BENJAMIN CONSTANT AND PUBLIC OPINION IN POST-REVOLUTIONARY FRANCE

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Abstract: This article claims that public opinion can be taken as an index of Constant's liberalism. It follows Constant's shifting views on public opinion from his republican beginnings to his mature liberalism of the second restoration. It shows how Constant came to consecrate the pre-eminence of public opinion over political authority, and how, during the restoration years, he started envisaging public opinion as a pluralist space of diverging opinions, thereby parting ways with a French tradition that conceived of public opinion as a unanimous entity. The fact that this move towards pluralism occurred so late invites us to reconsider not only the chronology of Constant's liberalism, which is often said to originate in the *Principles of Politics* (1806). It also questions his position as a champion of pluralism within a French political tradition known for its collectivist tendencies. The article concludes with an invitation to grant a more significant place to Constant in future studies on the concept of public opinion in modern France.

Keywords: public opinion, Benjamin Constant, liberalism, the public sphere, French political thought.

Constant has never been granted a central place in scholarly works that attempt to retrace the emergence of the concept of public opinion in modern France. One reason for that might be that he does not fit nicely in the chronology of most *begriffsgeschichte* on the subject. Constant seemingly came both too late — after the Physiocrats, who have been credited with intimating the modern concept of public opinion — and too early — before Tocqueville's warnings about the hazards of group pressure.[3] Another, more straightforward reason might be that Constant's views on public opinion are notoriously difficult to pin down. For all his disparate statements on the subject, scholars have had a hard time to determine what was specific to his approach. The noted indeterminacy of the concept has not helped. At the turn of the

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[3] The classic accounts of the emergence of the public sphere are Reinhart Koselleck, *Critique and Crisis: Enlightenment and the Pathogenesis of Modern Society* (Cambridge MA, 2008); and Jürgen Habermas, *The Structural Transformation of the Public Sphere: an Inquiry into a Category of Bourgeois Society* (Cambridge MA, 1989). The best guide to the emergence of the modern idea of public opinion in France remains John Alexander Wilson Gunn, *Queen of the World: Opinion in the Life of France from the Renaissance to the Revolution* (Oxford, 1995). From Gunn, see also 'Public Opinion', in *Political Innovation and Conceptual Change*, ed. Terence Ball, John Farr and Russell L. Hanson (Cambridge, 1989), pp. 247–65.

nineteenth century, public opinion in France was an expression widely used in political pamphlets from both ends of the political spectrum. The notion had no established meaning, and was still a category susceptible of many diverging interpretations. It could be depicted as enduring or volatile, educated or stupid.[4] Constant, so it seems, was no exception to the rule. When it comes to public opinion it is not 'always easy', as has been observed, to determine to what extent 'Constant was merely echoing traditional or current rhetoric or suggesting a new approach'.[5] Would public opinion then be nothing more than the 'black hole' of Constant's theorizing?[6]

This article suggests the opposite. Public opinion, it claims, was a central category in Constant's political thought. Granted, Constant did not have a fully fleshed out theory of public opinion as some of his contemporaries such as Pierre-Louis Roederer or Tocqueville had. But nor did many French political writers have systematic views on the subject. Like Condorcet or Necker, Constant believed that public opinion had become a major political force in post-revolutionary France, and that rulers had to reckon with it one way or another. If at times he used the phrase 'public opinion' to legitimate certain strategic political positions, especially during the Directory years, his understanding of the concept cannot simply be reduced to a punctual, rhetorical device. He referred to the notion not only in journal articles and speeches, but also in all his major political writings from the Napoleonic era to the second restoration, many of which, as we will see, contained important theoretical developments on the role of public opinion in a modern state.[7] Other scholars

[4] On this terminological complexity, see Mona Ozouf, 'L'opinion publique', in *The French Revolution and the Creation of Modern Political Culture*, ed. Keith Baker, François Furet and Colin Lucas, Vol. 1 (Oxford, 1988), pp. 419–34; and Bertrand Binoche, *Religion privée, opinion publique* (Paris, 2012).

[5] Biancamaria Fontana, *Benjamin Constant and the Post-Revolutionary Mind* (New Haven and London, 1991), p. 82. Chapter 6 of the book is devoted to 'the government of opinion' and is one of the too rare pieces on the subject. For other contributions that touch on public opinion in Constant, see George Amstrong Kelly, *The Humane Comedy: Constant, Tocqueville and French Liberalism* (Cambridge, 1992), pp. 46–52; Susan Tenenbaum, 'The Coppet Circle: Public Opinion and the Modern State', in *Le Groupe de Coppet et le monde modern: Conception–Images–Débats: Actes du Vie Colloque de Coppet*, *Liège, 10–11–12 juillet 1997*, ed. Françoise Tilkin (Geneva, 1998), pp. 223–34; Béatrice Fink, 'Benjamin Constant: mobilisation et mediation du mot', in *Le groupe Coppet et le monde moderne*, pp. 333–46; Helena Rosenblatt, 'Rousseau, Constant, and the Emergence of the Modern Notion of Freedom of Speech', in *Freedom of Speech: The History of an Idea*, ed. Elizabeth Powers (Lewisburg, 2011), pp. 133–64.

[6] This is the expression Biancamaria Fontana used in her presentation 'The French Revolution in Germaine de Staël's Considerations' held on 15 February 2016 at the Cambridge Political Thought and Intellectual History Seminar.

[7] Both Constant's magnum opus, the *Principles of Politics* (1806) and his *Commentary on Filangieri's Work* (1822–4), contain entire chapters on the theme of public opinion. I discuss these two works in what follows.

have stressed that centrality. As John Gunn wrote, 'the theme of "opinion" and its political importance is one of the most vital ones in Constant's reflections'.[8]

The question is, of course, why? I want to argue that public opinion can be taken as an index of Constant's liberalism. Indeed, part of the reason why Constant's views on public opinion have proved so intractable is because, in some respects, these changed quite significantly over time. Public opinion thereby provides a much too neglected data-point to assess some of Constant's shifting views from the Directory to the second restoration. It should immediately be added that public opinion is no arbitrary index. Recent scholarship has shown how much the notion of public opinion was interwoven with the birth of liberalism. This is the case in two regards. First, as Sheldon Wolin has argued, one of the chief characteristics of liberal thought has been the pre-eminence it grants to the 'social' over 'the political'.[9] In the wake of Locke and Hume, nineteenth-century liberals came to conceive of society as a self-standing entity, consisting of 'a closed system of interacting forces', which 'seemed able to sustain its own existence without the aid of an "outside" political agency'.[10] Along with commerce, 'public opinion' has been presented as a crucial element in that gradual recognition of society's self-sufficient character.[11] In France, as absolute monarchy went under steadily heavier contestation in the mid eighteenth century, public opinion, in the

[8] John Alexander Wilson Gunn, *When the French Tried to be British*: *Party, Opposition, and the Quest for Civil Disagreement, 1814–1848* (Montreal and Kingston, 2009), p. 288. An astute reader of Constant like Etienne Hofmann has even gone as far as stating that public opinion was nothing less than the 'cornerstone' of Constant's political thought. See Etienne Hofmann, *Les 'Principes de politiques' de Benjamin Constant: la genèse d'une œuvre et l'évolution de la pensée de leur auteur, 1789–1806* (Geneva, 1980), p. 370.

[9] Sheldon Wolin, *Politics and Vision*: *Continuity and Innovation in Western Political Thought* (Boston and Toronto, 1960), pp. 285–94, 309–14. Pierre Manent also sees the divorce between the state and society as the defining mark of liberalism. See P. Manent, *An Intellectual History of Liberalism* (Princeton, 1996).

[10] Wolin, *Politics and Vision*, p. 292. Andrew Jainchill has made a similar point about French liberalism in *Reimagining Politics after the Terror: The Republican Origins of French Liberalism* (Ithaca, 2008), p. 12. Historians of political thought have drawn attention to the new use of the idiom 'societé' to account for this change. See Keith Baker, 'Enlightenment and the Institution of Society: Notes for a Conceptual History', in *Main Trends in Cultural History*, ed. Willem Melching and Wyger Velema (Amsterdam, 1994), esp. pp. 119–20; and Daniel Gordon, *Citizens without Sovereignty: Equality and Sociability in French Thought, 1670–1789* (Princeton, 1994), esp. pp. 51–4.

[11] See David Bell, *The Cult of the Nation in France: Inventing Nationalism, 1680–1800* (Cambridge MA, 2001), esp. pp. 24–7. Locke himself was amongst the first to talk about the 'law of opinion', which he distinguished from civil law and divine law. Lucien Jaume sees in Locke's use of opinion the liberal 'recognition of the power of the social order'. See Jaume, *Les origines philosophiques du libéralisme* (Paris, 2010), p. 169.

words of Keith Baker, 'came to function as the foundation for a new system of authority, the abstract source of legitimacy in a transformed political culture'.[12] If the society-versus-state problem is an eminently liberal one, the role French writers ascribed to public opinion *vis-à-vis* government can adequately be taken as an indicator of their liberal credentials.

The second key element is 'pluralism'. The expression itself is of relatively recent coinage.[13] Despite its avowedly anachronistic character, pluralism has acquired a prominent place in scholarly debates about the nature of modern French political thought. At stake in these debates seems to have been the very status of the French liberal tradition. In the wake of François Furet, revisionist French historians have been keen to emphasize the weakness of the liberal tradition in a country marked by centralizing and absolutist tendencies.[14] Pierre Rosanvallon, for instance, has underlined the permanence in France of a 'political culture of generality'. This powerful 'illiberal' tradition, he has argued, partly inherited from the Jacobin sanctification of the general interest, had long prevented the emergence of pluralism in France.[15] By contrast, a number of scholars have called attention to the existence of early 'pluralist' efforts within French political culture, with the aim of rescuing French liberalism from the charge that it might not be so liberal after all.[16] 'Pluralism' here has been mainly used in two different senses: the defence of local communities or organized associations (social pluralism) and a commitment to diverging conceptions of the common good (moral pluralism).[17] It is to the second conception — moral pluralism — that public opinion is primarily connected. At stake in the definition of public opinion is indeed the acceptance — or the

[12] 'Public Opinion as Political Invention', in Keith Baker, *Inventing the French Revolution* (Cambridge, 1990), p. 186.

[13] On the notion of 'pluralism', especially in relation to French political history, see Julian Wright and Stuart Jones, 'A Pluralist History of France?', in *Pluralism and the Republican Idea in France*, ed. Julian Wright and Stuart Jones (New York, 2012), pp. 1–22.

[14] François Furet, *Interpreting the French Revolution*, trans. E. Forster (Cambridge, 1981).

