

The concept of equality in Benjamin Constant's political thought

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I. Abstract

The basic aim of the following thesis is to explore the importance of equality in the political thought of Benjamin Constant, as also its impact on the way with which basic problems have been approached in interpretations of secondary literature. The basic claim of the thesis is that equality as a key concept in his political thought allows the emergence of liberty and sustains it. However, as I further argue, equality is also dependent on liberty, because the latter in the form of political participation promotes equality. Thus, this relationship is characterized not just by compatibility, but by interdependence.

In the introductory chapter, I analyse the views of scholars regarding the topics which will be explored under the aspect of equality. In the first chapter it is examined how Constant approaches the notion of equality in his historical essays. He identifies equality as the driving force of progress rooted primarily as a natural desire and associated with a denial to recognise that someone else is entitled to possess greater power than others. I also analyse his approach on the example of universal suffrage as characteristic of his distinction between justified and unjustified ways of pursuing equality. His account, despite the initial rejection of this measure, is consistent with his narrative on progress. In the second chapter, I explore how this distinction is also applicable in his doctrine of legitimacy. Constant endorses government of opinion instead of popular sovereignty because the public can pursue the implementation of a conception of equality, which allows the emergence of liberty. In the final chapter, I explore his distinction between the two types of liberty through the lens of equality. I argue that he endorses their combination because political participation through certain means prevents the emergence of institutional inequality and promotes equalisation.

II. Author's Declaration

I declare that this thesis is a presentation of original work and I am the sole author. This work has not previously been presented for a degree or other qualification at this University or elsewhere. All sources are acknowledged as references.

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IV. Introduction: Tracing equality in the revival of Benjamin Constant's political thought

The revival of Benjamin Constant's political thought during the last thirty years has been an integral part of a renewed interest in post–revolutionary liberalism in France. This revival consists in a careful examination of his political thought and an attempt to analyse the formation of his liberalism in its historical context, not least the equivalent ideological disputes, which took place in the first decades after the French Revolution. This revival has primarily two main objectives: a) the elaboration of the distinct features of his liberalism in relation to the liberal political thought of 19th century, and b) the analysis of his political thought in light of the historical developments and the ideological currents, which dominated in post – revolutionary France.

The revival of his political thought has focused mainly on his conception of liberty, his doctrine of legitimacy, his model of representation and his debates with his main intellectual opponents in the first post–revolutionary decades. This research has been very important for the understanding of Constant's work, but the theme and the importance of equality has been given less emphasis in the revival. In the following thesis I am going to argue that equality is the key for interpreting basic problems discussed already in literature and I will show that its consideration revises the way, in which even the concept of liberty is approached by scholars.

In this introductory chapter, I am going to present the basic interpretations and views of scholars, who have engaged the last decades with the work of Constant and I will attempt to show their approach in relation to three issues, which can be illuminated through the lens of equality: a) the restriction of enfranchisement and Constant's *ex prima facie* rejection of political equality, b) his doctrine of sovereignty and legitimacy, c) his approach on ancient liberty and the value of political participation. Regarding these three topics I believe that Constant's approach can be interpreted and be understood further defending a different angle under the scope of equality. This introductory survey sets the terms for the following chapters in which I will analyse these three themes considering equality as a key concept and what are its effects for the understanding of liberty.

I. The restriction of the enfranchisement

To begin with, one of the most important topics, that has attracted the attention of scholars is Constant's proposal for a representative government based on a limited suffrage of electing the representatives. Although it seems obvious that Constant among others¹ in post-revolutionary France preferred a limited suffrage recognised under property qualifications, the explanations on the exact reasons behind Constant's view have been differentiated in secondary literature. For example, Stephen Holmes, one of the first scholars to publish a complete presentation of Constant's political thought, argued in his classic monograph, that Constant defended a restricted franchise because he prioritized a moderate coexistence between the two types of freedom². The combination between individual and political liberty based on the election by propertied individuals can be secured only under a representative government. According to his approach, Constant's agreement in his notable lecture with the necessity to combine the two types of freedom could not justify a universal suffrage, because in such a case the potential "full – time public surveillance"³ could destabilise the political system and facilitate the emergence of a despotic government inspired by the ancient ideal of constant participation. A similar possibility was visible even in a complete exclusion of all from citizenship.

