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## Benjamin Constant and the politics of reason

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### ABSTRACT

This paper makes a claim about Constant's intellectual sources in order to throw additional light on the nature of his liberalism. It assesses Constant's views against the background of a tradition of political rationalism. Constant both criticized and inherited that tradition. This paper shows how this process of critical re-appropriation occurred principally with two figures that had a particular significance for Constant: the very Francophile William Godwin and Nicolas de Condorcet. Constant resisted these authors' desire to replace a consent-based decision-making model by a truth-based decision-making model, and condemned their tendency to enrol individual judgment at the service of a politics of truth. At the same time, Constant did not renounce completely to their dream of bringing certainty into politics. As this double-move shows, it is not clear to what extent Constant succeeded in distancing himself from this tradition of political rationalism in order to establish what I call a rationalist liberalism. This problematic intellectual lineage not only challenges received interpretations of Constant's liberalism either in terms of 'scepticism' or 'pluralism.' It should also invite us to reconsider the widespread idea according to which the French liberal tradition had a common and exclusive source in Montesquieu.

### KEYWORDS

Benjamin Constant; William Godwin; Nicolas de Condorcet; liberalism; political rationalism

Faults can become virtues depending on the context. In his *Mémoires*, François Guizot described Benjamin Constant as a 'skeptical and mocking sophist, with no convictions.'<sup>1</sup> In 1984, Stephen Holmes opened up one of the first English monographs on Constant's political thought with a praise of his 'skeptical or critical liberalism.'<sup>2</sup> To Guizot, Constant was as an undecided personality with no ideological backbone. In Holmes' eyes, it was precisely Constant's 'doubt about the objective status of values' that made of him a true liberal democrat, by allowing him to develop an 'egalitarian tolerance' towards diverging conceptions of the common good.<sup>3</sup> Pierre Manent and Biancamaria Fontana soon joined Holmes in his depiction of Constant as a sceptic. Inferring from some psychological traits broader theoretical conclusions, they similarly jumped from Constant's early sceptical leanings to his sceptical liberalism as a whole. Traumatized by the experience of the revolution, they have argued, Constant came to deny the existence of universal truths, and decided that the only political position worth adopting was to disarm all monolithic ideologies with an all-corrosive irony.<sup>4</sup>

In reaction to this trend, most recent contributions have attempted to show how much of a constructive, optimistic and progressive thinker Constant was. Some scholars have drawn attention to

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<sup>1</sup>Quoted in Helena Rosenblatt, *Liberal Values. Benjamin Constant and the Politics of Religion* (Cambridge: Cambridge University Press, 2008), 243.

<sup>2</sup>Stephen Holmes, *Benjamin Constant and the Making of Modern Liberalism* (New Haven: Yale University Press, 1984), 24.

<sup>3</sup>*Ibid.*, 7, 9.

<sup>4</sup>Pierre Manent, *Histoire intellectuelle du libéralisme* (Paris: Hachette, 1987), 195; Biancamaria Fontana, *Benjamin Constant and the Post-revolutionary Mind* (New Haven: Yale University Press, 1991), xiii; 96–7.

Constant's concern for moral progress and self-development, often linking these to his lifelong work on religion.<sup>5</sup> Others have trodden a more secular line, preferring to underline Constant's stress on the cultivation of social *moeurs* and *sensibilité*,<sup>6</sup> or his prominent place in a tradition of political moderation.<sup>7</sup> Beyond this refreshing diversity of approaches, a point on which contemporary scholarship on Constant seems to agree is that Constant was a 'pluralist.' Constant, it has been said, was one of the first, not simply to acknowledge, but also to warmly celebrate the fact that modern society was made up of diverse, conflicting opinions.<sup>8</sup> At times, this pluralism seems to come quite close to what the earlier significant wave of scholarship meant by scepticism, without the word being used. According to Keith Steven Vincent, for Constant 'politics did not lead to rational truth' but 'was the hard work of negotiation and compromise.'<sup>9</sup>

This paper proposes a reassessment of these two received views in scholarship – one on the downward trend (Constant the sceptic), the other on the upward trend (Constant the pluralist) by judging Constant's views against the background of a tradition of political rationalism. As Pierre Rosanvallon and others have shown, the legacy of the Enlightenment in France has installed a certain way of thinking about freedom – freedom through reason.<sup>10</sup> This type of discourse has been traced back to the Physiocrats and their not always uncritical continuators, Turgot, Condorcet and Sieyès. Freedom in the eyes of these authors resided in acting in conformity with the precepts of nature, as opposed to an arbitrary human will.<sup>11</sup> Liberty and the circumscription of power were thereby conceived in reference to a natural criterion, rather than in terms of checks and balances like in the English model. Political rationalism *à la française* had anti-pluralist undertones: it conceived of the natural order as the locus of the general interest – the antithesis and solution to the vagaries of the plurality of wills, suspected to be ferments of anarchy. On the other hand, as Keith Michael Baker has shown, this 'language of reason' was also a discourse of modernity and equality, which lauded the rise of commercial society, the advent of the division of labour and the concomitant dissolution of gothic privileges. This is why it proved appealing to some of the revolutionaries, who made use of this lexicon and its abstract categories, seen as warrants of generality, in the Declaration of rights of 1789.<sup>12</sup> As the revolution quickly degenerated into a vortex of passions, Condorcet and Sieyès further stressed the need to rationalize and, if possible, bring certainty into politics. This ambition informed their project of laying the groundwork for a universally applicable 'social science.'<sup>13</sup> As reason spread through education and free debate of opinions, they hoped, people would become able to govern themselves and live up to the exigencies of freedom. Human perfectibility was indeed an assumption shared by many political rationalists, including most notably Turgot and Condorcet.

<sup>5</sup>See principally George Armstrong Kelly, *The Humane Comedy. Constant, Tocqueville and French Liberalism* (Cambridge: Cambridge University Press, 1992); Helena Rosenblatt, *Liberal Values* and Bryan Garsten, 'Constant and the Religious Spirit of Liberalism', in *The Cambridge Companion to Constant*, ed. Helena Rosenblatt (Cambridge: Cambridge University Press, 2009), 286–312.

<sup>6</sup>Keith Steven Vincent, *Benjamin Constant and the Birth of French Liberalism* (New York: Palgrave Macmillan, 2011).

<sup>7</sup>Aurelian Craiutu, *A Virtue for Courageous Minds: Moderation in French Political Thought, 1748–1830* (Princeton: Princeton University Press, 2012).

<sup>8</sup>Scholars have seen this pluralism at play in various parts of Constant's works. For Helena Rosenblatt, it is Constant's writings on religion that constitute 'a veritable celebration of freedom of conscience and of religious pluralism.' See her 'Re-Evaluating Benjamin Constant's Liberalism: Industrialism, Saint-Simonianism and the Restoration Years', *History of European Ideas* 30 (2004): 36. Aurelian Craiutu sees in Constant's 'belief in pluralism and reasonable compromise' a sign of his commitment to political moderation. See *A Virtue for Courageous Minds*, 235.

<sup>9</sup>Vincent, *Benjamin Constant*, 209–10. Contrary to Holmes, Fontana and Manent, however, Vincent does not link Constant's pluralist stance with his youthful scepticism, which he shunned, Vincent explains, after he broke with Isabelle de Charrière and came closer to Germaine de Staël. See his *Benjamin Constant*, 38, 146.

<sup>10</sup>Pierre Rosanvallon, 'Political Rationalism and Democracy in France in the 18th and 19th centuries', *Philosophy and Social Criticism* 28, no. 6 (2002): 687.

<sup>11</sup>*Ibid.*, 689.

<sup>12</sup>Keith Michael Baker, 'Political Languages of the French Revolution', in *The Cambridge History of Eighteenth Century Political Thought*, ed. Mark Goldie and Robert Wokler (Cambridge: Cambridge University Press, 2006), 626–9.

<sup>13</sup>On this notion, and the posterity of Condorcet's and Sieyès' endeavour, see Cheryl Welch, 'Social Science from the French Revolution to Positivism', in *The Cambridge History of Nineteenth-Century Political Thought*, ed. Gareth Stedman Jones and George Claeys (Cambridge: Cambridge University Press, 2011), 171–99.

Constant both inherited and criticized this tradition of political rationalism. In terms of intellectual training, he was a true product of the eighteenth century. Born in 1767, Constant took his first academic footsteps in the literary company of *philosophes* such as Helvétius and d'Holbach.<sup>14</sup> These authors he had the opportunity later to discuss at length with his friends Garat, Cabanis, and Guinguené – the Idéologues' clique with which he dined regularly around 1800. After the dissolution of the Institute by Napoleon in 1803, Constant was amongst those who kept the spirit of Condorcet alive in the salon of Condorcet's widow, Sophie Grouchy.<sup>15</sup> From these early encounters, Constant retained a lifelong confidence in what he often called 'the power of ideas.'<sup>16</sup> His writings on perfectibility expressed the hope that through the use of private judgment and the exchange of opinions, mankind would make some indefinite progress in the discovery of truth. His signature work, the *Principles of Politics* (1806), Constant presented as an attempt to demonstrate what he called the 'true principles' of liberty – to 'oppose,' as he put it, 'the metaphysics which I believe to be true' to 'false metaphysics.'<sup>17</sup> This theoretical effort he deemed important in an age in which, as he deplored, any attempt at rationalizing politics had been ridiculed. It constituted his answer to the trauma of the French Revolution. To counter a politics of blind passions, Constant felt a politics of reason was needed.<sup>18</sup>

This urgent need Constant felt to bring reason into politics naturally led him to look for support in the writings of a priori like-minded predecessors or contemporaries. Some of their ideas like the Physiocrats' reliance on an enlightened despot or the Idéologues' authoritarianism he readily dismissed. But in general, the reception took more subtle forms. Constant often adapted arguments made by political rationalists before him. This paper shows how this process of critical re-appropriation occurred with two figures that had a particular significance for Constant: the very Francophile William Godwin and Nicolas de Condorcet. As I explain, it seems plausible to assume that there was something like a political rationalism nexus between Constant, Godwin and Condorcet; between Constant's attempt to discover true political principles, Godwin's project of uncovering the tenets of political justice and Condorcet's ambition to found politics upon a rational, mathematical basis. In *Des circonstances actuelles*, a text Mme de Staël wrote together with Constant at the height of their intellectual collaboration around 1798, that connection was explicitly underscored: the author singled out Condorcet, Godwin and Constant amongst the illustrious contributors to an upcoming new, enlightened 'science of politics' that would put an end to revolutionary passions.<sup>19</sup>

And yet it is equally striking that Constant's political rationalism, on many crucial points, was at odds with Godwin's and Condorcet's. Already around 1800, Constant started expressing reservations about what he denounced as these writers' utopianism. In a manuscript, he listed Condorcet alongside Godwin amongst those writers 'who let themselves get carried away in their conjectures about the perfectibility of the human species.'<sup>20</sup> This remark points towards a

<sup>14</sup>See Constant's short autobiography, *Le Cahier Rouge* (Paris: Grasset, 1992), where he explained how, as a young man, 'nurtured with the principles of the philosophy of the eighteenth century, and especially with the works of Helvétius' he had the ambition to write a short treatise on religion in order to 'contribute to the destruction of what I called prejudices' (30–1). His animosity towards religion would gradually fade away, but not his faith in the power of ideas and human perfectibility. Unless otherwise stated, translations are my own.