[15] Pierre Rosanvallon, *Le modèle politique français*: *La société civile contre l'Etat* (Paris, 2004).

[16] On the paradox of a predominantly illiberal or statist French liberalism, see Lucien Jaume, *L'individu effacé ou le paradoxe du libéralisme français* (Paris, 1997).

[17] On social pluralism, see mainly Annelien De Dijn, *Liberty in a Levelled Society? French Political Thought from Montesquieu to Tocqueville* (Cambridge, 2008) and Jacob Levy, 'Pluralism without Privilege? Corps Intermédiaires, Civil Society, and the Art of Association', in *Organizations, Civil Society, and the Roots of Development*, ed. Naomi Lamoreaux and John J. Wallis (Chicago, 2017), pp. 83–108. On moral pluralism, see mainly Steven Vincent, *Benjamin Constant and the Birth of French Liberalism*, (New York, 2011); and Jainchill, *Reimagining Politics after the Terror*. See also the contributions of De Dijn, Vincent and Jainchill respectively in *Pluralism and the Republican Idea in France*.

rejection — of conflicting worldviews as constitutive of political life. With public opinion, we therefore plausibly have another privileged site of investigation to measure the collectivist or liberal pluralist character of the French political culture.

On these two points — the autonomy of public opinion and its pluralist character — we can test Constant's evolution. Contrary to what is usually thought, his approach to public opinion was not liberal from the start, and in fact remained explicitly anti-liberal for some time. Constant's thinking on the subject went through three main stages that correspond to the main phases of his career, which provide the three sections of this paper. From the 1790s to the end of the second restoration, it is striking that Constant's stance on public opinion changed depending on his position *vis-à-vis* the government. As a republican supporter of the Directory government, Constant dismissed public opinion as a tissue of lies infected by royalist prejudice, and promoted a strict control over opinions in the name of *raison d'état*. In the *Principles of Politics* (1806), at the height of Napoleon's power, Constant backpedalled. He fully endorsed the idea that government rested upon opinion but, as a political exile, also presented the latter as an unremitting force of opposition to despotism. In the 1820s, by which time he had been elected at the Chamber of Deputies and played an active role inside the institutional apparatus of restoration France, Constant argued in favour of a more elaborate and constructive relationship between representative government and public opinion. This paper tells the story of these shifts, but also of Constant's changing views on the composition of public opinion, which culminated in a conception that was quite distinctive when compared to his predecessors and contemporaries.

When Constant started writing about politics, public opinion in France had long been approached through the lens of rationality and unity. The Physiocrats had dismissed existing opinions as uncertain and fickle, and fantasized the emergence of an *opinion éclairée* that, through analytical discussion by the enlightened few, would have learnt to recognize the light of *évidence*. Without indulging in the clinical rhetoric of the Physiocrats, Jacques Necker equally believed that with time and adequate supervision flimsy judgments would be corrected in the light of reason and moderation. During the Revolution, those hopes of transcending differences remained vivid. Revolutionaries gave them a republican flavour, stressing the need of turning public opinion into a 'public spirit' that would outdo local variations in the long run. Despite their divergent political agenda, what these French political writers shared was, as scholars have shown, a view of public opinion as 'virtually unanimous'.[18] They longed for the coming of a rationalized, true public opinion that would put an end to conflicts and divisions. As Keith Baker put it, far from

[18] Gunn, *Queen of the World*, p. 6. Mona Ozouf has also stressed 'à quel point la discussion publique se mène en France à l'intérieur d'une religion de l'unité'. See Ozouf, 'L'opinion publique', p. 422.

welcoming the acceptance of a politics of contestation that the idea of public opinion suggests, they aspired to 'a politics without passions, a politics without factions . . . a politics without politics'.[19] Constant's specificity was progressively to break away from this French tradition of conceiving public opinion as a homogeneous entity. This process took time. Under the Directory, Constant displayed a strong aversion towards political contestation, and expressed an unwavering conviction that history and reason would make republican ideals triumph over a predominantly royalist public opinion. In the *Principles* of 1806, Constant endorsed freedom of opinion, but heavily indulged in his predecessor's dreams of unity, by announcing the coming of a united public opinion that would have learned the true principles of freedom. As we will see, it was the work's recurrent emphasis on reason, unanimity and appropriate guidance that threatened to impede Constant's recognition of the legitimacy of diverging points of view. Only during the restoration years did Constant leave behind this collectivist conception, and replace it with a vision of public opinion as being made up of conflicting viewpoints.

Once we get a sense of these shifting views, the black hole of public opinion might become a compass that helps us to throw new light on Constant's liberalism. Firstly, this chronology of public opinion unsettles existing narratives about how and when Constant turned into a full-blown liberal thinker. It shows that the claim, restated recently, that Constant's central liberal tenets were already well in place in his early republican works is hard to maintain.[20] It also brings into question the status of the *Principles of Politics* (1806). This work is widely perceived in scholarship as the turning point when Constant became a truly liberal thinker.[21] If this work indeed consecrated the primacy of public opinion over political authority, its overall monist conception of public opinion, however, seems hard to reconcile with genuine moral pluralism. It is often thought that Constant's views no longer evolved in any significant way after the writing of the *Principles.* As Constant's changing views on public opinion show, however, his liberal theorizing still underwent non-negligible changes during the restoration years. In that regard, this paper aims to contribute to a re-assessment of Constant's intellectual trajectory, and especially the importance of the restoration years.[22]

[19] Baker, 'Public Opinion as Political Invention', p. 199.

[20] See Vincent, *Benjamin Constant*; and, to a lesser extent, Jainchill, *Reimagining Politics after the Terror*.

[21] Hofmann, *Les principes de politique*; Marcel Gauchet, 'Constant', in *A Critical Dictionary of the French Revolution*, ed. François Furet and Mona Ozouf (Cambridge, MA, 1989). For Helena Rosenblatt, 'Constant becomes Constant' when he writes the first version of the *Principles*. See H. Rosenblatt, *Liberal Values*: *Benjamin Constant and the Politics of Religion* (Cambridge, 2008), p. 122.

[22] Rosenblatt has called attention to the importance of the second restoration for understanding Constant's politics. See H. Rosenblatt, 'Re-evaluating Benjamin Con-

Secondly, Constant's changing approach to public opinion also tells us something about his place within the French liberal tradition. Benjamin Constant has often been presented as one of the first authors to break with what Rosanvallon has called the French culture of generality. Already twenty years ago, Lucien Jaume presented Constant as an advocate of a 'liberalism of the subject' that challenged collectivism and abstract ideologies.[23] More recently, Andrew Jainchill argued that Constant was a 'liberal republican': he resisted the Jacobin compulsion to force the diversity of the social order into a uniform mould, while stressing the need for a buoyant political life.[24] More recently still, Steven Vincent analysed Constant's view of politics 'as ongoing negotiation between diverging groups and interests' as evidence of the presence of a 'pluralist strain' in French post-revolutionary culture.[25] Constant's views on public opinion tend to both confirm and nuance these views. His late adoption of a pluralist conception of public opinion is additional evidence that he was indeed amongst the first to question the predominant monist outlook. This move towards pluralism was quite distinctive amongst Constant's contemporaries, as we will see. It marks Constant out even from other liberals who, like François Guizot, continued to be haunted by the spectre of the dissolution of society into a morass of conflicting and ignorant opinions. On the other hand, the fact that this embrace came so late — indeed, much later than is usually thought — also testifies to the difficulty Constant had with emancipating himself from the collectivist intellectual straightjacket in which he first evolved. As his views on public opinion show, Constant was no simple exception to the French culture of generality: he inherited some of its themes, and started criticizing it only at a late stage, from the inside as it were, after he himself had succumbed to the temptation of subsuming the diversity of opinions under the banner of truth.

I
The Directory Years (1795–9)
Taming Unenlightened Public Opinion

Public opinion caused much concern to the young Constant. When he arrived in Paris with Germaine de Staël in 1795, he had no fully fleshed-out political agenda, apart from making a brilliant political *début* as a fervent republican. In his first series of pamphlets, *Trois lettres à un député de la convention*, he presented himself as a champion of public opinion against the *conventionnels*' project of adopting what would become the two-thirds

stant's Liberalism: Industrialism, Saint-Simonianism and the Restoration Years', *History of European Ideas*, 30 (2004), pp. 23–37.

[23] Jaume, *L'individu effacé*.

[24] Jainchill, *Reimagining Politics after the Terror*.

[25] According to Vincent, Constant was a 'consistent champion of pluralism during the early-nineteenth century'. See Vincent, *Benjamin Constant*, pp. 3, 177–8.

decrees (22 and 30 August 1795). The blunt political manoeuvre of automatically re-electing a majority of republican *conventionnels* was doomed to fail, he wrote, because it trampled underfoot the people's expectations. In order to be legitimate — to appear 'pure and irreproachable' — representatives had, he argued, to be normally re-elected, to 'pass again through the crucible of public opinion'.[26] His text triggered a wealth of acid replies from the Directory side, with some prominent republican writers like Jean-Baptiste Louvet depicting Constant as a royalist in disguise. Realizing that his position was unwillingly undermining the credibility of the nascent Directory and jeopardizing his own political career, Constant soon decided to side with the government, and revise his stance on public opinion so that it better fitted his new political allegiance. In a context where one coup after another had to be staged to contain both the royalist menace and the rise of the neo-Jacobins, it was becoming increasingly clear to the partisans of the Directory that public opinion was still far from supportive of the government. Constant's goal became to assert the pre-eminence of government stability over — and despite — the state of public opinion. To this end, he started propagating a pejorative image of what he thought public opinion had become, much in the spirit of Louvet, who quickly became his 'mentor'.[27]

In his first important pamphlet, *De la force du gouvernement actuel de la France et de la nécessité de s'y rallier*, published in April 1796, Constant lamented that the 'source' of 'public opinion' had been 'corrupted'.[28] One year later, just after the moderates had won the partial elections of April 1797, Constant attributed this debasement of opinion to the relentless criticism of opposition journalists, be they royalists or constitutional republicans.[29] When Louvet died prematurely in 1797, after having long been vilified by the royalist press, Constant wrote a tribute in which he denounced what he called the 'abuses of the printing press': 'This newspapers' institution, which spies on every detail, perpetuates all trifles, analyses each action, belittles every quality, exaggerates all weaknesses and resorts, in the end, to lying, when truth

[26] 'Trois lettres à un député de la convention', in *Ecrits de Jeunesse (1774–1799)*: *Œuvres complètes de Benjamin Constant*, I, ed. Jean-Daniel Candaux and Lucia Omacini (Berlin, 1998), p. 287. References to Constant's works are to the *Œuvres complètes* when the texts are already available in that edition. I have used existing translations when possible.

