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REVOLUTION, DEMOCRACY AND THE CRITICAL ROLE OF CONSTITUTION-MAKING: SOME PRELIMINARY THOUGHTS

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I.

Scholars continue to debate the definition of political and social revolution and offer various theories of revolution.[1] In 1971, French social and political philosopher Jacques Ellul lamented in his book *Autopsy of Revolution* that "[n]owadays the term 'revolution' is flagrantly misused to designate anything and everything."[2] Indeed, the term "revolution" is used so broadly, to cover so many different situations, that scholars fail to agree on its operational definition. To illustrate, although *coups d'état* are excluded, "revolution" is used to signify every one of the following historical situations leading to political changes: the English Glorious Revolution of 1688; the American, French, Russian, and Chinese Revolutions; the Cuban, Iranian, and other third-world revolutions; the "velvet" revolutions connoting non-violent regime changes following the dissolution of the Soviet Union, including the defeat of Communism in 1989 in Czechoslovakia and the changes in 2003 in Georgia, 2004 in Ukraine, and 2005 in Kyrgyzstan, called "color revolutions"—the Rose, Orange, and Tulip, respectively.

Among many scholars who have studied conventional revolutionary theory, Theda Skocpol and Forrest Colburn, identify the major elements associated with revolution. According to Skocpol, "[s]ocial revolutions are rapid, basic transformations of a society's state and class structures; and they are accompanied and in part carried through by class-based

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1.   *See, e.g.,* HANNAH ARENDT, ON REVOLUTION (rev. ed. 1990); Rod Aya, *Theories of Revolution Considered, Contrasting Models of Collective Violence,* 8 THEORY & SOCIETY 46 (1979); CRANE BRINTON, THE ANATOMY OF REVOLUTION (1938); PETER CALVERT, A STUDY OF REVOLUTION (1970); FORREST COLBURN, THE VOGUE OF REVOLUTION IN POOR COUNTRIES (1994); Robert H. Dix, *Varieties of Revolution,* 15 COMP. POLITICS 281 (1983); JACQUES ELLUL, AUTOPSY OF REVOLUTION (Patricia Wolf trans., 1971); Charles H. Fairbanks, Jr., *Revolution Reconsidered,* 18 J. DEMOCRACY 42 (Jan. 2007); JACK A. GOLDSTONE, REVOLUTIONS (1986); SAMUEL P. HUNTINGTON, POLITICAL ORDER IN CHANGING SOCIETIES (1968); HANS KELSEN, GENERAL THEORY OF LAW AND STATE (Anders Wedberg trans., 1945); JAROSLAV KREJČÍ, GREAT REVOLUTIONS COMPARED: THE SEARCH FOR A THEORY (1983); THEDA SKOCPOL, STATES AND SOCIAL REVOLUTIONS: A COMPARATIVE ANALYSIS OF FRANCE, RUSSIA, AND CHINA 4 (1979); CHARLES TILLEY, EUROPEAN REVOLUTIONS, 1492-1992 (1993); A CENTURY OF REVOLUTION: SOCIAL MOVEMENTS IN IRAN (John Foran ed., 1994); THE COLOR REVOLUTIONS IN THE FORMER SOVIET REPUBLICS: SUCCESSES AND FAILURES (Donnacha Ó Beacháin & Abel Polese eds., 2010).

2.   Ellul, *supra* note 1, at 177.

revolts from below."[3] Colburn writes that "revolution is the sudden, violent, and drastic substitution of one group governing a territorial entity for another group, formerly excluded from the government, and an ensuing assault on state and society for the purpose of radically transforming society."[4]

The elements they identify are: (1) a government is overthrown by a group "formerly excluded from the government"; (2) the change is usually rapid; (3) the change usually entails violence or threat of violence; and (4) transformation occurs for society and state structures "from below," which is usually associated with popular participation from "the people." Implicit in this description is the idea that the change occurred by unconstitutional, illegal means.

Two of these elements of revolution—overthrow of a government and transformation of society—are unchallenged. However, several critical questions on which there is no consensus among scholars and which remain unanswered by Skocpol and Colburn, include how suddenly and rapidly the change has to occur and how much violence or threat of violence has to accompany it. Also, the nature of transformation and the issue of legitimacy of the new structure of the state and society are not addressed in these definitions. Consider, for example, the American Revolution as contrasted with the Russian Revolution that led to a totalitarian regime, or with the Iranian Revolution that led to an anti-democratic, authoritarian theocracy, which has brutally suppressed freedom and people's choices.