<sup>15</sup>Keith Michael Baker, 'Condorcet', in *A Critical Dictionary of the French Revolution*, ed. François Furet and Mona Ozouf (Cambridge, MA: Harvard University Press, 1989).

<sup>16</sup>Constant used this phrase for the first time in his first important pamphlet, *De la force du gouvernement actuel* (1796), and for the last time in several pieces included in one of his last published works, the *Mélanges de littérature et de politique* (1829).

<sup>17</sup>Benjamin Constant, *Principles of Politics* (1806–1810), ed. Etienne Hofmann, transl. Dennis O'Keeffe (Indianapolis: Liberty Fund, 2003), 15.

<sup>18</sup>The need to return to the Enlightenment and adapt its ideals to the post-revolutionary world was a common feeling amongst moderate supporters of the revolution in the Thermidorian years. On this, see Bronislaw Baczko, *Ending the Terror: The French Revolution after Robespierre*, transl. Michael Petheram (Cambridge: Cambridge University Press, 1994).

<sup>19</sup>Germaine de Staël, 'Des Circonstances actuelles qui peuvent terminer la Révolution française', in *Mme de Staël. La passion de la liberté*, ed. Michel Winock (Paris: Bouquins, 2017), 257–8. The other authors Mme de Staël named were Sieyès and Pierre-Louis Roederer.

<sup>20</sup>'Fragmens d'un essai sur la perfectibilité', in *Œuvres littéraires (1800–1813). Œuvres complètes de Benjamin Constant/Œuvres*, III, 1, ed. Paul Delbouille and Martine de Rougemont (Berlin: De Gruyter, 1995), 439.

deeper-than-expected disagreement about what kind of politics of reason these authors thought was desirable. Constant feared that parts of Godwin and Condorcet's respective programmes might degenerate into a kind of despotism of truth. The worship of truth as a basis for moral conduct repelled Constant, who feared such radicalism might obliterate individual independence. Similarly, Constant resisted Godwin and Condorcet's desire to replace a consent-based decision-making model by a truth-based decision-making model – a desire fuelled, he thought, by these authors' impatience with the inevitable conflict that arose between truth and deliberative politics. On the status of the individual, the meaning of deliberation and the role of political institutions, their views soon took different paths. As I suggest, what allowed Constant to inflect this tradition of political rationalism were most notably his protestant inclinations and his punctual reliance on Montesquieu.

If clearly distinct, the boundary between these positions remained nonetheless porous. It is indeed not certain whether Constant fully succeeded in marking a clear break between a type of politics where reason sustains liberal ideals, and one where the emphasis on truth brings back the spectre of a despotism of reason. If we analyse his trajectory as an attempt to move out of a type of political rationalism inherited from the Enlightenment to establish a rationalist liberalism, it should be recognized that Constant did not fully succeed in that enterprise.<sup>21</sup> He purged much of his predecessors' autocratic tendencies, and put liberty and self-development first. But he also displayed a strong temptation to model his politics upon a natural order of things that would render all practical compromises unnecessary, in Godwin and Condorcet's fashion. This hybridity not only testifies to the difficulty Constant had to construe liberty on the basis of eighteenth-century sources that were alien to what we would call today 'liberalism.' It should also make us cautious in projecting unto his thought labels such as 'scepticism' and 'pluralism' that came to be associated with liberalism only at a later stage.

## 1. Truth and political authority: Constant and Godwin

To include William Godwin in an *a priori* exclusively French canon of political rationalism might appear incongruous. At closer inspection, however, his presence makes sense. From autumn 1798 to January 1800, Constant worked on a translation of the first edition of Godwin's *Enquiry Concerning Political Justice*. Several hypotheses as to why Constant embarked on such a project have been brought forward. The most plausible one seems to be that Constant wanted to use Godwin's revolutionary credentials to attack both the neo-Jacobins and the Directory government, whose illiberal manoeuvres increasingly displeased him, without exposing himself to accusations of monarchism.<sup>22</sup> On a more theoretical level, the English radical's rationalism probably played no minor role in Constant's initiative. Godwin was a self-proclaimed admirer of the French enlightenment and a fervent supporter of the French revolution. In the French *philosophes*, Godwin found, as he himself once observed, 'a system more general and simply philosophical than in the majority of English writers on political subjects.'<sup>23</sup> In their wake, and as the Terror was raging in France, Godwin hoped to 'place the principles of politics on an immoveable basis.'<sup>24</sup> It was exactly that type of enterprise Constant was embarking on around 1799, at a time where the Directory was proving increasingly unable

<sup>21</sup>I am fully aware that the expression 'rationalist liberalism' might bring to mind the Doctrinaires' liberalism, but it is nevertheless the expression that in my eyes best captures the ambiguities of Constant's position. Constant's liberalism was not authoritarian, and in many ways significantly differed from Guizot's, especially on freedom of the press and the role of public opinion. The label 'rationalist liberalism' in fact better applies to Constant than to Guizot, whose liberal credentials are I believe tenuous. Keith Steven Vincent claims that Constant broke with the French tradition of political rationalism, which culminated with Guizot (*Benjamin Constant*, 2). Although I do not have space in this paper to address the question of Constant and Guizot's respective positions vis-à-vis political rationalism, I would argue that Constant continued this tradition by different means, and with different results than Guizot: Guizot wanted a politics of reason at the service of government; Constant's politics of reason was oppositional, and served to limit the government's scope of action.

<sup>22</sup>See Mauro Barberis' introduction to *De la Justice politique par W. Godwin. Traduction très abrégée*, in *Œuvres complètes de Benjamin Constant* (Œuvres, II, 1, ed. Etienne Hofmann and Lucia Omacini (Berlin: De Gruyter, 1998), 33–53.

<sup>23</sup>Peter Marshall, *William Godwin* (London: Yale University Press, 1984), 77.

<sup>24</sup>Quoted in Marshall, *William Godwin*, 93.

to satisfactorily bring the political turmoil to an end.<sup>25</sup> Further, there were enough elements in Godwin that Constant deemed worthy of being included in his own soon-to-be-written *Principles of Politics*.<sup>26</sup> In a piece he later wrote on Godwin and eventually published in his *Mélanges* in 1829, Constant stated that no author other than Godwin had more forcefully condemned violence, and 'had recommended men more intensely to expect everything from the efforts of reason.'<sup>27</sup> He praised Godwin as a 'zealous friend of liberty,' driven by 'a passionate love for truth,' who had defended enlightenment principles against prejudices. He also mentioned approvingly his reflections about how reason, unimpeded by authority, should be considered as the sole valuable guide for each individual's conduct.<sup>28</sup>

Constant's reception of Godwin was, however, far from uncritical. On the question of truth and politics as on many other points, Constant started from premises that were similar to Godwin's before reaching different conclusions. The chief problem Constant had with Godwin was with what he called his 'exaggerations.'<sup>29</sup> In my interpretation, these exaggerations included not only Godwin's radical views on marriage and property, but also most importantly his arguments about truth. One of the reasons why the translation of the *Enquiry* took the form of a confrontation, and ultimately convinced him to abandon the translation and start writing his own political treatise, was that Godwin's rigid determinism irritated Constant.<sup>30</sup> In that regard, the fact that Constant translated the first edition of the *Enquiry* (1793), and not the later ones, is of importance. Indeed, it was in that edition that Godwin's political rationalism was at its most radical.<sup>31</sup>

Godwin saw common deliberation as the 'true foundation of government.'<sup>32</sup> Since all members of society were endowed with reason, each of them ought to have a voice about public concerns, and take part in the formation of public opinion. This idea was underpinned by the assumption that all men had 'some communication with the common preceptor truth.'<sup>33</sup> Godwin believed in the existence of immutable moral and political truths that corresponded to the nature of things.<sup>34</sup> Through the exercise of private judgment and the exchange of conflicting opinions, these truths would become gradually but ineluctably known to all.<sup>35</sup> When it came to the modalities that should preside over public discussion, Godwin had some hesitations. At the beginning of the *Enquiry*, he acknowledged the necessity of representation and majority rule, going as far as offering arguments in favour of delegation.<sup>36</sup> At the end of the book, however, Godwin dedicated an entire chapter to denouncing what he saw as the noxious role of

<sup>25</sup>In July 1799, Constant published a piece in which he announced the imminent publication of his translation. Readers would find attached to the translation, Constant explained, a 'commentary' in which he had 'endeavoured to establish the system that seems to me the only one able to consolidate liberty.' The translation would never see the light of day, and the commentary became a leviathan manuscript that Constant eventually split in two: the *Fragments sur la possibilité d'une constitution républicaine* and the 1806 version of the *Principles of Politics*. See 'Des suites de la contre-révolution de 1660 en Angleterre', in *Ecrits de Jeunesse (1774-1799)*. *Œuvres complètes de Benjamin Constant/Œuvres*, I, 1, ed. Jean-Daniel Candaux and Lucia Omacini (Berlin: De Gruyter, 1998), 676.

<sup>26</sup>Helena Rosenblatt has argued that 'repeatedly in his *Principles of Politics*, Constant uses language and concepts reminiscent of William Godwin.' See *Liberal Values*, 127.

<sup>27</sup>'De Godwin et de son ouvrage sur la justice politique', in *Ecrits politiques*, ed. Marcel Gauchet (Paris: Gallimard, 1997), 687.

<sup>28</sup>*Ibid.*, 685-7.