[27] Henri Grange, *Benjamin Constant: Amoureux et républicain* (Paris, 2004), p. 90. On Constant during the Directory period see additionally, Béatrice Jasinski, *L'Engagement de Benjamin Constant: amour et politique (1794–1796)* (Paris, 1971); and Aurelian Craiutu, *A Virtue for Courageous Minds: Moderation in French Political Thought, 1748–1830* (Princeton, 2012), pp. 200–20.

[28] Benjamin Constant, 'De la force du gouvernement actuel de la France et de la nécessité de s'y rallier', in *Ecrits de Jeunesse*, p. 99.

[29] See the fifth chapter of 'Des réactions politiques' entitled 'De la conduite des écrivains actuels', in Constant, *Ecrits de Jeunesse,* pp. 467–73.

does not satisfy its need to degrade everything.'[30] With this negative judgment of the inquisitive watch of journalists, Constant was echoing a conception of opinion as *estime publique*, which had gradually gained ground in France from the seventeenth century onwards. Understood in this sense, public opinion referred to the moral judgment a community makes upon the actions of its members.[31] For many French political commentators, this form of social control had a deeply pejorative connotation.[32] In Constant's eyes, this public gaze had become all the more problematic with the proliferation of journals in the wake of the revolution. The problem here was no longer simply the reputation of a few individuals, although honour remained a cause of concern for authors who, like Constant and Mme de Staël, were often attacked in newspapers. At stake was the more fundamental political problem of the nature of the dialogue between society and government.

To Constant, the scrutiny of opposition writers was putting the authority of the government in jeopardy. Therefore, he had no qualms in suggesting that, given the numerous 'abuses' that had been made of the liberty of the press, the latter should be restricted.[33] In reality, this had been the Directory's policy since its inception. Despite the fact that the Constitution of Year III guaranteed, under certain conditions, freedom of the press, the government, notably under the instigation of Louvet, had constantly sought to curtail it from 1795 onward. In line with the government's strategy, Constant argued that it was sheer folly to allow the expression of dissident opinions. In a letter to a republican friend dated August 1798, Constant wrote: 'In a free state [. . .] any difference of opinion, any observation against a law is an act of rebellion.'[34] Public opinion, he believed, had to be unitary in its support of the republic. Pluralism was not on the agenda.[35] Either royalists surrendered their views to join the sole and only true public opinion, or they would be silenced by the

[30] 'Nécrologie de Louvet', in *Ecrits de Jeunesse*, p. 541.

[31] On public opinion as *estime publique* see Baker, 'Public Opinion as Political Invention', pp. 21–2; and Binoche, *Religion privée, opinion publique*, pp. 109–13.

[32] See for instance Rousseau in *La Nouvelle Héloïse*: 'I distinguish in what one calls honour, that which comes from public opinion, and that which derives from self-esteem. The first one consists in vain prejudices, even more mobile than a restive wave.' Quoted in Loïc Blondiaux, *La Fabrique de l'opinion: Une histoire sociale des sondages* (Paris, 1998), p. 35, note 10.

[33] Constant, *De la force du gouvernement*, p. 361.

[34] Benjamin Constant, letter to Louis-Ferdinand and Thérèse Huber, Thermidor, 29 year VI (16 August 1798), quoted in Hofmann, *Les Principes de politique*, p. 169.

[35] Bronislaw Baczko has shown that this anti-pluralist attitude was a characteristic trait of the Directory period. 'Les thermidoriens ne peuvent penser ni imaginer l'espace politique comme *nécessairement divisé en tendances opposées*, donc comme nécessairement conflictuel et contradictoire.' See B. Baczko, *Comment sortir de la Terreur? Thermidor et la Révolution* (Paris, 1989), p. 342.

republican party until its definitive triumph.[36] In *Des réactions politiques*, Constant urged moderates to sign a pact with the government: they would be granted protection in exchange for their support of the government, which Constant asked them to 'surround with the force of opinion'.[37] A few months later, in an infamous speech given just after Fructidor in defence of the directors' coup, Constant went as far as threatening uncompromising royalists. 'Only those who believe in the possibility of freedom have a right to freedom' he wrote, enjoining the government to 'choke *la mode*'.[38]

These fierce entreaties reflected how bitter and decisive the battle for ideas had become in the young French republic. Constant did not hesitate to present royalist opinions such as heredity and Catholicism as 'false ideas' that had to be purged by enlightened writers, who had to battle for the victory of 'true' republican ideas. In any case, 'enlightenment' was bound to win universal appraisal against 'prejudices' in the long run.[39] In the meantime, since in his view public opinion was held hostage by the royalist party, Constant derided it as an 'opinion composed of . . . the stupidity of nearly all'.[40] *De la force du gouvernement actuel* took aim at those who depicted public opinion as a calm, confident and rational force. 'People do not have an accurate idea of the influence and the nature of that opinion, which does not know itself', he retorted.[41] He then gave a portrait of public opinion as the perfect antithesis of enlightenment: an unruly, fluctuating blind force that was easily manipulated by opportunists.

> Arbitrary and mysterious power, it [public opinion] always has a commendable goal, but it always passes it by. Relentless enemy of the legal means that hinders it and of reason that moderates it, it is the docile instrument of who flatters it, be it for leading it in the direction most opposite to its intentions. It believes just what it orders, as if it was the general will, and executes it with violence, as if it was only the will of a faction.[42]

To fully appreciate the nature of public opinion, and how it usually behaved, Constant wrote, one simply needed to think about the Jacobin sections, or how debates had been conducted in the Convention or primary assemblies before Thermidor. The situation had not improved since then. It was therefore 'necessary for the establishment of liberty', Constant contended, that agents

[36] The anti-pluralist cast of Constant's early republican volontarism cast doubt, in my view, on the idea that Constant's liberalism emerged in 1795–7. For another view on Constant's thermidorian years, see Vincent, *Benjamin Constant*, pp. 39–81.

[37] 'Des réactions politiques', p. 466.

[38] 'Discours prononcé au Cercle constitutionnel pour la plantation de l'arbre de la liberté, le 30 fructidor an V (September 16, 1797)', in *Ecrits de Jeunesse*, pp. 561–2.

[39] Constant, *De la force du gouvernement*, pp. 373–4.

[40] Constant, 'Nécrologie de Louvet', p. 543.

[41] Constant, *De la force du gouvernement*, p. 358.

[42] *Ibid*.

of government 'stand in opposition to opinion'.[43] Rather than putting public opinion in the place of law and consecrating mob rule as the Jacobins had done, Constant argued, laws should keep public opinion in check.[44] This position triggered in 1797 an acid reply from the *constitutionnel* Adrien Lézay-Marnésia, who, interestingly, counted amongst Mme de Staël's close circle at that time.[45] Lézay's pamphlet was ironically entitled, in answer to Constant's, *De la faiblesse d'un gouvernement qui commence, et de la nécessité où il est de se rallier à la majorité nationale*. His main claim was in the title: the Directory government, given its weakness, should follow the will of what he called the 'national majority', rather than run against it.[46] In his view, this majority was not made up of royalist plotters, as some government propagandist like Constant wanted the French to believe. It was mainly composed of the land-owning middle-class, which simply wished the conservation of the current government and that the Constitution of year III be respected.[47] Not surprisingly, Lézay's analysis of the civil society-government relationship led him to a completely opposite definition of public opinion:

> That majority which is the only one to occupy large spaces and lengthy periods of time: which lasts as long as nations, although the art of politics has more than once succeeded in substituting it for a fictitious majority . . . that majority which reconciles to the highest degree the four great means of government, and the most economical ones, that is to say *trust*, *property*, *love of order*, and *enlightenment*; that majority, at last, the only one legitimate, since any other is a *party majority*, is for these reasons and a thousand others, the only one that suits government, being the only fixed majority, and accordingly the only one on which it can steady itself.[48]

In Lézay's text, Constant's uncertain and obscurantist public opinion appeared as a model of sobriety and rationality, in line with the picture most late-eighteenth-century French political writers had begun to project. Lezay's point was that a government, in order to last, had to rest on an extended social base. It could not wage war against the national majority, which grounded its legitimacy, without endangering its existence. What is surprising is that Constant himself seemed to have already been aware of the inevitable failure of a type of political voluntarism that sought to maintain its grip upon society

[43] *Ibid*., p. 360.

[44] *Ibid.*, pp. 360–1.

[45] On Staël's circle, and how the views of some of her friends such as Lézay and Pierre-Louis Roederer differed from the more radical positions of Constant at that time, see Hofmann, *Les principes de politique*, pp. 108–13.

[46] On the Constant–Lezay controversy, see Pierre Serna, *La République des girouettes: 1789–1815 et au-delà. Une anomalie politique: la France de l'extrême centre* (Seyssel, 2005), pp. 422–31.

[47] Adrien Lézay-Marnésia, *De la faiblesse d'un gouvernement qui commence, et de la nécessité où il est de se rallier à la majorité nationale* (Paris, 1797), pp. 5–13.

[48] *Ibid*., pp. 53–4.

without the support of public opinion. In the end, Constant noted in *De la force du gouvernement actuel*, rulers had little control over the march of events, because society rested upon 'ideas' that often trumped their initiatives:

> Kings, great men and those who defend them seem to be ignorant of the power of ideas. Accustomed to having visible forces dominating invisible opinions, they do not realize that it is from these opinions that this force stems. Habit makes them indifferent to the miracle of authority. They see the movement, but because they ignore the spring, society appears to them only as a rough mechanism. They take power to be a cause, while it is only an effect, and they want to make use of the cause against the effect. However, it is to ideas only that the world's empire has been given.[49]

The time of the great political reformists of the eighteenth century was now past, Constant suggested. The order of preeminence between society and the state, which in France had for a long time been considered the sole locus of political power, was gradually inverting itself.[50] Despite his youthful republican professions of faith, Constant was here treading in the footsteps of a cohort of proto-liberal writers who had described the emergence of society as a self-sufficient entity independent from the state.[51] But his zeal for the Directory government, coupled with his Manichean royalist-republican framework prevented him from granting any kind of positive role to public opinion in the present-day political situation. In *De la force*, it is probably the looseness of the vocabulary, which oscillates between the words 'opinions' and 'ideas', that allowed Constant to tread this fine line. Republican ideas would inevitably triumph in the long run — royalist plotters had to bear that in mind — but in the meantime it was the government's role to rally public opinion, rather than the opposite.