According to Holmes, the possession of property as a main qualification for suffrage secures the goal prioritised by Constant in his notable lecture: the simultaneous avoidance of excessive politicisation and privatisation. This goal can be achieved with a restricted suffrage because citizens are able to be active as citizens and at the same time, they are able to engage with their own personal activities. That is why Holmes notes that the abolition of private property was a direct attack on representative government, that secures modern liberty, as the property-less poor through full time public surveillance⁴ could restore despotism. Hence, this interpretation presents freedom and political equality as incompatible because the

¹ For example, Francois Guizot as one of the French *Doctrinaires* defended the restriction of suffrage (and sovereignty) based on the claim that there is natural inequality among humans resulting to a different level of capacity. See: Francois Guizot, *The History of the Origins of Representative Government in Europe*, trans. Andrew R. Scoble, (Indianapolis: Liberty Fund, 2002), 60–61

² See: Stephen Holmes, *Benjamin Constant and the Making of Modern Liberalism*, (New Haven: Yale University Press, 1984), 74–75. According to Holmes, Constant defended this view, because modern society had to deal with two dangers: over-politicisation and over-privatisation. See: Stephen Holmes, *Benjamin Constant...*, 20

³ Stephen Holmes, *Ibid.*, 77

⁴ *Ibid.*

moderate exercise of political participation presupposes an initial exclusion of the poor from politics. In order to secure liberty in the modern geographical range of nation–state, Constant adopts political inequality, recognising only property owners as active citizens.

Another early interpretation, that does not come in conflict with the previous one but considers as possible the compatibility between equality and political liberty, belongs to Biancamaria Fontana, who is the first scholar to translate the main political writings of Constant into English⁵. In her monograph, Fontana argues that Constant’s perspective on this problem was formed considering two dominant, but different trends regarding the development of markets defended in the first post–revolutionary decades⁶: a) growing inequality was the result of the development of advanced market relations, b) the development of the market could lead gradually to a generalised welfare and a more equal distribution of property. According to Fontana, Constant beginning from the first adopted gradually the second tendency⁷. Hence, the harmonious coexistence between equality and an increasing number of political participants would be possible only if lower social strata were given the chance “to improve their material and intellectual conditions and take part in the exercise of active citizenship”⁸.

In this sense, while Constant adopted a restricted suffrage only for property owners, this condition could not remain stagnant, as political rights could be extended only after a gradual expansion of property to the poor. As Gianna Englert has pointed out, this was possible through the division of landed property, which would give a motive to the poor to acquire their own property making a good use of their own capabilities and then take part in politics⁹. This acquisition would coincide with the protection of an emerging interest on behalf of new citizens. The increasing number of citizens and the manifestation of their judgment¹⁰ would influence political decisions

⁵ See: Benjamin Constant, *Political Writings*, translated by Biancamaria Fontana, (Cambridge: Cambridge University Press, 1988)

⁶ Biancamaria Fontana, *Benjamin Constant and the Post–Revolutionary Mind*, (New Haven: Yale University Press, 1991), 73

⁷ Biancamaria Fontana, *Benjamin Constant*, 75

⁸ *Ibid.*

⁹ Gianna Englert has pointed out that Constant proposed the division of the landed property in order to give an answer to the *ex prima facie* paradox, that occurs between his concern on the detachment from public life and his suggestion on a restricted enfranchisement. See: Gianna Englert, “Usurpation and the ‘Social’ in Benjamin Constant’s *Commentaire*”, *Modern Intellectual History* 17:1 (2020): 79

¹⁰ For the connection of property with the capacity of expressing judgment in the work of Constant, see: Giovanni Paoletti, *Benjamin Constant et Les Anciens: Politique, Religion, Histoire*, (Paris: Honore

against the will of the wealthy classes. Thus, the possibility of overthrowing the established order by property-less individuals could be minimised, because the poor with property could defend their interest against policies guided by wealthy classes. Otherwise, as Fontana points out, the result could be a repeat of what happened in the French Revolution, when the recognition of universal suffrage “had permanently and irreversibly altered the conditions of social and political equilibrium”¹¹.