<sup>29</sup>An advertisement for Constant's stillborn translation, published in the *Journal général de la littérature en France* in 1799 read as follows: 'A Translation of Godwin's Political Justice will soon be published, along with a commentary and notes by Benjamin Constant. The Translator has rectified in his observations the exaggerated or bizarre ideas that spoil the original work in English.' See Barberis, 'Introduction', 37.

<sup>30</sup>His dissatisfaction with some of the arguments made in the *Enquiry* is perceptible in the arbitrary reordering of chapters he made in his translation, as well as in the footnotes he added to correct some of Godwin's assertions.

<sup>31</sup>Constant knew about the third edition (1797-1798), but only translated its preface, and grafted it onto his translation of the 1793 edition. As Mark Philp noticed, Godwin attempted to 'moderate some of the more Platonic language of truth' in subsequent editions of *Political Justice*. See his introduction to *An Enquiry Concerning Political Justice* (Oxford: Oxford University Press, 2013), xxvi-xxvii.

<sup>32</sup>*An Enquiry Concerning Political Justice*, ed. Mark Philp (Oxford: Oxford University Press, 2013), 90.

<sup>33</sup>*Ibid.*, 91.

<sup>34</sup>*Ibid.*, 127.

<sup>35</sup>*Ibid.*, 130.

<sup>36</sup>*Ibid.*, 91-2.



national assemblies.<sup>37</sup> Parliaments, Godwin now explained, were not the appropriate place for the search for truth. The rule of the majority ran directly against all precepts of reason and justice, by subjecting the minority to measures it deemed unjust.<sup>38</sup> Furthermore, Godwin complained, in the tumult of parliamentary discussion, passion prevailed over judgment. Reason and evidence were sacrificed to ambition and party rule.<sup>39</sup> Worst of all was that debates in national assemblies were ‘distorted from their reasonable tenor by the necessity of their being terminated by a vote’: ‘the whole is then wound up with that intolerable insult upon all reason and justice, the deciding upon truth by the casting up of numbers.’<sup>40</sup> Given these irreparable flaws, Godwin concluded, national assemblies ‘ought to be employed as sparingly as the nature of the case will admit,’ and only when absolutely necessary.<sup>41</sup>

Like Godwin, Constant ascribed a central role to public opinion in the *Principles of Politics*: he thought that the pure, disinterested search for the common good was best carried out outside parliament, where a genuine political debate, undisturbed by the violence of passions and petty interests, was more likely to happen.<sup>42</sup> But when it came to the importance of representative assemblies, Constant soon found himself at odds with the English radical. The chapter Constant devoted to ‘the rights of the majority’ in the *Principles* opened up with a nod to Godwin’s remarks about the ‘draw-backs’ of ‘collective decisions.’<sup>43</sup> Like Godwin, Constant charged that the passions that prevail in parliamentary assemblies ‘can lead to mistakes.’<sup>44</sup> Even when the decisions of the majority were ‘taken in a spirit of calm,’ he added, their accuracy remained questionable:

Majority decisions are formed by negotiation between divergent opinions. Now, if one of the opinions was right, it is clear that the transaction can have been achieved only to the detriment of truth. It may have corrected wrong opinions in some respects, but it has misrepresented the correct opinion or made it less accurate.<sup>45</sup>

The product of parliamentary deliberation, Constant admitted, did not always coincide with truth. But this, he suggested, might prove to be an asset: the shortcomings of collective decisions were a decisive argument against the idea that majority decisions were ‘infallible.’<sup>46</sup> Because majority decisions were always forced transactions between prejudices and truths, none of them could ever claim to instantiate the truth about the general interest.

Constant suspected that Godwin, in an attempt to make truth triumph over consent, aspired to transcend the inevitable limitations representative government imposed upon deliberative politics. In *Political Justice*, Godwin had pointed that an additional problem of consent-based decision-making was that, as in the case of any promise, it bound individuals to a specific mode of action. That principle amounted, he complained, to disarm one’s future wisdom by one’s past folly, and to consult for one’s direction past errors in lieu of ‘the code of eternal truth.’ ‘So far as consent has any validity,’ he declared, ‘abstract justice becomes a matter of pure indifference.’<sup>47</sup> That collective decisions could be amended he did not seem to have considered as a compelling counter-argument. In *Political Justice*, common deliberation sometimes appeared valuable only as a means for securing the ultimate triumph of truth:

Private judgment and public deliberation are not themselves the standard of moral right and wrong; they are only the means of discovering right and wrong, and of comparing particular propositions with the standard of eternal truth. Too much stress has undoubtedly been laid on the idea ... of a nation deciding for itself upon

<sup>37</sup>Book 5, Chapter 23.

<sup>38</sup>Ibid., 301.

<sup>39</sup>Ibid., 302–4.

<sup>40</sup>Ibid., 301–2.

<sup>41</sup>Ibid., 304.

<sup>42</sup>Ibid., 344.

<sup>43</sup>Book II, chapter 2.

<sup>44</sup>Constant, *Principles*, 32.

<sup>45</sup>Ibid.

<sup>46</sup>Ibid.

<sup>47</sup>Godwin, *Enquiry*, 93.

some great public principle, and of the highest magistracy yielding its claims when the general voice has pronounced. The value of the whole must at last depend upon the quality of the decision.<sup>48</sup>

Constant saw Godwin's envisaged model as a form of epistemic direct democracy that would enable a gradual revelation of the order of things – a process that the flaws of representation had impeded for too long.<sup>49</sup> With his overemphasis on truth, Constant thought, Godwin was losing sight of a point he had paradoxically himself made in *Political Justice*: the importance of relying upon the opinion of the public as a basis for democratic politics, no matter how close to the truth that opinion was. The opinion of the majority, not truth, was the standard of collective action, Constant reminded Godwin in a footnote to his translation. Under yet another complaint on the part of Godwin that factions in parliament obstructed the collective discovery of truth, Constant, probably remembering Hume's lesson that governments always rested upon opinion, wrote:

The author already answered this objection by saying, Chap. XXI, that a country ought to be governed according to the majority of its inhabitants, not because their opinion is an indisputable standard of truth, but because, however erroneous it may be, it is nonetheless the only rule that exists.<sup>50</sup>

In the *Principles*, Constant made it equally clear that it was not the result of collective decision-making that grounded its legitimacy. The legitimacy of political authority rested on two elements, the French liberal explained. First, it depended on its 'source,' that could be none other than the people's will. On this point, he was distancing himself from Godwin, who had refused to admit that consent could ever bestow legitimacy upon a wrong decision. Second and most importantly, it reposed on its 'object' – a fact that revolutionaries imbued with Rousseau's theorizing about the general will had tended to obscure. 'When ... government is extended to objects outside its competence,' Constant wrote, 'it becomes illegitimate. Political society cannot exceed its jurisdiction without being usurpative, nor can the majority without becoming factious.'<sup>51</sup> To be sure, Constant concurred with Godwin, there was something revolting in the rule of the majority. But his take was that any other mode of decision would be even more unjust. For Constant, Godwin had rightly identified the problems inherent to representative assemblies, but had drawn the wrong conclusions from these premises. The vices of representative assemblies were not a reason for getting rid of those institutions, but an argument for reducing their scope of action – an agenda to which Godwin was sympathetic, but which he had brought to exaggerated conclusions. 'Individuals should submit to the majority,' Constant maintained.<sup>52</sup> In order to limit the damaging consequences of the errors a national assembly inevitably commits Constant appealed, as Godwin had, to the nature of things:

We have to resign ourselves to disadvantages inherent in the nature of things and which the nature of things puts right. There is a restorative force in nature. Everything natural carries its remedy with it. That which is artificial, on the contrary, has disadvantages at least as great, and nature furnishes us with no remedy. But what she does do to counter the errors of the majority, is to circumscribe its rights within precise limits. If you say its power is boundless, you abandon all defenses against the consequences of its errors.<sup>53</sup>

For Constant, the recognition of a natural order was no longer an argument for abolishing political institutions, as Godwin believed, but for limiting the scope of action of government and preserving

<sup>48</sup>Ibid., 94.

<sup>49</sup>'In a country in which universal truth was already established,' Godwin had written, 'there would be little need of a representative assembly.' Ibid., 293.

<sup>50</sup>Constant, *De la justice politique*. Traduction inédite de l'ouvrage de William Godwin par Benjamin Constant, ed. Burton Pollin (Québec: Presses de l'université de Laval, 1972), 227, note 146. This is the edition of Constant's translation I use in this essay. See also the edition of the *Oeuvres complètes* referred to in footnote 22. Constant spent almost two years at the University of Edinburgh as a young man, from 1783 to 1785. For Constant's connections with the Scottish Enlightenment, see James Mitchell Lee, 'Doux Commerce, Social Organization, and Modern Liberty in the Thought of Benjamin Constant', *Annales Benjamin Constant* 26 (2002): 117–49 and Catherine Carpenter, 'Ethics and Polytheism in Constant's Early Writings: The Influence of Hume, Smith and Gillies', *Annales Benjamin Constant* 29 (2005): 73–100.

<sup>51</sup>Constant, *Principles*, 31.

<sup>52</sup>Ibid., 32.