But as the Directory sank into dictatorship after 18 Fructidor, Constant found it increasingly hard to support the government's prohibitive measures

[49] Constant, *De la force du gouvernement*, pp. 372–3.

[50] Marcel Gauchet has seen in this shift from a 'pouvoir cause' — the state gives shape to society from outside — to the 'pouvoir effet' — the state is merely a reflection of civil society — one of the defining marks of Constant's liberalism. See 'Benjamin Constant: l'illusion lucide du libéralisme', in *Benjamin Constant: Ecrits politiques*, ed. Marcel Gauchet (Paris, 1997), pp. 64–74. An abridged version of this essay has been translated by Arthur Goldhammer as 'Liberalism's Lucid Illusion', in *The Cambridge Companion to Constant*, ed. Helena Rosenblatt (Cambridge, 2009), pp. 23–46.

[51] An early avid reader of Hume, Constant knew that 'force is always on the side of the governed' and that therefore, 'the governors have nothing to support them but opinion'. David Hume, 'Of the First Principles of Government', in *Political Essays*, ed. Knud Haakonssen (Cambridge, 1994), p. 16. The well known first paragraph of Hume's essay was translated word-for-word by Constant in two footnotes to his *Principes de Politique* (1806). That Constant read Hume's political essays pen in hand is well documented. He refers to them in his 'Fragmens d'un essai sur la perfectibilité', in *Ecrits littéraires (1800–1813)*: *Œuvres complètes de Benjamin Constant*, III, 1, ed. Paul Delbouille and Martine de Rougemont (2 vols., Berlin, 1995), p. 453.

against its political opponents. In November 1798, with *Des suites de la contre-révolution*, he became a dissident, and blamed the current 'lack of public spirit' no longer on opposition writers, but on 'the dictatorship granted to the directory'.[52] He now called for a revival of public spirit, which, he explained, was the only way to federate the nation: 'without the power of opinion, there will never be any national power. Opinion only is the tie between men, the basis of morals, the reward of virtue.'[53] The rhetoric used, with expressions like 'public spirit', was still strongly republican;[54] but, by rehabilitating public opinion against the government's interventionism (and going back to the position he had first expressed in his *Trois lettres à un député de la Convention*), Constant paved the way for a gradually more liberal approach to the concept.

II
The *Principles of Politics* (1806)
Enlightened Public Opinion

At the time of writing the first version of the *Principles of Politics* (1806), Constant had become an opposition figure, first from the inside, as a member of the Tribunate, before going into exile after his dismissal by Napoleon in 1802. During this period, his reflection on public opinion gained an intellectual breadth that was absent from the thermidorian pamphlets. Under the Directory, Constant was casting authority against public opinion; in line with his new position he now cast public opinion against authority. From being merely fickle, public opinion had become the constitutive principle of government. It formed 'the very life of States'.[55] The locus of power had definitely passed from government to society, as he had intuited in *De la force*. Severing the link that tied governments to the fertile ground of opinions was a recipe for disaster: 'when public opinion is not renewed, States waste away and fall into dissolution'.[56]

Under the Directory, Constant had expressed his hope that political authority, assisted by intellectuals, would show the way to enlightenment. This now struck him as a blatant impossibility: 'there exist no governmental truths', he wrote.[57] Individuals had to be left to their own reflections, and adopt or reject opinions as they saw fit. Governments were not more enlightened than

[52] Constant, 'Des suites de la contre-révolution de 1660 en Angleterre', in *Ecrits de Jeunesse*, p. 675.

[53] *Ibid*., p. 679.

[54] See Mona Ozouf, 'Public Spirit', in *A of the French Revolution*, ed. Furet and Ozouf.

[55] Benjamin Constant, *Principles of Politics (1806–10)*, ed. Etienne Hofmann, trans. Dennis O'Keeffe (Indiana, 2003), p. 113.

[56] *Ibid*.

[57] *Ibid.*, p. 502.

individuals, quite the contrary. Power, impatience and concentration of political interests, Constant pointed out, often made for ill-informed political decisions.[58] Rather than trusting their own judgment, members of government would therefore be well advised to listen to public opinion and try to enact the changes it naturally called for, rather than trying to conduct it. Interestingly, Constant's point that government should not declare where truth stands did not go together with a celebration of the diversity of opinions that would normally arise in the absence of imposed political credos. If each individual is free to search for truth, then inevitably a plurality of opinions about the public good emerges. Yet this is precisely the outcome Constant gave the impression of resisting in the *Principles*. Of course, opinions should remain free from government intervention — the *Principles* offered a classic liberal plea for freedom of speech — but Constant often seemed to imply that their confusion would soon vanish when confronted by the weight of truth. The text is in fact haunted by that French tradition mentioned in the introduction, which expected public opinion to be purely rational and unified. In that regard, the *Principles* offered a hybrid type of liberalism, which combined an unconditional endorsement of freedom of thought with a form of despotism of reason reminiscent of the Physiocrats.

This is particularly striking in the way Constant understood public opinion as the aggregation of parcels of truth: 'If government stays neutral, letting people debate, opinions join combat and enlightenment is born of their clash. A national outlook forms, and the truth brings together such agreement that it is no longer possible to fail to recognize it.'[59] Faithful to the Enlightenment tradition, writers like Mercier de la Rivière had endorsed the model of a society enlightened by the 'shock of opinions'.[60] To solve the problem of how truth could emerge out of the cacophony of individual opinions, the Physiocrats simply equated public opinion with *évidence*.[61] Individual opinions, they believed, would readily surrender to the logical political and economical conclusions reached by Physiocracy, just as geometers inevitably do when confronted by mathematical proofs.[62] Constant expressed a similar confidence, resorting to the economic vocabulary the Physiocrats had popularized: 'Laisser faire is all you need to bring commerce to the highest point of

[58] *Ibid*., p. 54. On the relationship between political authority and enlightenment in Constant, See Jaume, *L'individu effacé*, pp. 64–72.

[59] Constant, *Principles*, p. 344.

[60] Gunn, *Queen of the World*, p. 265.

[61] Quesnay defined 'Evidence' in the *Encyclopédie* (first edition, 1751, Vol. 6, p. 146) as 'a certitude so clear and manifest by itself that the mind cannot resist it' ['une certitude si claire et si manifeste par elle-même que l'esprit ne peut s'y refuser'].

[62] 'Euclid is a true despot, and the truths he handed down to us are truly despotic laws' Mercier de la Rivière wrote in *l'Ordre naturel et essentiel des sociétés politiques* (Paris, 1767), I, p. 313. On the Physiocrats and public opinion, see Ozouf, 'Opinion publique', pp. 426–7.

prosperity; letting people write is all you need for the human mind to achieve the highest degree of activity, cogency, and accuracy.'[63]

In addition to the power of *évidence*, one of the central assumptions at work in the *Principles* was Constant's faith in human perfectibility, which he inherited from his early engagement with Condorcet and William Godwin.[64] In a set of notes on perfectibility written in parallel with the manuscript of the *Principles*, Constant had predicted that man would gradually develop more effective means to compare ideas, which would inevitably lead to the gradual discovery of new truths about human nature.[65] This belief provides the key to the crucial, lengthy book VIII of the *Principles*, 'On Freedom of Thought'. Freedom of thought, Constant explained, could be envisaged in two different ways. From an 'administrative' point of view, political authority needed to follow the fluctuations of public opinion in order to know how to rule. But freedom of thought, Constant insisted, 'must' also be understood from a higher standpoint, that of 'the development of the human mind'.[66] In a context where Napoleon had effectively muzzled the press, and Constant had been forced into exile, he pictured the coming of a unified public opinion that at last had recognized the true principles of politics, and would ultimately defeat despotism. Despite the punctual and deeply counter-productive interventions of government, progress was irresistible. Public opinion, which Constant repeatedly juxtaposed with 'thought', was gradually becoming more enlightened. 'When reason gets on the march', he declared, 'it is invincible. Its supporters may perish, but it survives and triumphs. There exists only a moment to proscribe it with advantage. Once this has passed, all efforts are in vain.

[63] Constant, *Principles*, p. 116. Constant probably grew interested in the work of the Physiocrats during his stay in Brunswick where, in 1794, he befriended Jakob Mauvillon, who introduced (neo)-Physiocracy to the German reading public and ghostwrote Mirabeau's *De la monarchie prussienne sour Fréderic le Grand*. When Mauvillon died, Constant said of him (Letter to Mme de Nassau, 31 January 1794) that he was 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, 1984), pp. 53–8.

[64] From autumn 1798 to January 1800, Constant worked on a translation of the first edition of Godwin's *Enquiry Concerning Political Justice*. He met Condorcet as a young man and followed his lectures at the Lycée Royal in 1786–7. On Constant's connections to Godwin and Condorcet, see Arthur Ghins, 'Benjamin Constant and the Politics of Reason', *History of European Ideas*, 44 (2) (2018), pp. 224–43.

[65] See 'De la perfectibilité de l'espèce humaine', in *Ecrits littéraires*, pp. 456–77. Constant worked on that essay from 1800 to 1805, but only published it in 1829 in his *Mélanges de littérature et de politique*.

[66] Constant, *Principles*, p. 112.

The intellectual struggle is engaged, opinion is separated from power, truth dawns in every mind.'[67]

The 'public' Constant was referring to in the *Principles* was rather limited in scope. He identified it with the intellectual elite of the country, the landowning 'cultivated class', which occupied a pivotal position between members of the government and the uneducated class.[68] The former, in light of their position, were unable to make sound judgments. The people, on the other hand, were still full of prejudices. The *Principles* stuck to a binary distinction inherited from the Enlightenment, which irremediably opposed the multitude to the enlightened few.[69] 'There is a class', Constant wrote, 'which has to believe what it is told, a class which . . . not being able to devote itself to analysis, has no interest in intellectual independence.'[70] It was not the government's role to oversee the views of this class. If government was endowed with this prerogative, Constant warned, the educated class 'which feels that opinion is its own domain, will put itself at odds with the government'.[71] Like the *philosophes* before him, Constant simply exchanged one type of guidance for another.[72] 'It is to conserve in all its force the domain of the enlightened class that I feel repugnance at its subordination to a tiny fraction of itself, necessarily less impartial and probably less enlightened than the rest.'[73] Constant described the enlightened writer as a sort of prophet, whose role was to turn 'proclaimed truths' that were 'still within the grasp of only a few people' into 'recognized truths'.[74] The *Principles* themselves were conceived as part of that collective effort. They were, in Constant's mind, a contribution to the great work of unravelling fundamental truths.[75] In the conclusion of his work, Constant called upon 'missionaries of truth' to 'redouble in zeal and effort'. 'Let light penetrate everywhere; if it is obscured, let it reappear; if it is repelled, let it come back. Let it reproduce, multiply, and transform itself. Let it be as indefatigable as persecution.'[76] As a young republican, Constant had

[67] *Ibid*., pp. 421–2.

