduct is less and less possible, and depends more and more on decisions by people in positions of responsibility. Political science, accordingly, "cannot evade the responsibility" of teaching human beings how to make better decisions in a world where the best information will always be incomplete and inadequate. And that responsibility for the education of citizens and statesmen inevitably has a moral dimension. Since the essence of the rule of law lies in "shared feelings of what is right and proper," constitutionalism increasingly will come down, in the last analysis, to common beliefs that limit and inform decisions.

Political science has a crucial role in this respect, because common beliefs and standards-and hence the possibility for genuine popular rule and restraint on Power-are more or less radically threatened by the "freedom of suggestion," the openness to innovation in habit and thought especially characteristic of liberal societies. For Jouvenel, the problem was illustrated by an older example: the original role of the jury as the authoritative interpreter of law as fixed standards of custom and propriety, the protector of established rights and expectations, collapsed under the weight of the pressure for change, as law came more and more to be seen as something made or contrived. Yet the jury also furnishes an instructive example: the "most progressive" of countries, the United States, is the most attached to the jury, and the paradox is not resolved by the notion, so often violated in practice, that juries only decide "facts" and not law. The jury is an educational forum, judicial in the political sense, suited to afford some balance between initiations and traditional beliefs.

This, in turn, points to Jouvenel's final correction of political science. He was taught, Jouvenel remarks, that the "chief problem" of politics and political science lay in the relation between the individual and the state. But he had come to see that problem in the "dynamic balance between the driving forces and the adjusting forces"-and to suggest a political science focused on the Initiator.

The Initiator assembles human forces and power, and his action
compels a response, whether of resistance or submission, setting in motion a "global process" on whatever scale. "Globalization," in that sense, is merely an old process, newly recognized and felt with an unshielded immediacy. The state is only one actor in the process; private and social initiations are often more important and are always part of the problem: Power is not confined to government and is often less dangerous in public and broadly accountable hands. In fact, the freedom of initiation calls for government which is stronger and more active, within the limits of its "essential functions."

For Jouvenel, the great challenge for constitutionalism-and for politics in general-lies in strengthening the balancing and stabilizing forces, since trust and shared belief are necessary to Power as well as restraints on it. Left to itself, Power erodes "social capital," the commonalities of expectation and conviction, and in so doing it eats at its own foundations: the permanent revolution, undermining moral credit and shattering habit, is increasingly reduced to its fons et origo in force—but that, as civilizations and empires unite to instruct us, is the path of self-destruction. Power itself needs Rex, the stabilizer, to balance Dux, the leader.

Especially in modern democratic regimes, the great barrier to Power lies less in government than in politics, in the relatively autonomous intermediate authorities that stand between Dux and the public, jealous of their own power. In fact, this principle is as important in nominally private associations as in the state: Jouvenel pointed to the then recently-merged AFL-CIO, in which the president was effectively checked by the "barons" who led individual unions.

In any contest with such authorities, the Dux will attempt to win away their followings, particularly by championing equality against hierarchy and individual liberty against social restraint. As history attests, Power is all but certain to win that competition if the "political set"-rival authorities of whatever description—behave selfishly or resist out of loyalty to outdated ideas and habits. Fought on those terms, even victories against the Dux are likely to be self-defeating: by Jouvenel's account, Theodore Roosevelt, a "man of Power," defined himself as the champion of "the physical indepen-
dente of the majority of citizens" and their attachment to "libertarian institutions" as against a plutocracy that was in the process of "transforming citizens into salaried dependents." However, T.R. was frustrated by the "blind egoism of men of great place," a setback that argued in favor of a much more radical expansion of state authority.  

Successful restraint on Power, in other words, demands that intermediate authorities act in a way that is timely and public-spirited. In order to limit power, intermediate authorities must know when to yield to its claims—or better still, to advance those claims themselves. 

This lesson is particularly important for organizations and powers in economic life. The good life has priority over goods; economics is naturally subordinate to politics, and in theory and practice takes for granted a set of institutions and habits that derive from political life. Yet the very successes of capitalist economics contribute to the expansion of Power: the record of growth makes increasing and general well-being into something expected, a matter of right that demands public guarantees and governmental regulations which, given the nature of markets, can scarcely be a rule of law. 

Government's extension is also mandated by the fact that economics harshly transforms social life, reshaping social relations and relying on more and newer goods as a substitute for stability, rootedness, and civic dignity. Bourgeois individualism and the laissez-faire economics associated with it tend to ignore the need for restraints on liberty as supports for social security. For those who are "worse placed," the resulting insecurity is "insupportable," but the same uncertainty afflicts the strong, and both look to government to provide some protection against incertitude and anxiety. Social rights, Jouvenel argued, can claim priority as the foundations of individual liberty, and without the supports swept away by economics, the appeal to the state became inevitable. 

Thus, the advent of FDR and the New Deal. The second Roosevelt, Jouvenel observed, confronted a world in which individual rights had become the "bulwark of the few" rather than the "shield of each." Unlike Theodore Roosevelt, as Jouvenel under-
stood him, Franklin Roosevelt did not try to combat the economic
dependence of the many; he took the concentration of economic
power as an "accomplished fact" and built a "structure of Power" in
which individual right "had to bow down before social right," a
decisive step in transforming the "free citizen" into a "protected
subject."