<sup>53</sup>Ibid., 33.



the natural rights of individuals. ‘There is a part of human existence,’ Constant famously argued, ‘which necessarily remains individual and independent, and by right beyond all political jurisdiction.’<sup>54</sup>

Constant shared with Godwin the idea that authority and enlightenment were natural enemies. Governments misjudged, Godwin had suggested, their own abilities to find the truth, as compared to those of individuals. ‘The cabinets of princes and the parliaments of kingdoms ... are often less likely to be right in their conclusions than the theorist in his closet.’<sup>55</sup> Constant concurred in the *Principles*, giving slightly different reasons: someone in power, because he is caught up in the political turmoil, ‘will have less time to reflect, more reason to persist, and thus more chance of mistakes,’ than the plain citizen who ‘can reflect at leisure’ since he is ‘not pledged to any line and has no reason to defend a wrong idea.’<sup>56</sup> From this, Constant concluded that it was better to leave individuals to their own possibility of erring, rather than to run the just as important risk of governmental mistakes, which, furthermore, often occurred with direr consequences. To make this point, Constant started once more from one of Godwin’s ideas: “Everything man does for himself,” says Godwin ... “is a good. Everything his fellow citizens or country do for him, against his consent, is an ill.” Godwin is right, and it is an ill in several respects.<sup>57</sup> It is principally an ill, Constant expanded, because people were always more aware of their own interests than political authority was. With the government only having an external and incomplete knowledge of a specific situation, it was bound to be wrong in assessing it. Its intervention would therefore do more harm than good.<sup>58</sup>

Yet there were a few cases in which, Constant further explained, these ills might be worth incurring. Consequently, government, Constant wrote in his piece on the English radical, was not ‘an absolute evil,’ as Godwin thought it was. It only became an evil when it acted beyond its strictly delimited sphere of action. When it operated within those boundaries, it acted legitimately. The fact that power warped judgment, Constant told Godwin, constituted an argument, not for wishing government away in a utopian fashion, but for reducing the scope of political authority to what is necessary, i.e. to conserving domestic order and maintaining external peace.<sup>59</sup> In the *Principles*, Constant made this point forcefully:

The chances of mistakes by government ministers are not a reason for putting in doubt the need for the functions of government, in matters of security, internal or external. These functions being a proven necessity, an authority must at all cost be set up to exercise them and run the risk of its mistakes.<sup>60</sup>

Godwin’s stress on the importance of the use of understanding and the exchange of opinions had logically to rest on the idea that individuals were fallible – what point would there have been to enquire if people were infallible? But Constant saw him remaining firmly convinced that the hesitations of opinion would ultimately yield to the supreme power of truth, which Godwin had called ‘the omnipotent artificer by which mind can infallibly be regulated.’<sup>61</sup> In his article on Godwin, Constant chastised Godwin’s necessitarianism, which, as has been shown, he inherited from the combined reading of Helvétius and Priestley.<sup>62</sup> Constant accused Godwin of lapsing into a ‘common’ sensualism, which made everything derive from sense perception and thereby deprived man of his ‘interior force.’<sup>63</sup> This stress on an interior force, which Constant would eventually depict as a natural ‘religious sentiment’ in his work on religion, probably came from his early exposure to the new German

<sup>54</sup>Ibid., 34.

<sup>55</sup>Godwin, *Enquiry*, 326; Constant, *De la Justice politique*, 253.

<sup>56</sup>Constant, *Principles*, 54.

<sup>57</sup>Ibid., 441.

<sup>58</sup>Ibid.

<sup>59</sup>Constant, ‘De Godwin et de son ouvrage’, 684.

<sup>60</sup>Ibid., 54.

<sup>61</sup>Godwin, *Enquiry*, 22.

<sup>62</sup>On this dual intellectual lineage, see Mark Philp, ‘Introduction’ and his *Godwin’s Political Justice* (London: Duckworth, 1985), 15–57.

<sup>63</sup>Constant, ‘De Godwin et de son ouvrage’, 681.

protestant theology.<sup>64</sup> Men, Constant replied to Godwin, were not led by necessity to reach, through combinations, clear and distinct ideas and then unavoidably act upon these. For Godwin, in any given situation, individuals had the responsibility to behave in accordance with the truth about this situation, that is, in such a way as to bring about as much good as possible to society at large. Against such consequentialism, Constant wished to rehabilitate conscience as the hallmark of moral conduct.

It has been said that Godwin and Constant belonged to a same Protestant tradition that valued private judgment.<sup>65</sup> But on the question of moral conduct, it might be other protestant connections than Godwin's own background with Radical Dissent that induced Constant to inflect the latter's rigid determinism.<sup>66</sup> Constant emphasized that intimate conviction as to what should be done in a given situation provided a much more satisfactory criterion of justice than the consequences of the action taken. Probably remembering Pierre Bayle, who in 1686 had defended the 'rights of the erring conscience' and had nearly equated wrong deeds with rightful deeds as long as these conformed with one's conscience, Constant wrote in the *Principles*: 'the right I guard most jealously said some philosopher or other, is to be wrong. He spoke truly.'<sup>67</sup> For Godwin, individuals had no rights but only duties vis-à-vis 'justice, unadulterated justice.' For Constant, the right to be wrong was no mere caprice, but was a right for individuals to be partial in the choices they made. As he pointed, 'man must not always be impartial and just; on the contrary, and this is the most beautiful privilege of his individual independence, he must be partial by taste, by pity, by drive.'<sup>68</sup> This is why Constant condemned the English radical's moral intellectualism as hopelessly 'defective.' Godwin's 'ignorance of man in society,' he wrote, had led him to be 'seduced by the idea of abstract justice.'<sup>69</sup> Constant agreed with Godwin that individuals should be left to search truth on their own, unimpeded by political authority. But he wished to remind Godwin that individuals mattered more than the ultimate triumph of truth.

## 2. Ancients and moderns: Constant and Condorcet

Nicolas de Condorcet had a special place in Constant's heart. During his two stays in Paris in 1785 and between 1786 and 1787, Constant had his quarters with Jean-Baptiste Suard, a moderate *philosophe* versed in Scottish thought. Amongst his numerous guests, who included Garat and Mirabeau, was Condorcet himself. This personal acquaintance may have triggered an intellectual interest, for Constant followed Condorcet's lectures at the Lycée Royal in 1786–1787.<sup>70</sup> After his death in 1794, the Directory government soon picked up Condorcet as the model of the temperate republican.<sup>71</sup> In his thermidorian pamphlets, Constant used his figure as a rallying sign for moderate antiroyalists forces. In 1796, he wrote that 'the name of Condorcet will be remembered as that of one of the fathers of the Republic; it will be gradually more honoured as resentments, local hatreds

<sup>64</sup>On Constant and the new German theology, see Kurt Kloocke, 'Le concept de la liberté religieuse chez Benjamin Constant', *Annales Benjamin Constant* 10 (1989): 25–39; James Mitchell Lee, 'An Answer to the Question: What Is Liberalism? Benjamin Constant and Germany', *Annales Benjamin Constant* 29 (2005): 127–41; Helena Rosenblatt, *Liberal Values*, 26–9. Denis Thouard sees in Constant's reflections on the religious sentiment the locus of his theory of subjectivity. See his 'Un fondement religieux du libéralisme? Considérations en marge du tome XIX des OCBC', *Annales Benjamin Constant* 36 (2011): 97–109.

<sup>65</sup>Rosenblatt, *Liberal Values*, 130–4.

<sup>66</sup>As Mark Philp noticed, the 'Platonic, almost mystical' character Godwin ascribed to truth he inherited from Price and Priestley, who displayed the unwavering perfectibilist conviction that through the right use of judgment, truth would overcome error, and established a direct connection between knowledge of the truth and moral conduct. See *Godwin's Political Justice*, 15–37.

<sup>67</sup>See Bayle's *Commentaire philosophique sur les paroles de Jésus-Christ 'Contrains-les d'entrer'*. I relied on the extracts of this text given by Pierre Manent in *Les Libéraux* (Paris: Gallimard, 2001), 114–27. On Bayle, Constant and the 'Protestant filiation' that binds them together, see Lucien Jaume, *Les origines philosophiques du libéralisme* (Paris: Flammarion, 2010), 79–93.

<sup>68</sup>See 'De Godwin et de son ouvrage', 680.

<sup>69</sup>Ibid.

<sup>70</sup>Gustave Rudler, *La Jeunesse de Benjamin Constant* (Paris: Armand Colin, 1905), 180.

<sup>71</sup>Jean-Pierre Schandeler, *Les interprétations de Condorcet: symboles et concepts (1794–1894)* (Oxford: Voltaire Foundation, 2000), 99–100.

and individual prejudices will vanish in the depths of time.<sup>72</sup> As he was growing disillusioned with the Directory's politics, Constant kept a vivid interest in Condorcet. The latter's writings would have been one of the first ports of call for someone who, like Constant at that time, was attempting to establish true principles of politics that would transcend petty political interests. This theoretical affinity went hand in hand with more tangible relationships in the salon of Condorcet's widow, as mentioned earlier. In his works, Constant repeatedly referred his readers to Condorcet's *Mémoires sur l'instruction publique*, in which the marquis had contrasted the educational policy of the ancients and the moderns, and insisted on the importance that the development of individual judgment should have in public education.<sup>73</sup> A few scholars have alluded to possible parallels between Constant and Condorcet.<sup>74</sup> This section proposes a more systematic exploration of Constant's reception of Condorcet.

Like Godwin, Condorcet deplored the irrational decisions that parliamentary assemblies too often made. But contrary to the English radical, he did not think this problem irremediable. Whereas Godwin thought that collective decisions, because they ended with a vote, necessarily disfigured truth, Condorcet believed that probability calculations could help reconciling the democratic exigency of voting with the discovery of truth.<sup>75</sup> This ambition was at the heart of his *Essai sur l'application de l'analyse à la probabilité des décisions rendues à la pluralité des voix* (1785). For Condorcet, in order to 'reach a satisfactory assurance to obtain a decision consistent with truth,' the democratic right of the people had to be limited to the election of a rational elite.<sup>76</sup> In his eyes, a high probability of being true was the only 'reasonable and just motive' according to which one could make individuals abide by a decision that did not reflect their own opinion.<sup>77</sup> If the power of the majority was not to be arbitrary, Condorcet explained, the will expressed by the majority should be grounded in reason. Collective decision-making on the sole pragmatic basis of 'the will of the greatest number,' without any regard to the correctness of the outcome, was the hallmark of the ancients. Peace, not truth, was their first concern: 'they sought much more to counterbalance the interests and the passions of the different bodies that made up the constitution of a State, than to obtain from their decisions results consistent with truth.'<sup>78</sup> Now that we live in 'modern Nations,' the latter should be the goal of collective decision-making.

In the *Principles*, Constant showed some sympathy for Condorcet's concerns about the rationality of collective decision. By taking the example of a choice between different candidates in the *Essai*, Condorcet had explained how the outcome of collective decision-making usually ended up being the option least distasteful to voters, rather than the option preferred by a majority of voters. Being not so much interested in individual preferences, but in probabilities, Condorcet had attempted, through tortuous calculations, to go beyond that difficulty so as to make sure that the outcome of decision-making would possess the greatest probability of being true, rather than merely corresponding to the preferences of voters.<sup>79</sup> Referring to Condorcet, Constant wrote:

It has been shown by mathematical calculations that, when an assembly is held to choose between a certain number of candidates, usually the victor is not the object of the most complete agreement, but of the least repugnance. The same thing happens to majority opinions as happens to such candidates in an assembly.<sup>80</sup>

<sup>72</sup>Benjamin Constant, 'Compte-rendu de *De l'influence des passions sur le bonheur des individus et des nations*', in *Ecrits de Jeunesse (1774–1799). Œuvres complètes de Benjamin Constant/Œuvres*, I, ed. Jean-Daniel Candaux and Lucia Omacini (Berlin: De Gruyter, 1998), 419–20.