[68] *Ibid.*, p. 112.

[69] For thinkers like Condorcet and Necker, only the instructed part of the nation was responsible for the formation of public opinion, as opposed to the ignorant multitude which was unable to form any kind of judgment on its own. See Léonard Burnand, *Necker et l'opinion publique* (Paris, 2004), p. 57; Blondiaux, *La fabrique de l'opinion*, p. 47; Gunn, *Queen of the World*, pp. 278–9.

[70] Constant, *Principles*, p. 303.

[71] *Ibid.*

[72] See Dan Edelstein, *The Enlightenment: A Genealogy* (Chicago, 2010), p. 117.

[73] Constant, *Principles*, p. 304.

[74] *Ibid*., p. 422.

[75] See the introduction Constant added to the *Principles*, pp. 425–9.

[76] *Ibid*., p. 422. This idea that writers had a role to play in the spread of truth was a topos of French Enlightenment. It can be found in d'Alembert as well as in Helvétius' *De l'Esprit*, where Helvétius calls the *philosophes* 'esprits de lumières' whose role was to

called for an alliance between writers and the government. He now took issue with those unscrupulous writers who had deserted the ranks of philosophy to become flattering instruments in the hands of the powerful.[77] By contrast, Constant cast himself as one amongst a handful of enlightened writers that had engaged in a relentless battle of ideas against Bonaparte.[78] These courageous individuals would find the energy to complete their task in the 'glory' that the public recognition of their courageous achievements would bring to them — Constant here remained truthful to the notion of public opinion as *estime publique*, but now viewed it in a positive light.[79]

As has been observed, the Physiocrats' promotion of public opinion was deeply ambivalent. On the one hand, the idea that there was an *ordre naturel* that the reading public could fathom indirectly limited the scope of action of the *despote éclairé*, whose role in principle was to be limited to enacting the laws of nature that public opinion had revealed. On the other hand, the conflation of public opinion with *évidence* implied a form of authoritarianism that casts doubt on the Physiocrats' claim to be representatives of an early form of liberalism.[80] A similar form of ambivalence is apparent in a neglected but important text, a speech Constant gave at the *Tribunat* on the first of February 1800.[81] In many respects, this speech constituted the practical application of the views on public opinion Constant was then developing in the *Principles*.[82] The point of the speech was to show how useful a careful collection and classification of all the petitions that were sent every day to the Tribunate would

make 'visible ideas' easier to understand for ordinary people. See *De l'Esprit*, ed. François Châtelet (Paris, 1973), pp. 410–11. Constant might also have taken the expression 'missionaries of truth' from William Godwin. See *An Enquiry Concerning Political Justice*, ed. Mark Philp (Oxford, 2013), p. 462. On the idea of a writer as a prophet at the turn of the century, see Paul Bénichou's classic, *Le temps des prophètes* (Paris, 1977).

[77] Constant, *Principles*, pp. 427–8.

[78] 'Thought is strengthened by all the superfluous activity that is removed from government.' *Ibid.*, p. 343.

[79] *Ibid.*, p. 123.

[80] On the Physiocrats, see Georges Weulersse, *Le mouvement physiocratique en France de 1756 à 1770* (2 vols., Paris, 1910); Elizabeth Fox-Genovese, *The Origins of Physiocracy: Economic Revolution and Social Order in Eighteenth-Century France* (Ithaca, 1976); Catherine Larrère, *L'invention de l'économie au xviii siècle: du droit naturel à la physiocratie* (Paris, 1992); and Hochstrasser, 'Physiocracy and the Politics of Laissez-Faire', in *The Cambridge History of Eighteenth-Century Political Thought*, ed. Mark Goldie and Robert Wokler (Cambridge, 2006).

[81] Benjamin Constant, 'Sur le mode à adopter pour prendre en considération les pétitions adressées au Tribunat, séance du 12 Pluviose an 8', in *Discours au Tribunat: Œuvres complètes de Benjamin Constant/Œuvres*, IV, ed. Maria Luisa Sanchéz Mejía and Kurt Kloocke (Berlin, 2005), p. 99.

[82] At the time Constant gave his speech, in 1800, he must have already started writing the *Principles*. On the chronology of the writing of the *Principles*, see Hofmann, *Les 'Principes de politique'*.

be. Such a work of compilation was worth pursuing, Constant explained to his colleagues, because it could offer 'precise knowledge' of 'the state of opinion and the progress of enlightenment'.[83] In his eyes, the role of the Tribunate was first and foremost to act as a receptacle of all the 'ameliorations' suggested in petitions. In describing how irrefutable the outcome of the collation of petitions would be, Constant's intention was to turn the Tribunate into a solid chamber of opposition. The strategy was similar to that of the *Principles*. Calling upon the irresistible power of truth was a way of overcoming the political impotency of the Tribunate, which had been designed as a chamber of mere discussion, with neither the power of initiative nor the power of making laws.[84] In his speech, Constant kept on playing on the equivalence, also present in the *Principles*, between opinion as expressed in petitions and truth. The collection of all isolated petitions, he insisted, 'will spark enlightenment from all sides'.[85] The erroneous opinions that were expressed in some of them were bound to vanish in this process: 'truth being always one, will be repeated so many times in all petitions that pertain to the same object, that it will acquire an irresistible demonstration'.[86] Deliberation would be easy: *évidence* would be revealed through the peaceful and rational confrontation of individual opinions, far from the agitation of parties. The inevitable effect of this demonstration was to reduce the government's scope of action. The government's role, Constant suggested, should be limited to the mere implementation of the evident conclusions reached by public opinion, as expressed in all petitions. It was up to the Tribunate to summon all enlightened opinions, Constant insisted, first to shed light on the discussions that took place in the assembly, before transmitting them to the government, whose role was restricted to 'execution'.[87]

In the 1800s, Constant's elitism seemed to have made him impervious to the complexity of the social dynamics involved in the formation of public opinion. The *Principles* simply dismissed the question: 'Someone will ask how can you know precisely what the state of public opinion is?' To this, he confidently replied: 'If you allow opinion the right of expression, you will know it readily.'[88] In that regard, Constant's views are worth comparing with the ideas about public opinion the *ex-constitutionnel* Roederer was developing at around the same time. Like Constant, Roederer had supported the *Brumaire* coup, and consequently had been appointed by Bonaparte to the

[83] Constant, 'Sur le mode à adopter . . .', p. 99.

[84] On Constant's time as a tribune, see Alain Laquièze, 'Benjamin Constant au Tribunat', *Annales Benjamin Constant*, 28 (2004), pp. 9–38.

[85] Constant, 'Sur le mode à adopter . . .', p. 99.

[86] *Ibid.*, p. 100.

[87] *Ibid.*, p. 101.

[88] *Ibid.*, p. 344.

Conseil d'Etat.[89] In December 1799, Roederer decided to publish in his new journal the aptly named '*Théorie de l'opinion publique*'.[90] In an explanatory note, he indicated that his contribution was meant to throw some light upon 'that public opinion which has always been so ill-understood'. At a time when the Consulate was making its first steps, Roederer wished to make the case for an 'organized public opinion' — an 'epurated' form of public opinion that would comfort the institutional apparatus of the new regime.[91]

The essay constituted a systematic terminological effort to determine what exactly the notion of 'public opinion' meant, and the process through which the latter took shape in a modern state like France. He first distinguished between the 'legal majority' — parliamentary majority — and the larger 'natural majority' which formed itself spontaneously when the entire mass of the nation is confronted by change.[92] The natural majority had to obey the legal majority in as much as the latter acted according to the wishes of the former.[93] To explain how this natural majority came about, Roederer further distinguished between 'public sentiment' and 'public opinion' *senso strictu*. The public sentiment emerged in the lower, uneducated class. It consisted in a blind, unarticulated instinct. This national hum gradually made its way up to the higher social classes. Writers took up their pen to give a coherent and expressive form to this general feeling, and thereby started giving a voice to public opinion.[94] Their message was then propagated from the 'top of the

[89] On Roederer, see Kenneth Margerison, 'Pierre-Louis Roederer: Political Thought and Practice During the French Revolution', *Transactions of the American Philosophical Society*, 73 (1) (1983), pp. 1–166; Ruth Scurr, 'Social Equality in Pierre-Louis Roederer's Interpretation of the Modern Republic', *History of European Ideas*, 26 (2000), pp. 105–26; Ruth Scurr, 'Pierre-Louis Roederer and the Debate on the Forms of Government in Revolutionary France', *Political Studies*, 52 (2004), pp. 251–68; Richard Whatmore, *Republicanism and the French Revolution: An Intellectual History of Jean-Baptiste Say's Political Economy* (Oxford, 2000); and Michael Sonenscher, *Before the Deluge: Public Debt, Inequality, and the Intellectual Origins of the French Revolution* (Princeton, 2007).

[90] 'De la majorité nationale, de la manière dont elle se forme, et des signes auxquels on peut la reconnoitre ou Théorie de l'opinion publique', in *Mémoires d'économie publique, de morale et de politique*, Vol. 1, No. 2 (Paris, 1799), pp. 75–89. This piece had been published two years before as a chapter of Lézay's *De la faiblesse d'un gouvernement qui commence*. On Roederer and public opinion, see Lucien Jaume, *Echec au libéralisme: Les jacobins et l'Etat* (Paris, 1990), pp. 55–7, 98–105; and Jean-Luc Chappey, 'Pierre-Louis Roederer et la presse sous le Directoire et le Consulat: L'opinion publique et les enjeux d'une politique éditoriale', *Annales historiques de la Révolution française*, 334 (October–December 2003), pp. 1–21.

[91] Roederer, 'Théorie de l'opinion publique', p. 75.

[92] *Ibid*.

[93] *Ibid*., p. 77.