A third perspective on this problem comes from a consideration of how Constant approached equality¹² as an idea able to lead humans to changes of socio-political conditions¹³. Constant claimed even in his first political pamphlet called *‘De la force du gouvernement actuel de la France et de la nécessité de s’y rallier’* (On the strength of the current government in France and the necessity to rally it - 1796), that equality is a mother idea (*idée mère*)¹⁴ embraced by societies because of their inherent desire to achieve it. According to this interpretation, the primacy of equality as an idea adopted by public opinion was a main presupposition for the legitimacy of new governments. Public opinion as the main agent of sovereignty was able to transform egalitarian demands to ideas in order to overthrow oppressive forms of rule and approve the establishment of improved political conditions. For example, the transition from the age of aristocratic privileges to the age of legal conventions¹⁵ presupposed the adoption on the behalf of the public of a certain meaning of equality against the status quo. The processing of these ideas through the course of time enabled societies to achieve progress in the field of politics.

In comparison to the previous approaches, the third interpretation in the literature is characterised by seeing the importance of equality as a notion that is utilised by the agents of sovereignty and legitimises governments in a broader lens than the post-revolutionary framework considered above. Considering this approach, the restriction

Champion, 2006), 298 – 309. Paoletti examines Constant’s view in relation to influences from the views of classic thinkers, such as Aristotle and Machiavelli. See also: Lucien Jaume, *L’Individu Effacé: Ou le Paradoxe du Libéralisme Français*, (Paris: Fayard, 1997), 64–71

¹¹ Biancamaria Fontana, *Benjamin Constant*, 78

¹² Constant’s account of equality has been the topic of an old publication by Beatrice Fink, but this publication remains mainly descriptive and emphasises that his perspective on equality should be paid greater attention, when his political thought is examined. See: Beatrice Fink, “Benjamin Constant on Equality”, *Journal of the History of Ideas* 33: 2 (1972): 307 – 314

¹³ Arthur Ghins, “‘The Popular Sovereignty that I Deny’: Benjamin Constant on Public Opinion, Political Legitimacy and Constitution Making”, *Modern Intellectual History* 19:1 (2022): 135

¹⁴ Constant Benjamin, *De La Force du Gouvernement Actuel de La France et De La Nécessité De S’y Rallier*, (Paris: Flammarion, 2013), 90

¹⁵ See: Benjamin Constant, *Ecrits Politiques*, (Paris: Gallimard, 1997), 717 – 719

of the suffrage could be explained by Constant's choice not to suggest egalitarian ideas that the public was not ready to accept. If this dimension of equality is considered, then it could be said that when public opinion is willing to accept universal suffrage, this revised egalitarian idea will be reflected in the political institutions for the implementation of the equivalent changes. Thus, his suggestion of restriction of enfranchisement involves the simultaneous consideration of the broader consensus adopted by public regarding the acceptable range of equality in this period of time.

Having in mind these three interpretations, my intention is to argue that equality is compatible with political participation and sustains liberty integrating the perspective of a gradually expanding suffrage (second interpretation) and the perspective of seeing equality as primary foundation of political changes (third interpretation). Arguing in favour of this statement requires to explain how Constant approaches the notion of equality. First, I will show in the first chapter that Constant identified equality as the driving force of progress in his historical essays¹⁶. Specifically, he identified equality first as a natural feeling in humans associated with the demand that none (either person or group) is entitled to possess greater power (either social or political) over others. This desire has led humans to transform equality from a feeling to an idea that is responsible for achieving progress in politics. The existence of this tendency in human nature explains, according to Constant, the successful trajectory of humans towards equality from antiquity until the modern age. Being gifted with this desire, humans succeeded gradually transforming institutions in an egalitarian direction and therefore have improved their status within the socio – political environment. A crucial factor in this trajectory, as will be analysed, is the intellectual process of self – development that consists in the replacement of sensations by ideas and aids humans to revise them constantly.