<sup>73</sup>*Principles*, 53, 308, 351; 'The Spirit of Conquest', 103; 'The Liberty of the Ancients Compared with that of the Moderns', 312, the two last texts in *Constant. Political Writings*, transl. and ed. Biancamaria Fontana (Cambridge: Cambridge University Press, 1988).

<sup>74</sup>See Lucien Jaume, *L'individu effacé, ou le paradoxe du libéralisme français* (Paris: Fayard, 1997), 95 and Emma Rothschild, 'Condorcet and the Conflict of Values', in *Economic Sentiments: Adam Smith, Condorcet, and the Enlightenment* (Cambridge, MA: Harvard University Press, 2001), 195–217.

<sup>75</sup>Keith Michael Baker, *Condorcet. From Natural Philosophy to Social Mathematics* (Chicago: Chicago University Press, 1975), 225.

<sup>76</sup>Nicolas de Condorcet, *Essai sur l'application de l'analyse à la probabilité des décisions rendues à la pluralité des voix* (Cambridge: Cambridge University Press, 2014), clxxxij.

<sup>77</sup>*Ibid.*, xxvii.

<sup>78</sup>*Ibid.*, ii–iii.

<sup>79</sup>Baker, *Condorcet*, 238.

<sup>80</sup>Constant, *Principles*, 32.

As a general rule, a parliamentary assembly does not agree on the most reasonable or just opinions, but rather on those that require fewer sacrifices from each party. But Constant did not think, like Condorcet, that this obstacle could be overcome. Immediately after his allusion to Condorcet's *Essai*, Constant specified:

This is an inevitable ill, however. If we were to conclude, on the grounds of the possible errors of the majority, that we should subordinate our wills to the will of the minority, we would find ourselves with violent or mendacious institutions.<sup>81</sup>

In its essence, Condorcet's project to bridge the gap between legislation and truth did not seem reasonable to Constant. Collective truths were to him a contradiction in terms. In the *Fragments sur la possibilité d'une constitution républicaine dans un grand pays*, probably written just before or simultaneously to the *Principles*, Constant went as far as saying:

Any decision of an assembly is a collective idea. Now any collective idea is always an erroneous idea. What conclusion can we draw from this? That we need, from assembly decisions just as from acts of government, what is indispensable, but the less the better.<sup>82</sup>

Because they were the product of a deliberation, which necessarily involved concessions, laws could not instantiate perfect rationality. This justified a reduction of their number to the strict minimum.

The problem with an argument like Condorcet's, Constant remarked in the *Principles*, was that it ultimately rested on 'a very exaggerated idea of the general interest.' In Constant's eyes, Condorcet was just one example of the way in which too many of his contemporaries unfortunately had been used to think of the national assembly. Constant agreed with other followers of Condorcet such as Sieyès, Roederer and Cabanis that representative government was a result of the modern division of labour.<sup>83</sup> This system now allowed individuals to discharge on a handful of representative the care of particular interests they did not have time to look after for themselves.<sup>84</sup> But he regretted that they pictured it as a place where the general interest could be abstractedly enunciated, and then passed on to the rest of the nation from top to bottom. This idea constituted the cornerstone of the new institutional apparatus of the Consulate, which had quickly been backed by the Idéologues. In a 1799 speech praising the new Constitution of Bonaparte, Cabanis had declared that 'in the real representative system, everything is done in the name of the people and for the good of the people; nothing is done directly by him.'<sup>85</sup> To the satisfaction of Cabanis and Roederer, the new electoral system was meant to secure, through a two-level system of voting involving the Sénat conservateur, the commonality of views of the members of the Legislative Body and the Tribunate.<sup>86</sup> Constant deplored that such a scheme would bring to parliamentary assemblies deputies totally disconnected from local concerns. In the *Principles*, he reasserted the faith in popular elections he had previously expressed in his republican *Fragments*, and presented 'representative assemblies' as places where deputies from all parts of the nation came together to defend the interests of the constituency that had mandated them. For Condorcet as well as Cabanis and Roederer in his wake, representatives had to be as enlightened as possible so as to augment the probability of reaching satisfactory

<sup>81</sup>Ibid.

<sup>82</sup>*Fragments d'un ouvrage abandonné sur la possibilité d'une constitution républicaine dans un grand pays*, ed. Henri Grange (Paris: Aubier, 1992), 259–60.

<sup>83</sup>This idea was a recurrent theme in Sieyès. For a comparison between Sieyès and Constant on representation in a commercial society, see Pasquale Pasquino, *Sieyès et l'invention de la constitution en France* (Paris: Odile Jacob, 1998), 31–52.

<sup>84</sup>Constant, 'Liberty of the Ancients', 325–6.

<sup>85</sup>Pierre-Jean George Cabanis, *Quelques considérations sur l'organisation sociale en général et particulièrement sur la nouvelle constitution* (Paris: Imprimerie nationale, 1799), 25–6. Together with Garat and his sister-in-law Sophie de Condorcet, Cabanis took care of the first publication of the complete works of Condorcet. See also 'Discours prononcé par Roederer, conseiller d'État, orateur du gouvernement, dans la séance du Corps législatif du 13 ventôse an IX (4 mars 1801), concernant le projet de loi présenté par le Gouvernement pour la formation des listes de notabilité', in *Pierre-Louis Roederer, Oeuvres VII* (Paris: Firmin Didot, 1857), 135–45. Constant takes issue with these two texts in *Fragments*, 303–15.

<sup>86</sup>Lucien Jaume gives details about this procedure in 'Le problème de l'intérêt général dans la pensée de Benjamin Constant', in *Le Groupe de Coppet et le monde moderne: Conception-Images-Débats*, ed. Françoise Tilkin (Liège: Bibliothèque de la Faculté de Philosophie et Lettres de l'Université de Liège, 1998), 161–5.

decisions. For Constant, representatives had to 'be partial for the section whose mandatory he is.'<sup>87</sup> This rootedness, Constant pursued, was 'useful to them,' because it made for genuine deliberations: 'forced to debate together they soon notice respective sacrifices which are indispensable. They strive to keep these at a minimum, and this is one of the great advantages of this type of appointment.'<sup>88</sup> The general interest was no embodiment of truth, but the result of a transaction between diverging interests. Constant's approach was bringing back parliamentary deliberation to a role of managing interests; a role Condorcet had discarded in his *Essai* as only suitable for 'ancient peoples.'

By arguing in favour of the legitimacy of individual interests, Constant was in a way breaking with the unitary vision that had imbued the revolutionary project, and still pervaded the Constitution of year VIII.<sup>89</sup> Interestingly, the *Principles* referred to Montesquieu's chapter 'On Ideas of Uniformity' in *The Spirit of the Laws* to stress the importance of respecting local interests, customs, and habits, in which Constant saw the basis of the representatives' partiality. Constant's allusion to Montesquieu was a significant one, given the low esteem in which this author was held amongst Condorcet's fellow political rationalists.<sup>90</sup> In a short commentary on book XXIX of the *Spirit of the Laws*, the marquis had derided Montesquieu's 'spirit of moderation' as a 'spirit of uncertainty.'<sup>91</sup> Particularly problematic in Condorcet's eyes was chapter 18 of that book, 'On Ideas of Uniformity,' in which Montesquieu had raised doubt about the pertinence of radical reforms that aimed at harmonizing laws and customs.<sup>92</sup> To this, Condorcet had curtly replied: 'A good law must be good for all men, just like a true statement is true for everyone. Laws that appear like they must be different in different countries ... are grounded upon prejudices, habits, that need to be uprooted.'<sup>93</sup> Constant, on the contrary, maintained with Montesquieu that 'absolute uniformity is in several circumstances contrary to the nature both of men and things.'<sup>94</sup> In a large country such as France, the variety of local customs and circumstances could never be reduced to the same usages and laws, Constant argued, without a degree of coercion that would cost people more than it is worth.<sup>95</sup> Constant conveyed his surprise that people who 'called themselves ardent friends of freedom' had 'treated with contempt' local interests, customs, and habits, and had 'constantly sacrificed' these 'to what are called general considerations.'<sup>96</sup>

Behind a veil of similitudes, education was also a point on which Constant's views significantly diverged from Condorcet's. As mentioned earlier, throughout his life, Constant kept on referring his readers to the *Mémoires sur l'éducation*. The marquis had published it in five instalments in 1791–1792 in the journal *Bibliothèque de l'homme public*, at a time when the debate on the kind of education the young republic should provide was raging. The *Mémoires* insisted that the goal of official schooling was not to inculcate a new kind of catechism, but rather to make each citizen capable of assessing the conformity of laws with his natural rights.<sup>97</sup> Constant was sympathetic to that idea, and built upon Condorcet's reflections to articulate his own conception of the need for 'the liberal subject' to judge the content and the source of legal and administrative acts in relation with the existing constitution.<sup>98</sup> The marquis' educational ambition, however, went beyond that

<sup>87</sup> *Principles*, 328.

<sup>88</sup> *Ibid.*

<sup>89</sup> Jaume, 'Le problème de l'intérêt général dans la pensée de Benjamin Constant', 161.

<sup>90</sup> See Bernard Manin, 'Montesquieu', in *A Critical Dictionary of the French Revolution*, ed. François Furet and Mona Ozouf (Cambridge, MA: Harvard University Press, 1989). Constant himself was not always uncritical of Montesquieu. In his *Fragments* (117–18), he chastised his reluctance to take strong normative stances, and dubbed him a 'historiographe du hasard.'

<sup>91</sup> Symptomatically, Condorcet's 'Observations sur le vingt-neuvième livre de l'esprit des lois' were published as an annex to Antoine Destutt de Tracy's own *Commentaire sur l'esprit des lois de Montesquieu* (Paris: Desoer, 1819), 401–32. Tracy did not dwell upon book XXIX of *The Spirit of the Laws*, but preferred to refer his readers to Condorcet's commentary: 'one will see with what kind of forceful dialectic he refutes Montesquieu, and with what superiority of views he recasts his work' (395).

<sup>92</sup> Condorcet called that chapter 'one of the most curious of the whole work, one which granted Montesquieu the indulgence of all men of prejudices.' 'Observations', 418.