[94] *Ibid*., pp. 78, 82–3.

pyramid' back to the bottom of the social body.[95] In the end, the description of this process of 'filtration' of inconsistent opinions allowed Roederer to grant the right to rule to a social elite. 'The purest truths need to fall from high places in order to penetrate the lower classes of the State', he concluded.[96] Official, state-sponsored newspapers, not isolated liberal writers, were to act as a vehicle of reasonable ideas between society and the government. In that regard, Roederer's views could not be more remote from Constant's, and it is unsurprising to find the former criticizing the idea that the Tribunate should be a chamber of opposition.[97]

Interestingly, unlike Constant, Roederer's professed elitism in 1799 did not blind him to the political importance of the masses. At that time, both were envisaging the driving forces behind public opinion as a small group of well-read property owners, who, by contrast with the ignorant populace, could consult books at leisure.[98] But the strength of Roederer's account was to offer a complex sociological explanation of how opinion became gradually more enlightened as it climbed the social ladder. For Constant, the ignorance of the lower class necessarily prevented it from playing any kind of role in the formation of public opinion.[99] Roederer went beyond that vision by recasting the relationship between public writers and the people in terms of continuity rather than blunt opposition. Like Constant, he depicted the lower ranks of society as full of prejudices, but rather than dismissing them on that ground, he made their 'public sentiment' the social foundation of the new regime.

Still, on the undivided character of public opinion, be it a force of support or opposition to the government, Roederer and Constant were on the same wavelength. At the heart of the *Principles*, often hailed as a liberal manifesto, there was a version of public opinion that was still exclusive and hostile to political difference. The text testifies to Constant's difficulty in reconciling his liberal commitment to freedom of opinions and the potentially divisive pluralism such a tolerance implies with a longing for an idealized community unified around the principles of the French revolution. Public opinion had to preserve its independence from political authority and its too often arbitrary

[95] *Ibid.*, p. 78.

[96] *Ibid.*, p. 87.

[97] Even before the first session of the Tribunate took place, apparently aware of the role of opposition Constant wanted the chamber to play, Roederer left a word of warning in the *Journal de Paris* of 15 nivôse year VIII (5 January 1800): 'Do you know well what the Tribunate is? Is it true that this is *organized Opposition*? Is it true that a tribune is condemned always to oppose the government without reason and measure . . .? If this is what the work of a tribune is, then that would be the most odious of occupations.' Quoted in Gunn, *When the French Tried to Be British*, p. 275. As a member of the Conseil d'Etat, Roederer was one of Napoleon's closest advisors, and was responsible for introducing and defending the executive's draft bills in front of the Corps législatif.

[98] Roederer, 'Théorie de l'opinion publique', p. 80.

[99] Constant, *Principles*, pp. 166, 172.

measures, but it was understood that its resistance to government would be expressed in a unanimous voice: 'public opinion can exist only where there remains neither anything despotic nor any political divide'.[100] With stability, such a public opinion would not fail to arise. 'Public spirit' — now in the sense of public opinion educated to its task — 'is the fruit of time', he wrote in a style reminiscent of Necker.[101] Only with the second restoration did Constant completely renounce the temptation to unify points of views around the reassuring weight of truth. It is at this time that the liberal intuitions expressed in the *Principles* were brought to their full conclusion.

III
The Restoration Years (1814–30)
Towards a Pluralist Conception of Public Opinion

From 1814 onwards, Constant emerged as a public intellectual seeking to influence public opinion through journal articles and political speeches. At this time, his activity as a journalist and, from 1819 onwards, as a representative, made him one of the leading figures of the liberal opposition.[102] After the assassination of the duc de Berry (1820) and the crackdown on public freedoms that ensued, Constant repeatedly stood up for a liberal interpretation of the Charter of 1814, particularly on freedom of the press. This new position as an opponent active *inside* the political system led him to reconsider the relationship between government and public opinion, and moderate his previous vision of public opinion as an unremitting force of opposition.

In the idea of representative government Constant now found the key to the reconciliation between public opinion and government. Public opinion and government no longer had to be in a ferocious conflict, because the characteristic of this government was precisely to represent public opinion. In his *Principles of Politics Applicable to All Representative Governments*, published in

[100] *Ibid*., p. 371.

[101] *Ibid*., p. 522. For Necker, 'the true public spirit . . . is vast in its views, cautious in its march, it carries away from us, but forever, our personal interests, so that they can be united, so that they can be submitted to the common interest. Force is needed, time is needed to lift oneself up to this public spirit'. Quoted in Jean-Denis Bredin, 'Necker et l'opinion publique', in *Coppet, Creuset de l'esprit libéral: les idées politiques et constitutionnelles du Groupe de Madame de Staël*, ed. Lucien Jaume (Paris, 2000), p. 33. On Necker and public opinion, see also Lucien Jaume, 'L'opinion publique selon Necker: entre concept et idée-force', in *L'avènement de l'opinion publique: Europe et Amériques XVIIIe–XIX*, ed. Javier Sebastian and Joëlle Chassin (Paris, 2004), pp. 33–50; and Burnand, *Necker et l'opinion publique*. The reference work on Necker's thought remains Henri Grange, *Les Idées de Jacques Necker* (Paris, 1974).

[102] On Constant's political activities under the second restoration, see Etienne Harpaz, *L'Ecole libérale sous la Restauration, le Mercure et la Minerve, 1817–1820* (Geneva, 1968); and Robert Alexander, 'Benjamin Constant as a Restoration Politician', in *The Cambridge Companion to Constant*, pp. 147–72.

1815, Constant provided public opinion with an institutional basis. In a constitutional monarchy, he wrote, the elective assembly, which was renewed through periodical elections, embodied the 'representative power of opinion', as opposed to the hereditary assembly, which constituted 'the representative power of long duration'.[103] In Constant's eyes, the relationship should no longer be one of straight criticism, but could be one of respectful cooperation. The elected chamber became the receptacle of public opinion, where representatives alternately listened to society's expectations and acted as its spokespersons. In turn, the contributions of political writers threw light upon the discussions of the assembly, and encouraged government to consider political problems from a variety of angles. For Constant, this process of intellectual exchange benefited the quality of the decisions the government made.[104] It also prevented representatives from blindly following the will of the majority, or too easily compromising the political agenda of the government. Public opinion, by constantly putting the representatives' actions under scrutiny, protected them, as Constant declared in one of his speeches of 1819, from the 'seductions of authority'.[105] Here Constant came back once again to the notion of public opinion as *estime publique*, but extended its political impact. The 'rewards' that opinion brought to representatives — and no longer solely to enlightened opposition writers — constituted the best safeguard against such seductions. These rewards, he told his peers, 'make us rise above ourselves': 'the forms of the constitutional election make us representatives; opinion makes us citizens'.[106] For all these reasons, public opinion could eas-

[103] Constant, 'Principles of Politics Applicable to all Representative Governments', in *Constant: Political Writings*, ed. and trans. Biancamaria Fontana (Cambridge, 1988), pp. 184–5. In 1818, Constant continued to defend the need of a hereditary assembly in an addition (note H) to the second edition of his *Réflexions sur les constitutions*. In 1819, he stated that he had come to doubt the 'possibility' of the pairie in restoration France in light of the 'love for almost absolute equality' that the revolution had encouraged, even if he still believed in its 'necessity' as a general rule. See 'Réflexions sur les constitutions et les garanties; publiées le 24 mai 1814, avec une esquisse de constitution. Texte de la deuxieme edition, 1817–18', in *Florestan. De l'esprit de conquête et de l'userpation. Réflexions sur les constitutions (1813–1814): Œuvres complètes de Benjamin Constant*, VIII, ed. Kurt Kloocke and Béatrice Fink (Berlin, 2005), pp. 1190–5; and *Mémoires sur les Cent-Jours: Œuvres complètes de Benjamin Constant*, XIV, ed. Kurt Kloocke (Berlin, 1993), pp. 232–3.

[104] Constant, 'Du rétablissement de la censure des journaux, *La Minerve française*, February 1820', in *Recueil d'articles, Le Mercure, la Minerve et la Renommée*, ed. Etienne Harpaz, Vol. 2 (Geneva, 1972), pp. 1182–3.

[105] Constant, 'Sur l'article additionnel relatif à l'impression des discours des deputés dans les journaux (April 21, 1819)', in *Discours de M. Benjamin Constant à la Chambre des Députés*, 1 (Paris, 1828), p. 40.

[106] *Ibid.*, pp. 39–40.

ily appear to Constant during the restoration as the 'queen of representative government', as he wrote in one of his journal articles in the same year.[107]

In a context where the ultras battled with the liberal opposition, made up of punctual, strategic alliances between the rising force of the Doctrinaires and the more radical Liberals of which Constant was part, the question of the nature of public opinion posed itself with renewed acuity. Constant addressed the matter at length in the *Commentary of Filangieri's Work*, his most innovative political writing of the second restoration, published in two instalments in 1822 and 1824, as he was struggling to get re-elected after his electoral defeat in 1822. Despite its title, this idiosyncratic text was less a commentary on Gaetano Filangieri's *Science of Legislation* than an exposition of Constant's own mature liberalism.[108] Indeed, the re-edition of the Italian jurist's *magnum opus* became for Constant a pretext to flesh out his liberal credo against the ultras' increasingly authoritarian policies. The whole argument of the *Commentary* hinged on the idea, already enunciated in the first edition of the *Principles*, that 'society' and 'public opinion' had gained pre-eminence over the action of rulers.[109] In that vein, the conclusion of the *Commentary* contained an important discussion on the 'independence' opinion should have.[110] To make his case, Constant used as a foil a piece that had been recently published in the ultras' *Journal des débats*. The author of this piece, Constant recalled, had deplored the fact that 'the opinions which are dominant today reject the superiority of virtues and of *lumières*'. Public opinion, the anonymous author lamented, had been spoiled, and was no longer able to recognize truth. As a result, the *Journal des débats* had called upon the legislator to 'reform' and 'compress' opinions. In many respects, the views on public opinion expressed in this article echoed those of Louis de Bonald.[111] In his *Législation primitive*, Bonald had refused to grant any form of independence to public opinion, on the ground that true public opinion could not be distinguished from truth:

> We have been accustomed to think in group for so long . . . that most talented and knowledgeable men take fright when they are alone, and do not dare to take a step without I do not know what noise, often imaginary, that they call *public opinion*, as if there was any other public opinion than that of

[107] Constant, 'Aux auteurs de la Renommée', *La Renommée*, 22 December 1819, in *Recueil d'articles*, p. 1323.

[108] Stephen Holmes has described the *Commentary* as 'a yardstick by which to gauge Constant's mature views'. See S. Holmes, *Benjamin Constant and the Making of Modern Liberalism* (New Haven, 1984), p. 269, note 89.

[109] Constant, *Commentary on Filangieri's Work*, ed. and trans. Alan Kahan (Indiana, 2015), pp. 23, 39, 40–3, 105, 315–19.

[110] *Ibid.*, p. 250.

[111] On Bonald and public opinion, see Juan Agra, 'Les notions d'opinion publique et de public dans la pensée contre-révolutionnaire: Edmund Burke, Joseph de Maistre et Louis de Bonald', in *L'avènement de l'opinion publique*, pp. 123–44.