However, as I am going to show in the first main chapter, Constant did not defend that the implementation of equality is achievable regardless of the chosen policies and drew a distinction between justified/positive and unjustified/negative ways of applying equality. In the issue of universal suffrage, although he defended its restriction under property qualifications, he argued that its expansion could be possible only if all individuals gained access to property. Referring to the unjustified

¹⁶ Constant approaches equality in his essay *Du Moment Actuel et De La Destinée de L'espèce Humaine ou Histoire Abrégée de L'égalité* (On the Current Moment and the Destiny of the Human Species or the Abridged History of Equality) written in 1800 – 1802.

way, a sudden enfranchisement of the property-less poor could jeopardize the existing institutional order abolishing property and restoring despotism in the name of political equality. This distinction indicates that Constant seeks to propose an implementation of equality that will allow the emergence and maintenance of liberty and be compatible with it. In this example, if individuals gain property through its division, political equality will be possible combined with the capacity of each one to participate in politics being necessary for securing individual freedom. Otherwise, a sudden enfranchisement ignoring the equivalent socio-economic conditions would restore despotism, namely, a political system based on inequality that denies also individual independence. This example indicates that the implementation of equality in a way compatible with the flourishing of liberty requires the consideration of the main socio-economic conditions. Hence, with this suggestion he intended to reconcile his historical narrative on equality with the adaptation of this demand to the specific socio-political framework.

II. The doctrine of sovereignty

Closely associated with the range of enfranchisement within a representative system, the doctrine of sovereignty has been analysed extensively in the framework of this revival. Until recently, Constant was seen as an advocate of popular sovereignty or of an elementary notion of it. For example, Aurelian Craiutu has pointed out in his recent monograph regarding the moderate character of modern French political thought, that Constant's perspective on sovereignty was influenced to a large extent by the despotic turn of French Revolution towards the Reign of Terror. The ending phase of the Revolution was the result of the abstract advocacy of popular sovereignty expressed by Jacobins, who destroyed the initial positive intentions of a moderate transformation of the French political environment¹⁷ towards a constitutional monarchy. In addition, Constant criticised the theoretical background of this turn, of which the main influential thinker was Rousseau with his doctrine of sovereignty. He rejected Rousseau's defence of unlimited sovereignty as a doctrine based on the

¹⁷ Craiutu also has attempted to compare Constant's account on sovereignty with other conceptualizations of this time, such as that of French Doctrinaires and especially the account of Francois Guizot, and presents similarities and divergences with this ideological current, which also argued in favour of the limitation of sovereignty. See: Aurelian Craiutu, "The Battle for Legitimacy: Guizot and Constant on Sovereignty", *Historical Reflections/ Réflexions Historiques* 28:3 (2002): 471–491

omnipotence of general will that could be utilised for despotic purposes¹⁸. The implementation of such a principle was incompatible with individual liberty and only limited sovereignty could be accepted for its protection.

While Craiutu describes the historical and theoretical factors that led Constant to defend a moderate account of sovereignty¹⁹, he points out that the defence of a limited conception of sovereignty equates to the adoption of a mixed form of government, in which there is not an agent with unlimited sovereignty and the people possess only a limited portion of authority²⁰. According to Craiutu, Constant's priority was to set limits to social authority, so that individual liberty can be protected. This reading, although it indicates Constant's criticism of popular sovereignty because of its abstract character, still recognises the notion of the people as one of its main agents. Another scholar, who shares a similar interpretation is Steven K. Vincent, who points out examining the two versions of the *Principles of Politics*, that Constant defended a limited notion of popular sovereignty for the same reasons²¹. Attempting to describe the formation of Constant's liberalism within three decades, Vincent presents how this doctrine was shaped through a conflict with the opposite political sides without neglecting the arguments defended in the texts themselves. Vincent refers also to Constant's criticism against the doctrine of Hobbes and the idea of utility as dangerous for individual liberty and presents the main components of Constant's model of government²².

In another important perspective, Bryan Garsten has pointed out that Constant did not reject the principle of popular sovereignty outright but argued for a narrower reading of that sovereignty. According to Garsten's interpretation, popular sovereignty in Constant's writings could be useful only if it was defined as a principle of constitutional guarantee, that can prevent an individual or a group from seeking to

¹⁸ Aurelian Craiutu, *A Virtue for Courageous Minds: Moderation in French Political Thought 1748 – 1830*, (Princeton: Princeton University Press, 2012), 219

¹⁹ This account is not essentially different than that of Holmes, as he interprets Constant's moderate approach of participation considering the priority of preserving modern liberty.