<sup>93</sup> *Ibid.*, 420.

<sup>94</sup> *Principles*, 323.

<sup>95</sup> *Ibid.*, 326.

<sup>96</sup> *Ibid.*

<sup>97</sup> Nicolas de Condorcet, *Cinq mémoires sur l'instruction publique*, ed. Charles Coutel (Paris: Flammarion, 1994), 104, 185, 261–2.

<sup>98</sup> See Jaume, *L'individu effacé*, 95.

point. In his mind, making individuals aware of their natural rights would enable their adhesion to a general will grounded in reason. Making citizens capable of judging laws was the best way to make them 'love' them.<sup>99</sup> Contrary to what the Jacobins thought, republican virtue and enlightenment were not antithetical, Condorcet pleaded in his *Mémoires*. Through the spread of enlightenment, 'you will inspire those public virtues which are the only ones that can strengthen and honor the eternal rule of a peaceful liberty.'<sup>100</sup>

Constant not only passed over this republican rhetoric in silence when he quoted Condorcet in the *Principles*, but also somehow straightforwardly opposed it. Constant gave credit to Condorcet for stressing how the ancients 'had no notion of *individual rights*.'<sup>101</sup> But this is not exactly what Condorcet had written. The ancients, the marquis had explained in the *Mémoires*, had developed a collective system of education aimed at teaching citizens only the ideas and sentiments that suited their legislative system. Accordingly, they had 'no knowledge' of 'freedom of opinions.'<sup>102</sup> By extending this freedom to 'individual rights' in general in the *Principles*, Constant was not only truncating Condorcet's phrase, but also making clear where his priorities laid. For Condorcet, the ancients' educational policy was probably 'excusable' in a state where men were still superstitious, and where rulers could still believe that it was necessary to establish the happiness of society upon errors. But in modern times, now that 'truth' had been recognized as 'the sole basis of any enduring prosperity,' he explained, the 'aim' of education ought to be restricted to instruction.<sup>103</sup> For Constant, the reason why instruction should be preferred to a Spartan mode of education was that men had developed a vital need for independence:

Among peoples who, as Condorcet says, had no notion of *personal* freedom and where men were only machines, whose springs the law regulated and whose movements it directed, government action could have a more efficacious effect on education because nothing resisted that constant and uniform action. But today the whole society would revolt against government pressure; and *individual independence*, which men have regained, would react forcefully in the case of children's education.<sup>104</sup>

Constant's main preoccupation was not to ensure that citizens would become able to embrace a politics of truth, but the preservation of individual liberty. The marquis had shown some concern for the latter, but his stress on a kind of civic virtue couched in rationalistic terms threatened to obliterate it. This did not mean that Constant neglected political liberty, as a now dated interpretation would have it.<sup>105</sup> But political liberty was in his eyes primarily a tool for individual fulfilment: 'political liberty, by submitting to all citizens, without exception, the care and assessment of their most sacred interests, enlarges their spirit, ennobles their thoughts.'<sup>106</sup> In that regard, it constitutes 'the most powerful, the most effective means of self-development that heaven has given us.'<sup>107</sup> In *De la religion*, Constant found evidence for this capacity for self-development in the 'religious sentiment,' inherent in human nature, which he saw as gradually taking on purer forms throughout history. This sentiment was the only one forceful enough, Constant explained, to encourage individuals to 'sacrifice' their immediate interest to loftier ideas, thereby allowing them to develop higher capacities.<sup>108</sup> As scholars have shown, Constant inherited this double stress perfectibility and religious interiority as a vector of self-development from, again, protestant sources, and more specifically from liberal protestant

<sup>99</sup>Condorcet, 'Rapport sur l'instruction publique (1792)', in *Une éducation pour la démocratie. Textes et projets de l'époque révolutionnaire*, ed. Bronilsaw Baczko (Paris: Garnier, 1982), 195: 'il faut qu'en aimant les lois on sache les juger'.

<sup>100</sup>Condorcet, *Mémoires*, 106.

<sup>101</sup>Constant, *Principles*, 351. My italics.

<sup>102</sup>Condorcet, *Mémoires*, 87.

<sup>103</sup>*Ibid.*, 86.

<sup>104</sup>Constant, *Principles*, 308–9.

<sup>105</sup>See Isaiah Berlin, 'Two Concepts of Liberty', in *Liberty*, ed. Henry Hardy (New York: Oxford University Press, 2002), 166–217.

<sup>106</sup>Constant, 'Liberty of the Ancients', 327.

<sup>107</sup>*Ibid.*

<sup>108</sup>*De la religion*, ed. Tzvetan Todorov and Etienne Hofmann (Paris: Actes Sud, 1999), preface and 49–50. For the connection Constant established between perfectibility and religiosity, see Bryan Garsten, 'Religion and the Case Against Ancient Liberty: Benjamin Constant's Other Lectures', *Political Theory* 38, no. 1 (2010): 4–33.



German theology.<sup>109</sup> This connection allowed him, more so than Condorcet, to place the individual before the citizen; self-development before virtue. This is the reason why their views on public education ultimately differed, despite their agreement on the negative principle that education should be restricted to instruction.<sup>110</sup> When it came to the positive role of education, Constant's agenda was perfectibility, not at the service of what he saw as a republican politics of truth, but for the mere sake of 'the growth and exercise of the intellect.'<sup>111</sup> In that respect, Constant resisted the propensity many political rationalists had of granting the legislator the mission of making rational subjects.<sup>112</sup> In his understanding, the government should simply ensure the conditions in which, as he wrote in the *Principles*, 'each person can devote to [instruction] the time appropriate to his interest or desire and perfect himself in the occupation, the art or science to which his tastes or his lot call him.'<sup>113</sup>

### 3. Returning to the natural order

Constant's instinct was to move away from a politics of truth towards a politics of managing interests. It would be inexact, however, to pretend that this effort was continuous and unilateral, as if, contrary to Godwin and Condorcet, Constant had once and for all left behind the most radical conclusions of political rationalism. This hesitation is palpable both in the *Commentary on Filangieri's Work* (1822–1824) and in his article on human perfectibility (probably first written around 1804, published in 1829). It is in these last two texts that the tension is most acute, with Constant at times trying to substitute the precepts of the natural order for the messiness of politics.

In the *Commentary*, Constant insisted on the importance of taking society as it currently existed, rather than speculating about its origins as social contract theorists had done.<sup>114</sup> When we take 'society's existence' as a starting point, we realize, Constant explained, that society's goal is none other than 'preservation and tranquility.'<sup>115</sup> Governmental action should therefore be restricted, Constant once more stated, to internal and external security. Positive laws were required to that effect. Constant immediately specified that the 'sphere of legislation' should be restricted to what was only absolutely necessary. Constant recalled that there existed 'individual rights' that laws could never violate, as he had stated in the *Principles*. But the limitation did not stop there. In addition to restricting the objects upon which laws could be enacted, Constant gave a broader definition of the standards laws should conform to:

Law has been defined (I borrow this just and profound remark from a writer whose name I have forgotten) as the expression of the general will. This definition is very false. The law is the declaration of men's relations with each other. From the moment society exists, certain relationships among men are established. These relations are in conformity with their nature, for if they were not in conformity with their nature they would not be established. Laws are nothing but these relations experienced and observed. They are not the cause of these relations which on the contrary are prior to them. They declare that these relations exist. They are the declaration of a

<sup>109</sup>On Constant and the new German theology, see the references in footnote 64.

<sup>110</sup>Constant, *Principles*, 311.

<sup>111</sup>*Ibid.*, 314.

<sup>112</sup>This was a point Physiocrats like Mercier de La Rivière had first insisted upon. See his *De l'instruction publique ou considérations morales et politiques sur la nécessité, la nature et la source de cette instruction* (Paris, 1775). The *Idéologues* would give a more systematic and pragmatic shape to that idea after the revolution. See the contributions in François Azouvi, ed., *L'institution de la raison. La révolution culturelle des Idéologues* (Paris: Vrin, 1992).

<sup>113</sup>This goal casts light upon Constant's following statement: 'I hope for much more, for the perfecting of the human race, from private educational establishments, than from the best organized public instruction by government.' *Principles*, 314. This stress on private education Condorcet could have never made, given his republican goal of devising a public educational programme that would make citizens out of people.

<sup>114</sup>Chapter VII, 'On the state of nature, the Formation of Society, and the True Goal of Human Associations'. Constant's dismissal of the theory of the social contract is probably a combined legacy of Godwin (see the second chapter of Book III of *Political Justice* that Constant translated, 'Of the social contract') and the Physiocrats. On the Physiocrats' critique of the social contract, see Dan Edelstein, *The Terror of Natural Rights. Republicanism, the Cult of Nature, and the French Revolution* (Chicago: Chicago University Press, 2009), 101–11.

<sup>115</sup>Constant, *Commentary on Filangieri's Work*, ed. and transl. Alan Kahan (Indianapolis: Liberty Fund, 2015), 30.

fact. They do not create, determine, or institute anything, except forms to guarantee what existed before their institution ... The law is therefore not at the legislator's disposition.<sup>116</sup>

This argument had been made by Jean-Baptiste Salaville (1755–1832), whose name Constant pretended to have forgotten, in his book *L'homme et la société, ou nouvelle théorie de la nature humaine et de l'état social* (1798–1799).<sup>117</sup> The three last chapters of this work Constant had recommended in his article on Godwin, presenting them as 'a very well-done analysis' of Godwin's reflections on positive laws – 'one of the objects,' Constant pointed out, 'upon which he [Godwin] has most thrown light.'<sup>118</sup> In *Political Justice*, the English radical for his part had described legislation in the following terms:

Legislation, as it has been usually understood, is not an affair of human competence. Reason is the only legislator, and her decrees are irrevocable and uniform. The functions of society extend not to the making, but to the interpreting of law; it cannot decree, it can only declare that which the nature of things has already decreed.<sup>119</sup>

In 1789, in a work co-authored with Dupont de Nemours, Condorcet had already developed a similar set of arguments to prevent an unruly National Assembly of going off the rails: 'The overarching principle' Condorcet and Dupont had affirmed,

should be that the legislative authority taken in an extended sense, which would encompass the power to make anything or proscribe anything, is a right that nature has reserved for itself, which no human association can seize, and which it can even less delegate.<sup>120</sup>

As mentioned earlier, this emphasis on a language of reason over a language of will was one of the hallmarks of political rationalism à la française.<sup>121</sup> Before Condorcet, Godwin and Salaville, the idea that laws should simply reflect the order of things had been repeatedly put forward by the Physiocrats, whose theories Constant knew very well.<sup>122</sup> For Mercier de la Rivière (1719–1801), 'good laws' were laws that were 'perfectly consistent with the natural and essential order of societies,' whose constitutive relationships were 'evident.'<sup>123</sup> Therefore the legislator's role in Mercier's eyes ought to be restricted to making the decrees of the natural order manifest to all.<sup>124</sup>

In 1822, Constant used these arguments in a completely different context. His aim was to deflate the pretensions of the ultras who were displaying an increasing willingness to reinstate the Ancien Régime through a whole new set of prohibitive laws.<sup>125</sup> Laws, Constant wished to remind them, were meant to guarantee individual rights, not to infringe them. But to make this point, Constant ended

<sup>116</sup>Ibid., 32–3.