> truth, the true public opinion, because it embraces all times and all spaces, and because it must regulate all men![112]

Individual reason, Bonald contended, was too weak to search truth on its own. It had to be firmly guided in that quest: 'authority gives form to man's reason, by enlightening his mind through knowledge of the truth'.[113] Confronted with this variation of enlightened despotism, which was gradually coming back into favour in the wake of the enthronement of Charles X in 1824, Constant replied in the *Commentary*:

> Where is enlightenment? That is the question. Opinion is nothing but assent given to the principles that one thinks true. Enlightenment is nothing but knowledge of the truth. Opinion must therefore believe itself to be in possession of knowledge. You come to say to opinion that you are the sole owners of truth: persuade it, and it will no longer reject your superiority. Opinion rejects your truth, because it does not recognize it for superior knowledge.[114]

For Bonald, truth was given beforehand, because God had revealed it. Hence discussing truth amounted to denaturing it. In this view, public opinion was not different from revealed truth, which it is supposed to embrace readily. For Constant in the *Commentary*, truth was no longer self-evident. This did not mean, as the ultras thought, that truth was dissolved in the chaos of opinions.[115] It simply meant that it had to be sought. Contrary to what Bonald claims, there were no owners of truth: each citizen had the right to express his point of view. This is why Constant enjoined the ultras to let people talk to each other and to join the debate, rather than unilaterally proclaiming their intellectual superiority. Repression was of no use: '*laissez faire et laissez passer*' — the motto of the whole *Commentary* — was the only sound policy in matters of opinions, just like in industrial and religious matters.[116]

In arguing in favour of the autonomy of public opinion, Constant was not simply running against the ultras' conception, but also offering a word of warning to the Doctrinaires. Just before the publication of the *Commentary*, Guizot had emerged as another major opposition figure to the ultras' policies.

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[112] Louis de Bonald, *Législation primitive*, I (Paris, 1802), p. 221. Emphasis in original.

[113] *Ibid.*, p. 319.

[114] Constant, *Commentary*, p. 253.

[115] See Louis de Bonald, *Encore un mot sur la liberté de la presse* (Paris, 1814), p. 7: 'In vain it will be said that dangerous writings will be refuted, and that truth will emerge from the shock of opinions.' On Bonald's views on freedom of the press, see Tzvetan Todorov, 'La liberté et les lettres sous la restauration', *Commentaire*, 2 (42) (1988), pp. 497–504; and Jean-Yves Pranchère, 'Comment composer l'ordre avec la liberté? Chateaubriand, Bonald et la question de la censure', *Bulletin de la société Chateaubriand*, 55 (2013), pp. 133–54.

[116] Constant, *Commentary*, p. 332.

In a series of important texts published between 1820 and 1822, he had exposed his own vision of liberalism as a *juste milieu* between freedom and order.[117] Like Constant, Guizot recognized the importance public opinion had gained in post-revolutionary France. But he considered that public opinion was entitled to have an influence on government only inasmuch as it had become public *reason*.[118] This transformation, he believed, would never happen by simply leaving individuals to their own musings. Unlike Constant, Guizot was not ready to take the risk of leaving the discovery of truth to the hazards of an unregulated public debate. In the domain of thought, as in many others, the doctrine of *laissez-faire* was too vague for Guizot's taste, and too uncertain in its results.[119] One had to make sure that only the best and most reasonable opinions emerged. In that regard, it is symptomatic that from 1814 to 1819, Guizot had repeated confrontations with Constant on the question of freedom of the press.[120]

The Charter recognized freedom of the press in principle, but left it to the legislator to determine the conditions under which it could be exercised.[121] As a result, the restoration years saw an increasing number of laws destined to restrict or expand press freedom, depending on who was at the government's helm.[122] Each bill was the occasion for heated intellectual debates, in which arguments often revolved around the nature of public opinion and the role it should play in restoration France.

[117] Three of Guizot's most important texts were written during that period: *Du gouvernement de la France depuis la Restauration et du ministère actuel* (1820); *Des moyens de gouvernement et d'opposition dans l'état actuel de la France* (1821); and *De la peine de mort en matière politique* (1822). On Guizot, see Pierre Rosanvallon, *Le moment Guizot* (Paris, 1985); Jaume, *L'individu effacé*, esp. pp. 119–69; and Aurelian Craiutu, *Liberalism under Siege: The Political Thought of the French Doctrinaires* (Lanham, 2003).

[118] Guizot wrote symptomatically: 'It is in the necessities of the time and in the nature of our institutions that *opinion, and by that I mean public reason*, exerts upon the conduct of power a continual influence.' See Guizot, 'Des garanties légales de la liberté de la presse', in *Archives philosophiques, politiques et littéraires*, 5 (Paris, 1818), p. 234 (my italics).

[119] Guizot, *Des moyens de gouvernement et d'opposition dans l'état actuel de la France*, ed. Claude Lefort (Paris, 2009), p. 162.

[120] On Guizot and freedom of the press, see Lucien Jaume, 'La conception doctrinaire de la liberté de la presse: 1814–19', in *Guizot, les doctrinaires et la presse 1820–30*, ed. Dario Roldan (Val-Rocher, 1994), pp. 111–24; Aurelian Craiutu makes a more liberal reading of Guizot's views on freedom of the press than I do. See Craiutu, *Liberalism under Siege*, pp. 256–67.

[121] See article 8 of the Charter, in Jacques Godechot, *Les Constitutions de la France depuis 1789* (Paris, 1995), p. 219.

[122] On the history of press legislation under the restoration, see Charles Ledré, 'La presse nationale sous la restoration et la monarchie de Juillet', in *L'histoire génerale de la presse française* (Paris, 1969).

According to Guizot, 'publicity' was what characterized the 'political machine' of modern France. He seemed to take that term to mean the state of exposure in which the government found itself *vis-à-vis* society, whose opinion on political affairs it could no longer ignore.[123] Freedom of the press was one amongst other channels of publicity. Guizot envisaged it not simply as a guarantee for individuals, but also explicitly as a 'means of government'.[124] Like representation, the 'constant and definitive object' of freedom of the press was 'to develop and manifest public reason'.[125] To make this revelation of reason to power easier, opinions had to be filtered. In a text defending the bill of 5 July 1814, which allowed censorship and organized a regime of authorization for newspapers, Guizot, who was then *secrétaire général* of the Ministry of the Interior, explained that given the state of chaos in which opinions had been left after Napoleon's rule, freedom of the press had to be 'mildy tried [doucement essayée]', 'in the very interests of reason and enlightenment'.[126] Constant, in the second edition of his text *De la liberté des brochures*, published at the end of July, warned the government and Guizot of the need for having a genuinely pluralist debate about public policies. When only the reasons that favoured the government's intended measures made themselves heard through 'newspapers under the influence of government', Constant wrote, these were inevitably met with distrust:

> It is always as if only the government was talking. One does not see assent in that instance, but only commanded repetitions. For a man to gain trust, when he says something, he must be acknowledged the faculty of saying the opposite if the opposite was his thought. Unanimity always inspires an unfavorable prevention, and rightly so; because there never has been, on important and complex questions, unanimity without servitude.[127]

It was thus not in 'the interest of the government' to restrict freedom of the press. By doing so, it simply blinded itself to what the '*voeu national*' [national wish] really was, with dramatic consequences.[128]

In a speech given in May 1819 (Guizot had now become *conseiller d'Etat*), he similarly defended the recent series of laws proposed by the Decazes

[123] Guizot, 'Des garanties légales de la liberté de la presse', pp. 191–2.

[124] This Guizot wrote in a review of one of Constant's articles. See 'Compte-rendu de *Annales de la session de 1817–1818*, par M. Benjamin de Constant, seconde partie', in *Archives philosophiques, politiques et littéraires*, 2 (Paris, 1817), p. 261.

[125] *Ibid.*, p. 262.

[126] François Guizot, 'Quelques idées sur la liberté de la presse' (Paris, 1814), p. 31.

[127] Constant, 'De la liberté des brochures, des pamphlets et des journaux, considérée sours le rapport de l'intérêt du gouvernement' (Paris, 2nd edn., 1814), pp. 18–19. On Constant and freedom of the press, see Bryan Garsten, 'The "Spirit of Independence" in Benjamin Constant's Thoughts on a Free Press', in *Censorship Moments*: *Reading Texts in the History of Censorship and Freedom of Expression*, ed. Geoff Kemp (London, 2015), pp. 117–24.

[128] *Ibid.*, p. 8.

ministry to further restrict freedom of the press. He pleaded for the implementation of a regime of surety bonds for journalists on the ground that the influence of newspapers should be placed into the hands of men who 'give society some guarantee of their social existence'. Newspapers were not the simple expression of individual opinions, but the proper organs of parties, he explained. It was not safe that these organs be the vehicle of opinions and interests coming from the 'inferior region' of society. It was 'wiser and more useful', Guizot argued, to force them instead to flow from 'higher spheres'.[129] In answer to Guizot's speech, Constant denounced on the same day his suggested correlation between wealth and knowledge. Today, even in the lower ranks of society, Constant told other deputies, one can find 'an admirable instinct, a true sentiment, a fully-formed reason, a just appreciation of things'. Notables had no monopoly on knowledge: 'I refuse this kind of intellectual aristocracy which would make of enlightenment and reason the exclusive share of a part of society.'[130] Newspapers, Constant replied to Guizot, were not destined to serve as a tribune solely for the enlightened opinions that were in line with the government's interests.[131] In Guizot's eyes, 'it is against error and in favor of truth that freedom of the press is necessary'. Error, Guizot insisted, was 'a moral disease that needs to be healed', not through punishments, but through a constant reference to public reason.[132]

For Constant, as he explained in one of his journal articles published a few months after he gave his speech in answer to Guizot's, everybody had to be put on the same footing in the public debate. Individuals were equal in the search for truth, which was neither pre-given nor owned by a certain class. It was normal that each individual sought to express his point of view through newspapers:

> it is natural that not only every party . . . but I would also say every individual who, because of the enlightenment he attributes to himself rightly or wrongly, or because of the function he exercises, believes he has a certain influence upon opinion, uses this means of publishing his thought and promptly and easily communicating it to all those he seeks to persuade.[133]

For Guizot, freedom of the press was meant to consecrate the perfect circular movement of a certain set of ideas from the intelligentsia to the enlightened rulers. Only hearing what it wanted to hear, the ruling class was *de facto* in

[129] François Guizot, 'Discussion du projet de loi présenté le 22 mars 1819 sur les journaux et écrits périodiques (May 3, 1819)', in *Histoire parlementaire de France* (Paris, 1863), p. 12.