²⁰ Aurelian Craiutu, *A Virtue for Courageous Minds*, 220

²¹ Steven K. Vincent also sees Constant as an early critic of "tyranny of the majority", a term used a few decades later by Tocqueville. See further: Steven K. Vincent, 'Benjamin Constant and Constitutionalism', *Historia Constitucional* 16 (2015): 19–46

²² Steven K. Vincent, *Benjamin Constant and the Birth of French Liberalism*, (London: Palgrave Mcmillan, 2011), 178–179

establish absolute power²³. Characterizing this aspect as a “negative moment”, Garsten points out that a positive approach to popular sovereignty was dangerous for Constant, because “this understanding derived from Hobbes and Rousseau eschewed all external checks on authority”²⁴. The problem with that perception of popular sovereignty was that it was conceived as general accompanied by a distinction between sovereignty and government. The “metaphysics” of generality was dangerous because it led to an unlimited exercise of sovereignty, that could justify an unlimited governmental authority on the individuals.

According to Garsten, Constant intended to rescue the negative aspect of sovereignty by introducing delegation as the solution to prevent the abuse of sovereign power. The abstract character of popular sovereignty led to the despotism of Napoleon, who was a usurper and forced the people to support him²⁵. In that case, Napoleon’s regime was based on approval through plebiscites which did not reveal any essential differences among the opinions of the public. In addition, marginalising the function of counterweights, such as freedom of association and freedom of the press, Napoleon was able to direct the opinion of people in a way that legitimised his rule. In the absence of these counterweights, he used the plebiscites in order to distort the people’s will. This was possible because its will could not be expressed through representatives or other groups of civil society. Thus, Garsten does not disagree with the previous interpretations, but shows with the example of Napoleon that Constant’s criticism of popular sovereignty took into consideration novel political phenomena (usurpation), of which the establishment was facilitated due to the generality of the principle.

In a recent interpretation, that takes for granted Constant’s support for a limited conception of popular sovereignty, George Duke has attempted to point out potential weaknesses and inconsistencies in Constant’s doctrine instead of pointing out the importance of historical circumstances that influenced the formation of his theory of sovereignty. Duke agrees with Garsten that Constant defended a negative conception of sovereignty and prioritised the opposition to usurpation²⁶ through his endorsement

²³ Bryan Garsten, “From Popular Sovereignty to Civil Society in Post–Revolutionary France”, in *Popular Sovereignty in Historical Perspective*, ed. Richard Bourke & Quentin Skinner (Cambridge: Cambridge University Press, 2016), 256

²⁴ Bryan Garsten, “From Popular Sovereignty”, 257

²⁵ *Ibid.*, 259

²⁶ George Duke, “Constant’s Liberal Theory of Popular Sovereignty”, *British Journal of the History of Philosophy* 29:5 (2021): 852

of limited authority. However, as Duke points out, the main problem with Constant's theory is that the danger he criticised, namely, the emergence of arbitrary authority, can possibly resurface as a consequence of his doctrine. There are some important causes for the emergence of this danger: a) Constant's acceptance that the general will should be mediated by representatives and find expression in enacted laws, b) representatives represent the interests of their own voters. In this institutional framework, the notion of public interest is conceived as the sum of private interests in a way they are not harmful to each other.

At this point, Duke emphasizes the contribution of public opinion to the reconciliation of the separate interests. However, the possibility of the emergence of an elite cannot be mitigated adequately because representatives are elected by voters, who belong to the wealthy classes. Duke points out, that even if reaching public interest is possible, the problem of privileging partial interests cannot be ignored, because Constant restricts the suffrage only to property owners²⁷. Considering that representatives have to aggregate the partial interests and be sensitive to public opinion, it would seem that public opinion's will would be derived from the interests of property owners. While Constant intends to avoid the potential dangers of popular sovereignty, the problem might be reproduced, because the content of general will, when legislated, will be interpreted according to the interests of property owners. According to the words of Duke, this "negative" theory of popular sovereignty is "vulnerable to the objection, that its commitment to the popular foundations of legislative political power is normatively thin"²⁸. This interpretation seeks to identify flaws in the argumentation of Constant without being restricted to a distanced explanation of his theory of sovereignty. However, this approach ignores Constant's support for an expansion of suffrage through the division of landed property, which could motivate the poor to become active citizens, so that they can oppose the interests of the wealthy classes.