All of this language, of course, suggests Hayek, one of Jouvenel's
admirers. It should be noted, however, that although Jouvenel
almost certainly regretted FDR's ebullience, he finds little to
criticize in his policies: most citizens were already dependent,
unprotected subjects-made so by economics. The New Deal gave
them back a measure of right, and in this sense, FDR deserves some
praise as the protector of "the new rights of men." He was at least as
much Rex as Dux. The danger Jouvenel saw in the New Deal was in
large measure ironic: the democratic state is an unreliable cham-
pion, since the "phantom tenants" of public office, precarious in
their tenure, are often "half-hearted" and inclined to accommodate
"financial aristocracies," so that Power, erected to curb and edify
economics, has a tendency to become its creature. 45 Power's ideal-
ism tempts it to undertake too much, accepting tasks that demand
unrealistic levels of compliance and support and that lead to a
dialectic of coercion and failure. 46 Jouvenel hoped, by contrast, for
institutions and teachings able to gentle Power and to preserve it for
its indispensable public purposes.

For example, Jouvenel appreciated traditional American politi-
cal parties at a time when most American political scientists were still
captured in the spirit of reform. He regarded the American
development of the mass party as politically "the most important
discovery of the nineteenth century" and the source of a "new
scheme of politics." Parties need enough doctrine to explain to their
followers what they are fighting for, but their allegiances rest on
feeling and favor more than ideological elegance or force of argu-
ment. Unlike thinkers who overrate the intellectual in human beings
(Jefferson and Rousseau were Jouvenel's examples), party and
partisanship rest on an understanding of "the real man, who needs
warmth, comradeship, the team spirit, and can make noble sacrifices
for his side." Amid the anonymities of mass politics, party gives citizens an element of fellowship and dignity.4

The most visible dangers of machine politics—graft, and a lowering of the quality of political leaders—troubled Jouvenel very little. The greater danger of party lies in the fact that partisan combat is "war in the true sense," and just as war tends to override humanity, party strife and spirit can dampen or extinguish good citizenship. The party is a faction, and in that sense, the traditional party machine is the totalitarian party in embryo. 48

Traditional American parties, however, were federal and decentralized, just as machines were essentially local: affording the chief benefits of party, they minimized its risks. But traditional party politics was in the process of being "broken" by the time Jouvenel wrote On Power, even though it lingered for a time. Jouvenel was not at all surprised that the decline of traditional party organizations led to the increasing importance of money, the mercantilization of party and the increasing strength of centralized fund-raising bureaucracies as opposed to local organization. Reform replicated the familiar logic by which attacks on intermediate authorities lead to the expansion of Power. Ironically, a major step in this advance of Power has derived from the effort, in Buckley v. Valeo, to limit the regulatory power of the state, a decision which only underlined the regulatory power of finance and economics. Even so, Jouvenel noted that American parties, seeking public power, are constrained to do more than express opinions and interests: they are obliged to frame arguments in public terms capable of speaking to and for broad coalitions. Consequently, their contestations have some resemblance to a dialogue between Rex and Dux, more a chorus than an ideological cacophony or unison."

Like the then-emerging pluralist orthodoxy in political science, Jouvenel spoke of interest groups and factions as a "natural phenomenon" and a "corrective" to totalitarianism, and of the liberty to create a group as "the essential freedom." But Jouvenel also observed that since such groups depend on Power's support or tolerance, lacking a "defensive position" from which they can rule autonomously, they must seek to influence Power or to control it.
And to the extent that they succeed, they debase authority, tending to reduce it to "nothing better than a stake," devoid of "stability and respect." Every successful group, moreover, is apt to augment Power as an instrument for its purposes, so that the logic of "interest group liberalism" lowers the standing and credit of an expanding public authority. That dynamic, unchecked, points toward political bankruptcy and—since a power vacuum is intolerable—ultimately toward the rule of a tyrant.

Nor is this easily corrected: Jouvenel's essay "The Chairman's Problem" was intended as a reminder of the limits on democratic deliberation and participation, and particularly to indicate the necessity for elites charged with determining who will have access to the rostrum and for how long—"the greater the number of potential participants, the sharper must be the selecting process." He sided with pluralists in holding that these guardian elites are relatively ad hoc, merged into a single coherent Elite only "by our innate tendency to mythologize." But his argument also ran counter to pluralist efforts to present an American politics in which access is relatively open and equal. In fact, Jouvenel's position amounted to a warning: rights which cannot feasibly be exercised—like the promise of equal political rights in American practice—make democratic principles seem a lie. And the effort of liberal democratic theorists to define rights, in the interest of realism, as limits on the abuse of power rather than claims to a share in power, risks promoting a proletarianized citizenry inclined to feel that, politically, it really does have "nothing to lose but its chains."