[130] Constant, 'Sur le cautionnement demandé aux journalistes (May 3, 1819)', in *Discours*, 1, p. 64.

[131] *Ibid*., p. 63.

[132] Guizot, 'Des garanties légales de la liberté de la presse', p. 195.

[133] Constant, 'Aux auteurs de la Renommée', p. 1323.

perpetual adoration of itself. Constant refused this pure imbrication of society and government. In his eyes, freedom of the press was meant to preserve government from an elitist autism, the same that eventually cost Guizot his place as *président du conseil* in 1848. This is why during the second restoration, by contrast with Guizot, Constant started broadening the social basis of public opinion. It is symptomatic that in the *Commentary on Filangieri's Work*, Constant preferred the expression 'masses *populaires*' to that of 'masses' *tout court*, which Guizot had started using to great effect in his writings of the restoration.[134] Constant also made clear in this work that he had definitely renounced the connection he had previously established, notably in the *Principles* of 1806, between land property and enlightenment. He now praised the beneficial effects of *industrial* property, whose inherent mobility was in his view progressively putting an end to the reign of castes.[135]

According to Pierre Rosanvallon, Guizot perpetuated the French political culture of generality by lending it new garments.[136] The sovereignty of reason was a theoretical construction meant to dispossess the masses of political power, and transcend individual wills that were suspected to be ferments of anarchy. Constant's and Guizot's respective views on public opinion and freedom of the press are additional evidence of the gap that existed between their two very different types of liberalism.[137] At the heart of their disagreement was the question of individual judgment. For Constant, whose thinking evolved in protestant circles, especially during the second restoration, individuals had the duty to make use of their intellectual abilities to develop their own opinion about a given matter.[138] For Guizot (interestingly also a protestant, but with a strong political interest in Catholicism), free will was a chimera: individuals were not free to search for truth on their own, but were free only to recognize truth and abide by it when truth manifested itself.[139] Guizot inherited from the counter-revolutionaries the intuition that a society

[134] Constant, *Commentary*, p. 4. Benjamin refers to Guizot's observations on masses on p. 209 of the *Commentary*, which the Doctrinaire leader had developed at length in his *De la peine de mort en matière politique*, published in June 1824, less than two months before Constant published the second instalment of the *Commentary* in August.

[135] Constant made this very clear in the second chapter of Book II of the *Commentary*, 'On the Division of Properties', pp. 109–21.

[136] Rosanvallon, *Le modèle politique français*, pp. 213–20.

[137] In *L'individu effacé*, Lucien Jaume argued that Guizot stood for a 'libéralisme par l'Etat', which he opposed to Constant's 'libéralisme du sujet'.

[138] On Constant and private judgment, see Jaume, *L'individu effacé*, pp. 64–9; and Rosenblatt, *Liberal Values*, pp. 127–30, who connects Constant's views on individual judgment with those of William Godwin and protestant circles.

[139] 'Freedom is in man only the power to obey the truth he can recognize, and to conform his acts to it.' Guizot, *Des origines du gouvernement representatif*, quoted in Rosanvallon, *Le moment Guizot*, p. 91.

only holds together when it rests upon a shared set of beliefs.[140] His primordial concern was with the cohesion of the social body. To this end, Guizot sought to substitute public reason for the cacophony of opinions, while Constant saw public opinion as an area of emancipation through the expression of one's opinions, irrespective of whether they reflected the views of those in power or not.

Constant's evolution from a unanimous to a heterogeneous conception of public opinion was not purely linear, and not without many hesitations. In the *Commentary*, Constant at times still indulged in anticipation of a peaceful community of truth looked after by enlightened writers.[141] In the late 1820s, however, the rising popularity of the ideas of Comte and Saint-Simon seemed to have encouraged Constant further to endorse pluralism, and definitively break away from his earlier visions of unanimity. In a piece published in his *Mélanges de littérature et de politique* in 1829, Constant took issue with those advocates of a 'papisme industriel', as he called them, who sought to re-instill a lost sense of unity by resorting to the authority of a spiritual power.[142] The 'moral anarchy' they feared, Constant retorted, was nothing other than 'the natural, desirable, happy state of a society in which everyone, according to his enlightenment, his occupations, his cast of mind . . . makes a free and independent use of his faculties'.[143] There were no missionaries of truth any longer. 'In matters of truth', Constant wrote that same year, 'there are no special mandates.'[144] To those who wanted to bring back public opinion to a unanimous entity coincidental with truth in a context where anxiety about social dissolution was mounting, Constant replied that public opinion was condemned to be an area of diverging interpretations.[145] Still in 1829, in a text that is perhaps one of the most forceful denunciations of what Rosanvallon has called the French political culture of generality, Constant went as far as gleefully celebrating the chaotic pluralism that would inevitably result from the use of private judgment:

[140] As has been shown, the Doctrinaire's reasoning stemmed from the same anti-individualist premises as the ultras. See Jaume, *L'individu effacé*, p. 129. On Bonald and Guizot, see also Lucien Jaume,'Guizot et la philosophie de la representation', *Droits*, 15 April 1992, pp. 141–52.

[141] Constant, *Commentary*, pp. 20, 255.

[142] Constant, 'De M. Dunoyer et de quelques uns de ses ouvrages', in *Mélanges de littérature et de politique: Œuvres complètes de Benjamin Constant*, XXXIII, ed. François Rosset (Berlin, 2012), p. 260.

[143] *Ibid.*, p. 676.

[144] ['En fait de vérité, je ne reconnais point de mission spéciale.'] Constant, 'A M. le rédacteur du Courrier français, 11 January 1829', in *Recueil d'articles 1829–1830*, ed. Etienne Harpaz (Paris, 1992), p. 183.

[145] On this widespread fear of social dissolution under the second restoration, see Rosanvallon, *Le moment Guizot*, pp. 75–82.

> The great corporations that imprinted a uniform direction to all their members are being replaced by personal activities making their own independent way . . . The unity of progress, of doctrines, of beliefs, is from now on impossible. Let those who want to moan about this state of affairs moan; but let us resign ourselves to it, because we can do nothing about it. Let them moan, I say, if they want to: for my part I welcome it . . . The intellectual anarchy that they deplore seems to me an immense progress of the intellect; because the triumph of intelligence is not to discover absolute truth, which it will never find, but to strengthen itself by using its forces, to reach those partial and relative truths that it collects and records on its way, and thereby to move forward on this path where each step is a conquest, although the end remains unknown.[146]

Conclusion

Constant's shifting views about public opinion invite us to reconsider received ideas about his intellectual trajectory. They show that his liberalism, if we consider that pluralism was one of its central components, was longer in the making than is usually acknowledged. The changing ways in which Constant articulated the relationship between political authority, opinion and truth cannot be reduced to one simple, obvious liberal solution, to which Constant supposedly came at an early stage, and to which he stuck. For a long time, Constant's approach remained in line with existing discourses about public opinion. He first embraced the argument of *raison d'état* — the stability of the state required strict control over an unruly public opinion. Constant was soon to abandon his youthful zeal. The liberal idea that government was directed by opinion, and not the opposite, became one of the central tenets of the *Principles* of 1806. But the vision of public opinion he developed in this work still remained obsessed with ideas of unity and rationality that permeated the writings of French writers at the turn of the century. As is well known, Constant transferred many passages from the first version of the *Principles* to his restoration writings, most of them without alteration. But in the case of public opinion, he did change his views after 1806. In his 1820s writings, and most importantly in the *Commentary on Filangieri's Work*, Constant started presenting public opinion being made up of conflicting ideas. He thereby parted ways with many of his predecessors — most notably the Physiocrats — but also with some of his liberal contemporaries who, like Guizot, sought to substitute public reason for the confusion of individual opinions. The tranquil commendation of pluralism Constant expressed in 1829 came after a long, arduous process, during which he progressively cast aside a very French craving for unity.

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[146] Constant, *Mémoires sur les Cent-Jours: Œuvres complètes de Benjamin Constant*, XIV, p. 71. The preface of this work, from which this quotation is taken, was added in a late 1829 re-edition (the first edition dates from 1820).

This being said, this gradual move towards the recognition of the legitimacy of diverging opinions does mark Constant out in the history of the emergence of the modern idea of public opinion. It is often thought that Constant merely replicated, after the Revolution and under other governments, the classic Enlightenment vision of public opinion as an area of critique of the sovereign's actions, without for that matter discerning the dangers of conformism that distinguishes later political writers' contributions to the study of public opinion.[147] In this view, Constant's ideas about public opinion can be read simply as a prolongation of the 'politics of contestation' which, according to the received narrative about the emergence of public opinion, started defying the authority of the absolute monarch under the rule of Louis XV.[148] As this article shows, however, if we understand how Constant's views changed over time, it seems plausible to argue that he did contribute in a significant way to the shaping of the modern idea of public opinion, by inflecting a tradition that for long construed public opinion in unitary and exclusive terms. Moreover, Constant's change of perspective in the 1820s adds credence to the idea that a clear parallel between our modern, that is, pluralistic and inclusive conception of public opinion did not emerge around 1750, as is usually thought, but only became discernible years after the revolution, during the restoration.[149] Constant's case would thus invite us to situate the emergence of a genuinely modern conception of public opinion a few decades later, somewhere around the 1820s, rather than in the middle of the eighteenth century, where the struggle for an autonomous civil society was already underway, to be sure, but where nothing comparable to what we would today call public opinion was apparent.[150] During the last years of the restoration, Benjamin Constant represented that peculiar, isolated moment in French political thought, when public opinion was for once conceived and celebrated as a pure conflicting area of discussion. This idealistic picture was soon dismissed by later liberals who had less faith than Constant in the dynamics of opinion, but the uniqueness of his position deserves to be more seriously taken into account in future inquiries about how the modern concept of public opinion came about in France.

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147 See Tenenbaum, 'The Coppet Circle: Public Opinion and the Modern State'; and Fink, 'Benjamin Constant: mobilisation et mediation du mot'.

148 See Baker, 'Public Opinion as a Political Invention'.

149 Gunn, *Queen of the World*, p. 386.

150 Despite their divergences, Habermas and Baker both assimilated the advent of the public space to a new political culture of debate, openness and transparency that came about in the mid-eighteenth century. James van Horn Melton follows this thread, but puts more emphasis on the quarrel around Jansenism and the role of *parlements* to account for the advent of 'an oppositional public sphere', which he situates slightly earlier than Habermas and Baker, in the 1720s. See James van Horn Melton, *The Rise of the Public in Enlightenment Europe* (Cambridge, 2001).