However, recent publications on Constant's doctrine of sovereignty have challenged the dominant view that he accepted even an alternative conception of popular sovereignty. Arthur Ghins has argued examining in chronological order the development of Constant's political thought, that the source of legitimacy and

²⁷ George Duke, "Constant's Liberal Theory", 855 – 856

²⁸ Ibid., 857

sovereignty was public opinion²⁹. This subject was equated to that part of society that was interested in being involved in the public affairs. The changes or reforms of the socio – political conditions were not, according to this interpretation, the result of people’s demand, but of the implementation of the public opinion’s ideas. In this sense, these ideas are processed, developed, and revised through the course of time until their institutional integration as principles³⁰. Denying the principle of popular sovereignty as a chimera, Constant identified public opinion as the source of general will, which approves different forms of government through the course of time (theocracy, slavery, feudalism, aristocracy). Hence, according to his interpretation, there is not a conception of sovereign people defended by Constant, but “constantly evolving societies with fluctuating opinions”³¹, which are transformed to ideas.

In addition, Ghins points out that the ideas defended by public opinion, were not formed randomly, but their processing and final integration to the constitutions depended on two crucial factors. First, individuals and public opinion tend to become more enlightened with the process of historical rediscovery of principles³², which is called self–development (*perfectionnement*). Due to Constant’s understanding of history as a trajectory towards perfectibility, public opinion tended to oppose to governments or specific social conditions, which were hostile to the new ideas adopted by its members. Progress was achieved through the capability of the public to form gradually a consensus, which ends up in the incorporation of new ideas to the reformed constitution. Second, the processing of these ideas and their subsequent incorporation to a new constitution was facilitated by the intervention of enlightened writers (or intellectuals). This caste was able to activate the “public spirit”, so that public opinion can oppose arbitrary measures. As Ghins points out, the enlightened writers were “missionaries of truth”³³ since they could persuade the public to “condemn arbitrary measures and trump factional interests to seize power”³⁴. The cooperation between enlightened writers and the public also indicates that the ideas defended are not necessarily a result of intellectual innovation of behalf of the public, but they are adopted (and) due to the interaction of intellectuals with its members.

²⁹ An early approach to the importance of public opinion belongs to Biancamaria Fontana. See: Biancamaria Fontana, *Benjamin Constant and the Post-Revolutionary Mind*, 81 – 97

³⁰ Arthur Ghins, “The Popular Sovereignty”, 139

³¹ Arthur Ghins, *ibid.*, 143

³² *Ibid.*, 139

³³ Ghins, “The Popular Sovereignty”, 144

³⁴ *Ibid.*

Thus, the idea of equality as the mother idea, for which Ghins has stated that its defence was a presupposition for the legitimacy of new governments, was being also processed by the public, so that it can be incorporated in the constitution as a main principle.

This interpretation differs from the previous ones, because it brings to the surface a neglected concept (public opinion), which is integral in theorizing sovereignty³⁵. It does not come in disagreement with them especially with reference to Constant's criticism of popular sovereignty in the post – revolutionary environment. However, this criticism was expressed identifying public opinion as the source of legitimacy, the sovereignty of which could avoid the dangerous consequences of popular sovereignty. This interpretation also approaches the problem of legitimacy considering claims defended by Constant in his writings on historical progress as crucial for its understanding. The method of approaching Constant's political thought is not restricted to an examination of its development in the historical context but considers the claims defended in his historical thought. Ghins takes into account these claims in order to shed further light on the doctrine of sovereignty and shows that "constitutional changes were not traceable to an act of popular will at a given moment of time but emerged from an increasingly more enlightened public opinion about the type of general interests that needed to feature in a constitutional text"³⁶. Therefore, Ghins does not only identify a different subject as the source of sovereignty but refers to the intellectual processes that guide public opinion towards political reforms.

While Ghins refers to the concept of equality as influential for Constant's theory of legitimacy, there are dimensions in this problem that are not addressed, and I am going to emphasize in the second chapter expanding some of the claims formulated in the previous one. First, the distinction mentioned in the end of first section between unjustified and justified ways of implementing equality can be traced in his doctrine of legitimacy as well. On the one hand, Constant identified a radical revolutionary current manifested by fanatic groups, which sought to establish political change overthrowing an existing order with violence instead of reason. This current, as I will show, referred

³⁵ Ghins traces the origins of this perspective to David Hume, who argued in his political essays, that government rests on opinion. See: *Ibid*, 128–130, and David Hume, *Essays: Moral, Political and Literary*, (Indianapolis: Liberty Fund, 1987), 32

³⁶ Arthur Ghins, "The Popular Sovereignty", 145

to popular sovereignty in an abstract way without allowing the particular ideas of the people to become contributors in this effort, because the fanatics as the self-proclaimed representatives intended to utilize this principle in order to establish their own rule. The right to pursue an institutional change with this strategy was rejected by Constant because this attempt would lead to the restoration of despotism and the negation of liberty.