<sup>117</sup>Salaville apparently considered translating Godwin's *Enquiry*, was connected to the *Idéologue* journal *La Décade philosophique*, and wrote in 1801 a book entitled *De la perfectibilité*. Constant, Mme de Staël and Salaville knew each other and exchanged books. On their relationship, see Etienne Hofmann, 'The Theory of the Perfectibility of the Human Race', in *The Cambridge Companion to Constant*, 253–4. For biographical information on Salaville, see Michael Sonenscher, *Sans-culottes. An Eighteenth Century Emblem in the French Revolution* (Princeton: Princeton University Press, 2008), 36.

<sup>118</sup>Constant, 'De Godwin et de son ouvrage', 688.

<sup>119</sup>Godwin, *Enquiry*, 95.

<sup>120</sup>This passage is taken from a commentary Condorcet and Dupont de Nemours attached to their translation of Livingston's *Observations on the Government*. See *Examen du gouvernement d'Angleterre, comparé aux Constitutions des Etats-Unis. Où on réfute quelques assertions d'un ouvrage de M Adams, intitulé: Apologie des Constitutions des Etats-Unis d'Amérique, et dans celui de M de Lolme intitulé 'De la Constitution d'Angleterre par un cultivateur de New Jersey'* (London, 1789), 178.

<sup>121</sup>Both languages coexisted in the *Declaration of the Rights of Man and Citizen* of 1789. Compare the preamble of the *Déclaration* with article 6, 'La Loi est l'expression de la volonté générale'. On this tension, see Baker, 'Political Languages of the French Revolution' and Jaume, *Origines philosophiques du libéralisme*, 331–44.

<sup>122</sup>Constant knew the work of the Physiocrats through his friend Jakob Mauvillon, whom he had met during his stay in Brunswick in 1788–1794. Mauvillon translated the Physiocrats into German and ghostwrote Mirabeau's *De la monarchie prussienne sous Frédéric le Grand* (1788). Mirabeau-Mauvillon presented this work in the introduction as a contribution to the rehabilitation of Physiocracy. When Mauvillon passed away, Constant described him in one of his letters (to Mme de Nassau, 31 January 1794) as a 'friend of liberty, of enlightenment, a man whose elevated opinions, without exception, in morals, in politics, in religion, were in agreement on all matters with mine [s'accordaient en tous les points avec les miennes]' On Constant and Mauvillon, see Kurt Kloocke, *Benjamin Constant: Une biographie intellectuelle* (Geneva: Droz 1984), 53–8.

<sup>123</sup>*L'ordre naturel et essentiel des sociétés politiques*, 1, (London: Jean Nours, 1767), 186.

<sup>124</sup>Ibid., 176.

<sup>125</sup>In 1816, for instance, at the instigation of Louis de Bonald, divorce was again legally prohibited.

up downplaying the role of will in the law-making process, something he had otherwise wished to remind Godwin and Condorcet of. On this Salaville, more consistently than Constant, was simply drawing the logical conclusions of his position. What was the point of consulting people about what they wanted, Salaville asked in *L'homme et la société*, if the law-making process was simply about observing and declaring natural relationships that spoke for themselves?<sup>126</sup>

This definition also stood in contradiction with the conception Constant had defended elsewhere of laws as a transaction between diverging interests. If the law-making process was about revealing some pre-ordained setting, there would indeed be no need for compromises. Salaville himself was clear that he thought of his definition as an alternative to a definition of law as the outcome of a deliberation process, which he deplored was still being advocated by some political writers despite the wearisome concessions and procedures it involved: 'Instead of grounding laws upon facts as the nature of things requires,' he wrote in *L'homme et de la société*, 'they have been grounded upon opinions; hence this system of deliberations and individual or collective voting in the making of laws.'<sup>127</sup> The *Commentary* no longer dwelled on the added value that parliamentary discussions could have by engaging men to debate with each other and confront their respective interests. In order to avoid legislative errors as much as possible, Constant insisted that the legislator should stick to adopting 'positive laws' that responded to identifiable needs spontaneously arising from society. At the same time, he urged him to refrain from indulging in 'speculative laws' stemming from vague 'hypotheses' and intended to tackle harmful consequences that were mere possibilities.<sup>128</sup> Given that the 'the positive functions of the legislator are of an infinitely simple nature,' Constant explained, 'when the legislator limits himself to them, he cannot go wrong.'<sup>129</sup> Such a distinction between positive and speculative laws was explicitly meant to reduce the indeterminacy at stake in politics. Stick to indisputable facts, Constant enjoined, rather than indulging in fantasist reforms based on the vague argument of 'utility': 'utility is not susceptible to exact proof. It is an object of individual opinion and thus of debate and of unlimited contestation. Nothing in nature is neutral. Everything has a cause, everything has an effect.'<sup>130</sup>

This vacillation between a politics of conflict and a politics of natural revelation had been present in Constant's texts ever since at least the writing of the first version of the *Principles*.<sup>131</sup> It ultimately resurfaced one year before Constant's death, in his article on perfectibility published as part of the *Mélanges de littérature et de politique*. In this piece, Constant explained that people were not simply governed by sensations, but had a natural 'disposition' constantly to sacrifice present sensations to higher ideals. In this capacity to act according to ideas rather than being the passive recipient of sensations, Constant saw the germ of human perfectibility. The capacity for reasoning, for comparing and discriminating between ideas, would become gradually more perfect, Constant predicted.<sup>132</sup> This would lead mankind further down the road of 'equality.' 'Whenever man begins to reflect,' he wrote,

and by means of reflection, attains to that power of sacrifice, which constitutes his perfectibility, he takes equality as his starting-point; for he gains the conviction that he ought not to do to others what he would not that they should do to him, that is to say, that he ought to treat others as his equals.<sup>133</sup>

<sup>126</sup>*L'homme et la société, ou nouvelle théorie de la nature humaine et de l'état social* (Paris: Carteret, an VIII), 378.

<sup>127</sup>*Ibid.*, 373.

<sup>128</sup>Constant, *Commentary*, 35.

<sup>129</sup>Interestingly, Constant gave credit for this distinction in the *Commentary* to the Physiocrat Mirabeau, the author of *L'Ami de l'homme*. To avoid any confusion, however, Constant insisted that his goal – the limitation of authority – was different from Mirabeau's.

<sup>130</sup>*Commentary*, 40.

<sup>131</sup>See, most strikingly, *Principles*, 442.

<sup>132</sup>As Lucien Jaume has shown, Constant's reduction of judgment to a mere faculty of discriminating between conflicting ideas issued from sensations in *De la perfectibilité* comes strikingly close to some of the Idéologues' favourite theses. See *L'individu effacé*, 114–17.

<sup>133</sup>I use the translation 'On the Perfectibility of the Human Race', in *Philosophical Miscellanies translated from the French of Cousin, Jouffroy and B. Constant*, ed. George Ripley (Boston: Hilliard, Gray, 1838), 362.

Constant saw historical evidence for this process. It had already led mankind from the abolition of slavery and feudalism to, more recently, the destruction of the aristocracy. The latter sparked the advent of ‘a new epoch,’ that of ‘legal conventions’:

The human mind has too much light to suffer any longer the government of force or fraud, but *not enough for the government of reason alone*. It needs something that is at once more reasonable than force and less abstract than reason. Hence the necessity of legal conventions, that is to say, of a kind of *common and acknowledged reason*, the average product of the collective reason of different individuals more imperfect than that of some, more perfect than that of many others, and which compensates the disadvantage of subjecting enlightened minds to the errors which they have thrown off, by the advantage of elevating grosser minds to truths which they would have been incapable as yet of comprehending.<sup>134</sup>

Constant here seemed to distance himself from both Godwin and Condorcet. Nuancing his statement in the *Fragments* the that all collective decisions were necessarily erroneous, Constant now represented legal conventions as a ‘common reason,’ which was neither purely and simply an insult to truth, as Godwin believed they were, nor a collective decision consistent with truth, as Condorcet hoped they would be. With this in-between solution, Constant appeared to resist the tendency to which the English radical and the French aristocrat had not been totally immune, of deifying reason in a sometimes disturbingly despotic mode. In Godwin’s eyes, the main problem with laws was their tendency ‘to fix the human mind in a stagnant condition, and to substitute a principle of permanence, in the room of that unceasing perfectibility which is the only salubrious element of mind.’<sup>135</sup> Law in his view was an ‘institution of the most pernicious tendency,’ which had to give way to the principles of reason themselves.<sup>136</sup> He believed that a ‘cult of truth’ would soon prevail, which would coincide with ‘the dissolution of political government.’<sup>137</sup> This ‘future reformation,’ he had stated, ‘consists in universal illumination’: ‘when the true crisis shall come ... the adversaries will be too few and too feeble to dare to make a stand against the universal sense of mankind.’<sup>138</sup> In the conclusion to his *Memoires*, Condorcet had expressed a similar hope for the future. In a ‘century of enlightenment’ like the one opened up by the Revolution, ‘the only sovereign of free people, truth, of which men of genius are the ministers, will spread over the entire universe its mild and irresistible power.’<sup>139</sup> ‘The reign of truth is nigh’ Condorcet had exulted.<sup>140</sup>

Despite the advances of reason over brute force, Constant did not think that the latter was on the verge of becoming the sole guide to collective action. To be sure, as Condorcet had rightly intuited, mankind had now reached the stage where ‘reason’ instead of ‘superstitious venerations’ characterized the principles of government. But this did not yet make laws redundant. Rather, it meant that legal conventions were for now the product of a ‘common reason’ rather than prejudices. This is why the post-revolutionary epoch was ‘the first in which legal conventions have existed independently and without mixture.’