The *Denver University Law Review* makes a valuable contribution to the literature with this symposium, in which several noted scholars thoughtfully respond to some of these questions by paying special attention to the outcome phase of revolutions.

II.

Three contributions specifically address the process by which a revolution takes place. In their provocative piece, *Democracy and Revolution: An Enduring Relationship?*, Joel Colon-Rios and Allan C. Hutchinson argue that for a revolution to be democratic, how an established constitutional order is changed, that is, by unconstitutional or constitutional means, does not matter. For them,

> there is no sharp or enduring distinction between some revolutions and constitutional changes: a robust democracy will incorporate constitutional means by which to facilitate periodic revolutions. To paraphrase de Tocqueville, there is no need in a true democracy to invent

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3.   Skocpol, *supra* note 1, at 4.
4.   Colburn, *supra* note 1, at 6.

the end of revolution as it becomes a continuing and integral part of democratic arrangements themselves.[5]

Tuan Samahon, in *Democracy, Violence, and Constitutional Revision in the Shadow of Democratic Revolution Theory*,[6] challenges the assertion that so-called nonviolent revolutions in history were indeed nonviolent—that the label "bloodless," used to describe the Glorious Revolution of 1688 is misleading, as it involved a Dutch invasion by an army of 14,000 and resulted in casualties in several battles that followed the invasion. He also considers it a mistake to focus solely on Gandhi's nonviolent campaign for India's independence, for the struggle involved violence and bloodshed. Another example he gives is that of Kyrgyzstan's "Tulip Revolution," which, he says, was marred by violence and political assassinations.

Haidar Ala Hamoudi challenges the usefulness of distinctions between "coup," "reform," and "revolution," in describing "normative power of democratic transformations."[7] Similarly he considers "less than helpful . . . a relentless focus on the people as being the exclusive agent of such transformation," as he suggests that "any transformation is fundamentally important, whether it be registered at the moment of change or years later, at first election."[8]

All the contributors discuss various aspects of the outcome phase of revolutions rather than their causes and procedural dimensions. Colon-Rios and Hutchinson suggest that the theory of constituent power provides a much better explanation of democratic revolutions than other competing theories. By "constituent power" they mean "the power to create new constitutions or the source of the production of fundamental juridical norms."[9] Thus, according to them, this theory "is particularly concerned with the *identity* of the creator of the constitution and with the constitution-making *process*,"[10] and they find democracy's "disruptive and unmanageable dimensions" worth celebrating.

However, because of the disruptive aspects of democracy in both theory and practice, many scholars of constitutionalism reject constituent power, and as an example, Colon-Rios and Hutchinson note Bruce Akerman's description of constituent power as a lawless activity, identifying it as an arbitrary will that it manifests itself as when "law ends, and

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5. Joel Colon-Rios & Allan C. Hutchinson, *Democracy and Revolution: An Enduring Relationship?*, 89 DENV. U. L. REV. 593, 593 (2012) (citation omitted).

6. Tuan Samahon, *Democracy, Violence, and Constitutional Revision in the Shadow of Democratic Revolution Theory*, 89 DENV. U. L. REV. 735 (2012).

7. Haider Ala Hamoudi, *Arab Spring, Libyan Liberation and the Externally Imposed Democratic Revolution*, 89 DENV. U. L. REV. 699 (2012).

8. *Id.* at 723.

9. Colon-Rios & Hutchinson, *supra* note 5, at 595.

10. *Id.*

pure politics (or war) begins."[11] They also cite Hannah Arendt as sharing similar concerns and suggest that that is why in France, too, there was a conscious attempt to prevent "constituent power's future exercise and relevancy."[12]

Referring to the Arab despotic regimes having been overthrown because of their denial to citizens the liberal protections embodied in the American and French Revolutions, they contend that

> at a different and deeper level, all these societies (i.e., United States, France, Libya, Egypt, etc.) share a fundamental similarity in constitutional terms. Like the constitutions established by the American and French revolutionaries, the juridical systems being challenged and overthrown in the Middle East and Africa lack an opening for constituent power to manifest from time to time. By prioritizing constitutional supremacy over popular sovereignty and subordinating the latter to the former, these institutional arrangements attempt to avoid future revolutions and democratic re-constitutions. Strong constitutionalism trumps weak democracy.[13]