On the other hand, Constant endorsed a moderate reformist strategy for political change³⁷, that could be advocated by public opinion. He identified this agent as proper for the pursuit of institutional improvement, because its members could revise and adopt ideas through reason instead of using violence. Public opinion was able to process an idea of equality that was the outcome of self-development and was not separated from its historical development. Additionally, public opinion generated by those interested in participating in public affairs, could form gradually what Constant calls “public spirit”, namely, a subject with a specific political identity, whose ideas will be incorporated in a constitution as principles. With the aid of enlightened men, public opinion could demand the equalisation of political system in a way which presupposes and enhances political participation.

Second, the above distinction indicates that the coexistence between equality and liberty is determined by the exact way equality is pursued, as also by its exact meaning. The radical strategy promoted through violence and utilized by fanatics, who defend an illusionary notion of equality, cannot lead to an institutional improvement, because this idea is a part of a stagnant doctrine and has not been examined in the framework of a rational process. This is confirmed in the example of universal suffrage. The support for this policy ignored fundamental conditions (e.g the division between propertied and property-less individuals), which could not be violated for the sake of political equality. Hence, Constant sees a conflict between baseless ideas conceived abstractly without being adapted to reality and ideas processed by the public that take into account the broader social environment before their final formation. Observing this difference, I will point out that although Ghins’s contribution

³⁷ For example, McDaniel does not consider the acknowledgement of this strategy by Constant. He accurately points out that Constant does not recognize a right to revolution, but he notes that revolutions are considered by Constant as “quasi-physical events” that “resulted from the specific constellation of public opinion at a given moment”. See: Iain McDaniel, “Representative Democracy and the Spirit of Resistance from Constant to Tocqueville”, *History of European Ideas* 44:4 (2018): 439

indicates that Constant preferred government of opinion instead of popular sovereignty, it does not explain the consideration of equality as pivotal for this preference. As the key concept, its connection with progress is what lies behind the public's intentions to demand the reform of institutions, while government by opinion secures that the equalization of political system will be achieved with the aid of political participation and will respect individual independence. Therefore, the consideration of equality for the transition to reformed governments indicates Constant's concern on the potential institutional improvement and its compatibility with the flourishing of liberty.

A. Ancient liberty and political participation

Until this point the main approaches of the secondary literature were described regarding Constant's account on the enfranchisement and his doctrine of sovereignty. Another issue that can be further illuminated considering the concept of equality is his criticism on ancient liberty and his support for a moderate degree of political participation. This problem has been discussed mainly with reference to Constant's arguments in the notable lecture on the two types of liberty called *The Liberty of the Ancients compared with that of the Moderns* (1819) as his claims defended in the last paragraphs have been at the centre of various interpretations. Although it is obvious towards the end of the lecture that political liberty is valuable as a means of avoiding over-privatisation and exercising a sufficient surveillance to an elected government, the views on why Constant stresses the importance of political liberty in his lecture and other writings differ.

For example, Stephen Holmes in a more recent publication attempts to explain Constant's connection of political liberty with self-development with reference to the degree of influence a modern citizen has on public affairs. He points out the contrast, according to which everyone in ancient republics could exercise significant influence, while the modern individual's opinion is not so influential due to the geographical range of the nation – state. This difference provides an explanation for why ancient liberty was a pleasure for citizens as their involvement and the expression of their views could shape political decisions. However, Holmes argues that this pleasure can be the foundation of distorting the meaning of participation for despotic purposes³⁸.

³⁸ Stephen Holmes, "The Liberty to Denounce: Ancient and Modern", in *The Cambridge Companion to Constant*, ed. Helena Rosenblatt, (Cambridge: Cambridge University Press, 2009), 67

Modern tyrannies might be established upon this desire of someone to become important through political participation.