Jouvenel taught that the politics of freedom demands more than liberty, positive or negative: it turns on the recognition that freedom is a good, but not the highest good. Lincoln, Jouvenel pointed out, was unwilling to abide by the principle of "self-determination": the right sets limits to rights and to self-rule. Politics—and hence political science—aims at understanding and establishing justice.

In the first place, political liberty requires the formalization of politics, the restraint and shaping of political acts by the measure of a decent public life, a standard especially notable in the United States and Great Britain. "The words `overthrow of the govern-
"Jouvenel wrote, "fall softly upon the ear" if they evoke "a defeated President driving to the Capitol with his victor and then retiring to enjoy high moral status." However, government also has a substantive mission. It cannot solve the problem of the public good, Jouvenel taught, because attempting to do so destroys liberty. But it can help to create the conditions in which that good can emerge. It can promote trust, which presumes reasonable security of person and station. And it can help to educate desires, to enhance appreciation for beauty and for nature (a goal reflected in Jouvenel's environmentalism), and above all, to strengthen the recognition that what one wants is not necessarily what is needful. A champion of the politics of liberty, Jouvenel hoped to remind liberals and libertarians that government can be limited effectively only when one remembers that it has a moral mission, just as a free spirit is linked to obligation and to honor. Today, when it is all too evident that law and liberty must live in labyrinths and dance with minotaurs, Jouvenel's curriculum is even more urgent for American politics and American political science.

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NOTES
1. Implicitly, Jouvenel followed Chesterton's advice: often amused by things American, he never refused to be instructed by them. For Chesterton's comment, see What I Saw in America (New York: Dodd Mead, 1922), 2.


5. Economics and the Good Life, 4; "Rousseau, the Pessimistic


22. "On The Evolution of the Forms of Government," 127-128, 155; "The Principate," 169. Jouvenel admired the effort by Congress to develop its own staffs and bodies of expertise, but noted that these
were insignificant when compared with executive resources ("On the Evolution of the Forms of Government," 130 n.39; "The Principate," 178-179). In contemporary politics, Jouvenel would surely have pointed to-and been troubled by-"fast track" legislation as an indication of things to come. The obvious example of liberal rethinking, of course, is Arthur Schlesinger, Jr.'s The Imperial Presidency (Boston: Houghton Mifflin, 1973).

27. Sovereignty, 4.
28. Sovereignty, 360. Jouvenel admired Truman's Farewell Address as a statement of the executive's responsibility to decide (Sovereignty, 360n.). If it needs saying, citizens bear their share of this responsibility to decide: see my "Civil Disobedience and Contemporary Constitutionalism," Comparative Politics, 1 (1969) 211-227.
29. Sovereignty, 358, 360, 361.
30. Sovereignty, 361.
31. Sovereignty, 231.
32. Sovereignty, 361.
33. Sovereignty, 362.
34. Sovereignty, 365.
35. Force can establish Power, Jouvenel argued in On Power, and habit may keep it in being. But to expand, it must have credit. On Power, 27.
38. On Power, 185, 368. Jouvenel's description of T.R. obviously is open to question and seems partly due to his effort to see in the two Roosevelts a parallel to the Gracchi.
view, if white Southerners had in fact been interested in the principle of states' rights, they should have seen the need for change in race relations; Southern resistance, by contrast, was a perfect example of the sort of conduct that fuels the expansion of power.

40. Pure Theory of Politics, 33-34, 199; Economics and the Good Life, 2, 21-36, 77-96. Economists, Jouvenel comments, are able to assume that the more freedom the better because they rely on a set of restraints associated with the formalization of politics. (Pure Theory, 34-35, 35n.)


42. This is particularly true because technology, so often the ally of economics, also works frequently at cross-purposes with democracy. ("The Political Consequences of the Rise of Science," Economics and the Good Life, 165-177.)


44. On Power, 368.

45. On Power, 185. Of course, the alternative-tenure in office secured by a totalitarian party is even more perilous.

46. On Power, 394. Significantly, Jouvenel's example is Prohibition.

47. On Power, 300-301.

48. On Power, 302-303; Pure Theory of Politics, 182. Jouvenel pointed out that graft has political limits: machines were allowed "a few peculations," but only on the condition that they not cause "too great a scandal." (On Power, 301.)

49. The Nature of Politics, 231, n.7; Buckley v. Valeo 424 U.S. 1 (1976). It ought to be evident that Jouvenel's reasoning stands as a cautionary note for political parties and third party advocates in our time.


52. Pure Theory of Politics, 44-54.


54. Pure Theory of Politics, 210-211; "Woodrow Wilson,"
Having appealed to the principle of self-determination in the establishment of Czechoslovakia, Jouvenel commented, Edward Benes was properly unwilling to see it applied to the Sudetenland. This observation has special force because Jouvenel revered Benes, who had treated him like a son when Jouvenel served as Benes's personal secretary. *(The Nature of Politics, xv, 106.)*

55. *Pure Theory of Politics*, 33.

56. *Pure Theory of Politics*, 34-35. "Non-foundational" democrats, Jouvenel would have observed, prove on examination to take for granted a considerable list of democratic norms and forms.