Next, they posit that democratic legitimacy of a revolution depends not only on citizen support and governance by the new regime in the name of the citizenry, but also on "whether it attempts to re-produce its democratic impulse through a *weak* constitutional order that provides participatory procedures for its own transformation."[14] They refer to the amendment rule of the U.S. Constitution, Article V, which provides a very strict procedure for proposing amendments and even stricter process for their ratification, making constitutional amendments very difficult to adopt and the adoption procedure non-participatory because only representatives are involved in the process. Thus, they contend that under this process changes in constitutional arrangements do not happen, and whatever change does happen, it occurs by even less democratic means than those provided for by the Constitution itself. Colon-Rios and Hutchinson note that in the United States, for example, judges create changes under the guise of interpretation, as in *Brown v. Board of Education*[15] and *Roe v. Wade*.[16]

The authors challenge the suitability of courts to speak and act on the people's behalf, for courts are neither constituted nor operated in a representative fashion or according to popular will. Thus, they seem to suggest that courts lack democratic legitimacy, and under the U.S. system, democracy seems to be firmly put under the control of the Constitu-

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11.   BRUCE AKERMAN, WE THE PEOPLE 2: TRANSFORMATIONS 11 (1998), *quoted in* Colon-Rios & Hutchinson, *supra* note 5, at 597.
12.   Colon-Rios & Hutchinson, *supra* note 5, at 598.
13.   *Id.* at 600.
14.   *Id.* at 594.
15.   347 U.S. 483 (1954).
16.   410 U.S. 113 (1973).

tion and is at best "reduced to merely one value in a much broader range of constitutional commitments."[17]

Finally, Colon-Rios and Hutchinson propose what they themselves call a radical proposal: that "an unconditional commitment to democracy would require that revolutionary-initiated constitutions leave the door open for future exercises of constituent power or, what is the same thing, for future democratic revolutions."[18] In conclusion, they provide a broad vision of a truly democratic constitutional order under which constituent power would be able to manifest and assert itself from time to time without state interference, in the form, for example, of civil disobedience, informal gatherings, and other types of protest, and which "would also establish more formal and less complex processes which citizens could trigger and through which they could deliberate and decide on important constitutional transformations. . . . The constitutional journey of democracy never ends, but occasionally pauses for breath."[19]

In *The Importance of Constitution-Making*, David Landau makes a powerful and convincing case for paying special attention to the question of what the new regime looks like after the revolution, which means "the constitution-making moment [is] the key to understanding the effects of revolution,"[20] an area neglected thus far by traditional legal and constitutional theory, as well as international law. He studies contemporary situations from North Africa, the Middle East, and Latin America. He especially draws on Honduras, where he worked as part of a team for the Commission on Truth and Reconciliation analyzing constitutional issues surrounding the 2009 military coup in that country, which was provoked by then President Zaliya's attempt to call a constituent assembly and which resulted in his removal. Their task also included making recommendations for constitutional reforms to strengthen Honduran democracy and prevent a recurrence.

Landau examines the situation following the tumultuous events in Egypt resulting in the overthrow of President Hosni Mubarak, a fluid situation in which several social groups and political parties were competing for control of the process of writing the new Egyptian constitution. He finds several other recent situations involving a regime change, such as Venezuela after Chavez came to power and Libya where similar tensions existed.

Landau takes several recent Latin American examples from Colombia, Venezuela, Ecuador, and Bolivia, where constituent assemblies were used to replace their constitutional texts while the old constitutions of

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17. Colon-Rios & Hutchinson, *supra* note 5, at 605.
18. *Id.* at 594.
19. *Id.* at 609–10.
20. David Landau, *The Importance of Constitution-Making*, 89 DENV. U. L. REV. 611, 613 (2012).

these countries did not provide for the use of a constituent assembly for that purpose. In some cases, the courts did not pass on the legality of these actions or the assembly proceeded even in the face of a negative judicial ruling; while in other cases, the courts upheld the assembly on the grounds that the people have a residual power to make or un-make their constitutional order. The point Landau makes is that domestic constitutional theory does not provide clear rules or constraints regarding the constitution-making process. He also finds that international law, which is subject to slow and subtle changes, fails as well to address this issue. Using Egypt, Libya, and Honduras as examples, he concludes that "the international community often responds far more forcefully and readily to regime changes than it does to the complex but more important series of events occurring after the regime change."[21]

Landau points to Honduras as an example of how both domestic and international law suffer from serious gaps, for as the United States, the Organization of American States, and other international actors provided a rigorous response to the military coup and illegal overthrow of President Zaliya, they failed to even react to the various illegal actions he had taken before the overthrow. Similarly, there has been no international attention to the new government's efforts to re-write the entire Honduran constitution.