Undoubtedly there have always been legal conventions, since man can never dispense with laws; but these conventions were only secondary things; there were prejudices, errors, and superstitions which sanctioned them, which held the first rank, and which thus characterize the preceding epochs. It is only at the present day, that man, recognizing the right of no occult power to control his reason, wishes to consult that alone, and at the most submits to conventions which proceed from a transaction with the reason of his fellows.<sup>141</sup>

Yet ultimately, the disagreement seemed to be more about chronology than about whether a society entirely reconciled around fundamental truths was a plausible and desirable prospect. For Constant, perfectibility meant that mankind could not do otherwise than constantly discovering new important

<sup>134</sup>Ibid., 366. My italics.

<sup>135</sup>Godwin, *Enquiry*, 405.

<sup>136</sup>Ibid., 406.

<sup>137</sup>Ibid., 306.

<sup>138</sup>Ibid., 123.

<sup>139</sup>Condorcet, *Mémoires*, 271–2.

<sup>140</sup>Ibid., 273.

<sup>141</sup>Constant, ‘Perfectibility’, 366–7.

truths about human nature. These truths would always bring him ever closer to ‘the reestablishment of natural equality.’ Indeed,

the perfectibility of the human race is nothing but the tendency towards equality. This tendency proceeds from the fact that equality alone is conformable to truth, that is to say, to the mutual relations of things and to the mutual relations of men.<sup>142</sup>

In an exceptionally deterministic vocabulary, Constant announced the slow but inevitable conversion of ‘erroneous opinions’ into truths ‘evident’ to all: prejudice would inevitably be ‘annihilated’ once ‘a sufficient number of truths’ would be gathered ‘to serve as a lever to physical forces.’<sup>143</sup> To express this conviction, Constant did not hesitate to resort to a scientific language reminiscent of Condorcet, which at that stage even the *Idéologues* had abandoned years before.<sup>144</sup> ‘It is with the destruction of abuses,’ he ascertained, ‘as with the accelerated velocity of falling bodies; the nearer they approach the earth, the more rapidly they fall.’<sup>145</sup> The career of the human species, Constant explained, could be divided into three parts: it moved from the ‘unknown part’ towards the ‘doubtful part,’ before reaching ‘the established part,’ on which it ‘never returns’ despite its struggles to emancipate itself from the doubtful part.<sup>146</sup> Seen in this light, legal conventions now appeared as a temporary concession to the limitations of the modern era.

Constant’s hope, as expressed in his article on perfectibility, was that these conventions would gradually be better able to reflect the ‘mutual relations of things and the mutual relations of men,’ to the point of no longer being needed. In the conclusion of the article, Constant explicitly conceived of laws as a temporary solution; a substitute for all truths that were yet to be discovered:

These conventions are not natural or immutable things, but factitious, susceptible of change, created to take the place of truths which are yet little known, to supply temporary wants; and consequently to be amended, perfected, and above all restrained, in proportion as these truths are discovered or as these wants are modified.<sup>147</sup>

Legal conventions were no longer injurious to truth, as Godwin believed they were, because they were recognized as always-to-be-refined agreements. Their artificiality made them easily amendable. At the same time, if laws only owed their existence to a defect in reason, it seems far from certain that these would still be necessary once the truths they were temporarily replacing would have been discovered. As mankind approached ‘the established part,’ Constant inferred, the transactions between individual reasons would give way to the full recognition of the precepts of the natural order. Between Constant’s plea for restraining ‘above all’ the number of laws as reason made new advances and Godwin’s call for substituting reason in the room of law, there were only a few steps.<sup>148</sup>

<sup>142</sup>Ibid., 361–2.

<sup>143</sup>Ibid., 362.

<sup>144</sup>Cabanis spoke for many of his colleagues when he stated as early as 1788 that ‘true geometers are those who know well that calculations cannot apply to everything.’ Quoted in George Gursdorf, *La conscience révolutionnaire. Les Idéologues* (Paris: Payot, 1978), 422–3. Destutt de Tracy soon joined Cabanis in his doubts about the applicability of mathematics to political and moral affairs. See Emmet Kennedy, *A Philosopher in the Age of Revolution. Destutt de Tracy and the Origins of Ideology* (Philadelphia: The American Philosophical Society, 1978), 50.

<sup>145</sup>Constant, ‘Perfectibility’, 360. The language of mathematics was much more present still in the first version of the article Constant wrote between 1799–1805. He erased parts of it in the 1829 version, but the deterministic impression remained nonetheless. See ‘De la perfectibilité de l’espèce humaine’, in *Œuvres littéraires (1800–1813). Œuvres complètes de Benjamin Constant* / *Œuvres*, III, 1, ed. Paul Delbouille and Martine de Rougemont (Berlin: De Gruyter, 1995), 456–77.

<sup>146</sup>Constant, ‘Perfectibility’, 363.

<sup>147</sup>Ibid., 366.

<sup>148</sup>The idea of a society given back to nature seems to have haunted Constant from quite early onwards. In 1798, Constant and Staël evoked how when the French nation would be enlightened enough ‘you will be able ... so to speak, to do without government.’ They urged to adopt the positive laws that were ‘the only ones in agreement with a natural Constitution,’ that is to say ‘founded upon the primitive truths.’ See ‘Des circonstances actuelles’, 212, 251.

#### 4. Conclusion

This paper has made a claim about Constant's intellectual lineage in order to throw additional light on the nature of his liberalism. Constant's reliance on themes developed by Godwin and Condorcet, as highlighted in section three, challenges received depictions of his liberalism either in terms of scepticism or pluralism. As George Armstrong Kelly remarked already a long time ago, the idea that there was no ultimate unity of truth was alien to nineteenth-century liberals like Constant: 'only in the twentieth century has this position deeply colored liberal doctrine.'<sup>149</sup> Similarly, to make of pluralism the hallmark of Constant's liberalism is to overstate his modernity. Constant's priority was with the limitation of political authority. That limitation could take the form of arguments that we assimilate today with pluralism, as demonstrated by Constant's insistence that the general interest was the result of a transaction between individual interests. But this limitation could also occur through anti-pluralist methods, as it was the case with Constant's recourse to the order of nature. To imprint back upon Constant conceptions of liberalism that only took root more recently is to miss the complexity of this set of coexisting arguments.

Constant did heavily criticize the ideas of his rationalist predecessors, as I have shown in sections one and two. In Constant's perspective, 'true principles' were in limited number – equality and freedom being the most obvious of them. These principles had gained prominence in 1789, but the revolutionary frenzy had distorted them in an atrocious manner, to the point of rendering the very names of equality and freedom despicable. Constant wished to contribute to the task of rehabilitating these principles and making them known to all, with the hope that, at some point in history, they would gain unquestionable status. Godwin and Condorcet had initiated that work of dissemination with the same trust in human perfectibility, but had soon taken a path on which Constant hesitated to follow them. These principles Constant saw as the condition of possibility of a peaceful confrontation of diverging interests. Guaranteed through constitutional articles, they would serve as safeguards that would prevent the conflicts of politics from becoming a threat to individual independence. In Constant's mind, appeals to universal truths were primarily meant to protect freedom. But he did not completely renounce his predecessor's dream – the dream of a triumph of reason (that was also to be a return to the natural order) that would make political conflicts vanish.

What makes Constant's case interesting is his effort to reconcile the identification of timeless truths with the recognition of the irreducible plurality of interests characteristic of modern society. Constant's project sought to justice to the perplexing variety of human experiences, without renouncing for that matter to the ambition of defining 'certain positive and unchangeable principles,' which are 'true in all climates.'<sup>150</sup> He stated that the age of commerce had given man 'a new nature' but maintained that there existed a pre-defined, eternal order of nature that mankind would hopefully gradually rediscover.<sup>151</sup> He believed in human autonomy and commended localism, but inserted individuals into an all-encompassing march of history. In these regards, he was a disciple of Condorcet just as much as of Montesquieu.

As with his protestant connections, the influence of Montesquieu upon Constant is much more readily and widely acknowledged in scholarship than that of political rationalists à la Condorcet.<sup>152</sup> This paper has been an attempt to set the record straight between these sometimes-conflicting lineages. It is at their crossroads that the originality of Constant's project as an attempt to found liberty from a variety of eighteenth-century sources takes on its full significance. It can be read as an attempt to graft elements that we now consider to be vectors of pluralism upon a matrix of political rationalism. Beyond telling us something about Constant, further exploring his engagement with

<sup>149</sup>Kelly, *The Humane Comedy*, 89.

<sup>150</sup>Constant, 'Des réactions politiques', in *De la force du gouvernement actuel de la France et de la nécessité de s'y rallier*, ed. Philippe Raynaud (Paris: Gallimard, 2013), 149–50.

<sup>151</sup>The idea that the advances of civilization had given man a new nature is expressed, amongst others, in the *Commentary*, 8.

<sup>152</sup>See, amongst others, Fontana, *Benjamin Constant*; Tzvetan Todorov, *Benjamin Constant. A Passion for Democracy*, transl. Alice Seberry (New York: Agora, 1997), 35–6, 43, 63; Jeremy Jennings, 'Constant's Idea of Modern Liberty', in *The Cambridge Companion to Constant*, 70, 87.



political rationalism might also improve our understanding of the French liberal tradition as a whole. These connections indeed question the received idea that French liberalism directly originates in Montesquieu, as well as might prove to be a new entry point to assess Constant's relationships with other liberals with whom he is usually associated such as François Guizot, Madame de Staël and Alexis de Tocqueville.<sup>153</sup>

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<sup>153</sup>Helena Rosenblatt and Raf Geenens have argued that 'despite the rich variety of thinkers that can be brought together under the heading of "French liberalism", they do have one common ancestor in Montesquieu.' See their 'French Liberalism, an Overlooked Tradition?' in *French Liberalism from Montesquieu to the Present Day*, ed. Raf Geenens and Helena Rosenblatt (Cambridge: Cambridge University Press, 2012), 1; Annelien De Dijn, for her part, has argued that 'French liberalism was to a large extent a liberalism à la Montesquieu.' See her *French Political Thought from Montesquieu to Tocqueville: Liberty in a Leveled Society* (Cambridge: Cambridge University Press, 2008), 189.