Thus he argues that, while military coups are disfavored,

> subtler attacks on the democratic institutions that provide "horizontal accountability" to presidents, like congresses and courts, may be more acceptable. At the very least, the president can use the mantle of "popular legitimacy," arguing that he is carrying out the people's will while other institutions are frustrating it. Zaliya repeatedly relied on that sort of rhetoric. Chavez in Venezuela and Fujimori in Peru provide clear examples of this threat—each undertook serious manipulations of legislatures and courts to attain maximal power. Correa in Ecuador, Morales in Bolivia, and Uribe in Colombia have all provided more but still troubling cases of the same trend. Internal erosion of democracy, rather than the military coup, is now the major threat to democracy in Latin America and perhaps in most of the world.[22]

Reiterating that questions of constitution-making process are critical, Landau warns that political actors and social groups may use the process by invoking "claims to majoritarian support (whether true or false), and tools such as plebiscites and referenda" to impose their own

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21.	*Id.* at 621.
22.	*Id.* at 627 (citations omitted).

desired constitution so as to remake the state to serve their own interests.[23]

In conclusion Landau calls for new scholarship, especially on constitution-making. He suggests that there is an urgent need to develop guidelines and principles that the international community can use to evaluate the proposed constitutional assemblies in the new or reconstituted democracies.[24]

In a well-documented article, *Constitutional Pragmatism, the Supreme Court, and Democratic Revolution*,[25] Mark S. Kende studies the U.S. constitutional revolution, presenting his thesis that different types of pragmatism have shaped the revolution. His typology includes commonsense, transitional, political, democratic, economic, empirical, common law, flexible, critical, and comprehensive pragmatism. While most of these are essential components of revolution, a few, such as critical and comprehensive pragmatism, are not. Also, he does not explore philosophical pragmatism in depth. In the discussion of each type of pragmatism he examines its connection to the U.S. constitutional revolution and cites pertinent U.S. Supreme Court cases to support his thesis.

This article, which Kende calls "mainly descriptive and somewhat exploratory,"[26] is part of his larger project on pragmatism in constitutional thought, which he hopes "can help scholars, judges, and others discuss constitutional pragmatism more intelligently, as well as see its complexity and ubiquity." He says, for example, that political scientists could use his typology to code Supreme Court cases.

Kende contends in conclusion that his article "does not argue that the [Supreme] Court should reject the more traditional modalities in constitutional interpretation, such as precedent and text. It also does not exclude the relevance of moral considerations. Yet the paper is sympathetic to the claim that pragmatic considerations are and should frequently be dispositive."[27]

Stephen M. Feldman sketches the supplanting of the republican democratic regime under which the United States had operated from the framing through the 1920s by the new pluralist democratic regime in the early 1930s. In his article, *Democracy and Dissent: Strauss, Arendt, and Voegelin in America*,[28] he says that what brought about the change was a combination of forces, including industrialization, urbanization, and im-

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23.   *Id.* at 629. *See generally id.* at 629–32.
24.   *Id.* at 633.
25.   Mark S. Kende, *Constitutional Pragmatism, the Supreme Court, and Democratic Revolution*, 89 DENV. U. L. REV. 635 (2012).
26.   *Id.* at 637.
27.   *Id.* at 670.
28.   Stephen M. Feldman, *Democracy and Dissent: Strauss, Arendt, and Voegelin in America*, 89 DENV. U. L. REV. 671 (2012).

migration. Republican democracy in the United States meant that "citizens and elected officials were supposed to be virtuous; in the political realm, they were to pursue the common good or public welfare rather than their own 'partial or private interests.'"[29]

Feldman states that historicism, ethical relativism, and social science empiricism, which are modern intellectual components, "were manifested in political realities" in the new era.[30] He describes the change:

> According to pluralist democratic theorists, the only way to determine public values and goals was through a process of "free competition [among] interest groups." By "composing or compromising" their different values and interests, the "competing groups [would] coordinate their aims in programs they can all support." Legislative decisions therefore turned on negotiation, persuasion, and the exertion of pressure through the normal procedures of democratic government. Process rather than substance (such as the substance of the common good) determined the legitimacy of governmental actions.[31]

Since the transition from republican to pluralist democracy was neither sudden nor violent, but was certainly historic, and depending upon how one defines revolution, it could indeed be considered revolutionary.

Leo Strauss, Hannah Arendt, and Eric Voegelin all opposed pluralist democracy. They had all escaped from Nazi Germany in the 1930s and by the beginning of the 1950s were influential political philosophers in the United States. Strauss rejected historicism on the ground that it "undermines the very possibility of knowledge and understanding."[32] He criticized social scientists for claiming that modern social science is "value-free" and "ethically neutral," and warned that "[m]odern social science, with its desire to be empirical and 'neutral in the conflict between good and evil,' relegates us to a radical and irrational individualism—where each person acts on arbitrary preferences—and ultimately, to nihilism."[33] Later, he turned to classical political philosophy, arguing that "it could lead us from opinion to truth."[34] Harkening back to the era of republican democratic regime, Strauss called for "the political activities of citizens and governmental officials [to] be virtuous, aiming for perfection and justice."[35]

For Hannah Arendt, "modernity generated danger: it not only rendered possible totalitarianism, Nazism, and the Holocaust, but also threatened the United States and its pluralist democratic system with

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29. *Id.* (citation omitted).
30. *Id.* at 673.
31. *Id.* at 674 (citations omitted).
32. *Id.* at 676.
33. *Id.* at 678 (citations omitted).
34. *Id.* at 679 (citation omitted).
35. *Id.* at 683 (citation omitted).

risks unrecognized by most Americans."[36] According to her, politics or
political action could cure the ills of modernity, for "politics could be the
source and the realm of meaningful human existence."[37] She rejected
pluralist democracy, considering it to be "a process-structured pursuit of
self-interest."[38]

Eric Voegelin was, just as Strauss and Arendt, critical of modernity
because, according to him, "its roots are twisted around a cancerous mis-
interpretation of society, vis-à-vis 'the transcendent order of being.'"[39]
He considered modern societies to be spiritually and religiously bank-
rupt, and the answer was "a resurrected devotion to Christianity, which
he deemed the best interpretation of God and experience."[40] Feldman
says that Voegelin's emphasis on religion, especially on Christianity,
"appealed to a coterie of 'Catholic, traditional conservatives,' but it could
not captivate a more diverse group of American intellectuals."[41]

Arendt's writings have, however, been heralded within the world of
political theory. Among the three dissenters, Strauss has been especially
influential on the American political scene, for, as Feldman says,
"[n]umerous neoconservatives have drawn sustenance from Strauss's
thought."[42] He specifically mentions Irving Kristol and Allan Bloom,
who "echoed Straussian themes with their attacks on the ethical relativ-
ism of modernity and the substantive vacuity of pluralist democracy.
They called for a renewed 'moral clarity' that harkened back to the re-
publican democratic concepts of virtue and the common good."[43]

Feldman suggests that

> because the neocons exerted political power during Republican pres-
> idencies, several neoconservative oriented Justices have been ap-
> pointed to the Supreme Court and have subsequently brought neo-
> conservative themes to bear in their decisions and opinions, especial-
> ly those related to constitutional jurisprudence. The now standard
> conservative invocation of originalism denotes a desire to return to a
> pre-1937 republican democratic style of judicial review.[44]

He names Justices Clarence Thomas and Antonin Scalia as flag bearers
for this approach on the Court, and pays homage to these dissenters:
"[W]hile pluralist democracy remains predominant, the émigrés dissent-

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36.   *Id.* (citation omitted).
37.   *Id.* (citation omitted).
38.   *Id.* at 688.
39.   *Id.* at 690 (citation omitted)
40.   *Id.* at 692 (citation omitted).
41.   *Id.* at 693 (citation omitted).
42.   *Id.* at 695.
43.   *Id.* at 696–97 (citation omitted).
44.   *Id.* at 697 (citations omitted).

ing voices have made (and continue to make) their marks in American political thought and government."⁴⁵

Hamoudi distinguishes between democratic transformations of the state and non-democratic political transformations, placing the uprisings in the Arab world in the former category and the Iranian Revolution of 1979, which he discusses in detail, in the latter category. His main point is that it is not the agency of the democratic transformation with which we should be concerned, but instead with the democratic transformation itself. He discusses at length the transformation in Spain from Franco by the King of Spain. He also gives examples of external interventions that brought about democratic transformations in Iraq and Japan: Iraq achieved popular democratic rule by U.S. intervention, and in post-World War II Japan, General MacArthur imposed his vision of a new constitution for Japan, which "remains in force and is the foundational document of its liberal democracy."⁴⁶

Hamoudi applauds the NATO intervention in Libya, for NATO's support was critical for the rebels' success. He advocates external intervention to bring about democracy in a country where there is popular support for it and considers references to "responsibility to protect" and humanitarian intervention "quite deleterious" because they require

> nations to obfuscate respecting the nature of their intervention, which of course can lead to confusion respecting its ultimate aims. Qaddafi insists preposterously that NATO's ambitions were colonial. It is helpful when confronting such nonsense to respond with what one's true aims are as they concern regime change (namely, democratic transformation), and why they are legitimate, rather than to obfuscate in turn by claiming the aim of protecting civilians even when the actions are clearly not directed in such a fashion.⁴⁷

The second reason he offers is that "the honest approach permits the recapture of the sacred ground for democratic transformation. It permits the United States to establish and proclaim clearly its values, and explain when it might be derogating from them and why."⁴⁸

Hamoudi acknowledges "that the United States and its NATO allies may not be in any sort of position to intervene to impose democracy wherever the ground seems suitably fertile."⁴⁹ But, he suggests that we should admit to ourselves that "this is a compromise to principle rather than its realization and that our commitments, our sympathies, our ideals,

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45. *Id.*
46. Hamoudi, *supra* note 7, at 727 (citation omitted).
47. *Id.* at 732–33 (citation omitted).
48. *Id.* at 733.
49. *Id.*

and our vision lie with the democratic revolutionaries and not with their opponents."[50]

In conclusion he recommends that our commitment to the transformation should

> be unaltered if achieved with the support, or even the instigation, of an external power with subsequent popular endorsement or by a domestic force, friendly monarch or professional military, acting with popular support. In the end, what is at stake is government, of, for, and by the people. How it is achieved, and by whom in the first instance, is of little consequence.[51]

This indeed is a radical thought, for notwithstanding the nobility of a country's intensions—especially those of the United States—to promote democracy abroad, unilateral military intervention, or intervention by a "coalition of the willing," is in the face of the U.N. Charter's prohibition on the use of force as embodied in Article 2(4)[52] and the international community's 2005 Summit Outcome Document's commitment to authorize the U.N. Security Council as the only body to intervene by the use of force and this only when a state is manifestly unable or unwilling to protect its citizens from atrocity crimes—genocide, war crimes, crimes against humanity, and ethnic cleansing.[53] Such interventions if undertaken unilaterally are likely to create anarchy which a country committed to the rule of law, such as the United States, must unequivocally reject.

Finally, in his response to Richard Albert's paper on democratic revolution, Samahon considers the role of constitutional revision and interpretation as means of bringing about changes in society. He asks whether the U.S. Constitution's Article V and its interpretation could "adequately serve the ends that a democratic revolution might otherwise seek to attain,"[54] and concludes that if revolution's association with violence is true, "Article V rightfully becomes more attractive as a deliberative mechanism for change that seeks broad consensus and change without the inevitable bloodshed that attends the People's irregular exercise of constituting power."[55]

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50.   *Id.*

51.   *Id.* at 733–34.

52.   U.N. Charter art. 2, para. 4 reads: "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations."

53.   U.N. General Assembly, 2005 World Summit Outcome, G.A. Res. 60/1, ¶¶ 138, 139, U.N. Doc. A/RES/60/1 (Oct. 24, 2005), http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N05/487/60/PDF/N0548760.pdf?OpenElement. *See generally* Ved P. Nanda, *From Paralysis in Rwanda to Bold Moves in Libya: Emergence of the "Responsibility to Protect" Norm Under International Law—Is the International Community Ready for It?,* 34 HOUS. J. INT'L L. 1 (2011).

54.   Samahon, *supra* note 6, at 743.

55.   *Id.* at 745.

III.

This symposium clarifies many aspects related to the study of revolution. The authors provide fresh insights into the post-revolution phase in a country passing through democratic transformation. Scholars and statesmen, alike, will greatly benefit from the valuable suggestions provided in these essays on constitution-making.