While it is recognized by Holmes that this is a visible possibility, he emphasizes Constant's observation that this difference in terms of influence limits modern individuals in a condition of passivity. As Holmes points out, the feeling of helplessness can provide aid for tyrannies, because modern individuals "anachronistically desire the same liberty to use public authority to injure the people they hate, a liberty that was so thoroughly enjoyed by the ancients"³⁹. Despite this danger, Holmes concludes that Constant sees a morally elevating character for political participation, because the nostalgia for the ancient liberty and the inherent need to feel important for public life and show interest in public affairs cannot be satisfied by modern societies, despite their other virtues⁴⁰. Political liberty is valuable because it covers in a considerable extent the drawbacks of modern commercial society, such as passivity or the distance of individuals from politics. This interpretation considers the content of the lecture itself without examining other claims or factors that might have influenced Constant's perspective on this problem.

Another approach to this issue interprets Constant's embracement of political liberty (and participation) as part of his broader support for republican values throughout his intellectual trajectory. Interpreting his political thought referring to the historical context, Andrew Jainchill sees the formation of post-revolutionary liberalism as an ideological current that considers the participation of citizens in politics⁴¹ as significant because of its capacity to mitigate a series of dangers for modern individuals (such as despotism and excessive self-interest). For example, Jainchill argues that this commitment on behalf of Constant begins even in his first major treatise *Fragments d'un ouvrage abandonné sur la possibilité d'une constitution républicaine dans un grand pays* (Fragments of an abandoned work on the possibility of a republican constitution in a great country - written in 1800 but remained unpublished until 1991). As Jainchill points out, Constant defended political participation in this work, because "he believed that political activity was necessary to prevent a nation from sliding into despotism and...praised its effects on a nation's

³⁹ Stephen Holmes, "The Liberty to Denounce", 68

⁴⁰ Ibid.,

⁴¹ Jainchill argues in favour of this view in an extensive monograph. See: Andrew Jainchill, *Reimagining Politics After the Terror: The Republican Origins of French Liberalism*, (Ithaca: Cornell University Press, 2008)

population”⁴². In this sense, active participation was valuable, because it could prevent the rise of despots, such as Napoleon. Jainchill notes the influence of Machiavelli and Montesquieu in this treatise, as Constant even claims in this work that factions are useful, because, while they might initially cause disorder, they are necessary for the maintenance of liberty against despotism.

The effectiveness of political liberty for preventing despotism and preserving liberty is a view that was not abandoned by Constant in his later writings. In his notable lecture given in 1819 on the two types of liberty, Jainchill sees the attempt to combine republican and liberal forms of liberty. As he points out, Constant saw as dangerous the constant engagement with the private pleasures for two reasons: a) this preoccupation with modern liberty would allow the rise of institutional arbitrariness, b) the domination of self-interest due to the pursuit of private pleasures led the individuals to neglect ‘the better part of their nature.’⁴³ In this sense, the connection between political liberty and self – development is approached by Jainchill as a suggestion by Constant to prioritise the moral character of participating in politics. Political liberty is valuable because it elevates morally the modern individuals. As Jainchill notes, modern people had to set aside their constant focus on private liberty, and instead promote political liberty because it alone could foster the moral improvement of individuals. Thus, the connection of republican with liberal values was necessary, so that there can be resistance to the dangers of commercial society and the possible domination of self-interest. A powerful counterweight to this danger was the active participation in public life⁴⁴, which represents another type of morality.

A similar approach is also adopted by Andreas Kalyvas and Ira Katznelson, who interpret the political thought of Constant - without commenting on his claims at the end of the lecture on the two types of liberty - as heterogeneous, because “it combines republican, democratic, liberal, and traditional principles of legitimacy”⁴⁵. Defending this view, they trace in the *Fragments* Constant’s emphasis on the public spirit as

⁴² Andrew Jainchill, “The Importance of Republican Liberty in French Liberalism”, in *French Liberalism: From Montesquieu to the Present Day*, ed. Raf Geenens and Helena Rosenblatt, (Cambridge: Cambridge University Press, 2012), 80

⁴³ Jainchill Andrew, “The Importance of...”, 82 – 83

⁴⁴ This reading on Constant is repeated by John Maynor, who notes that neo - roman republican principles inspired Constant’s lecture on the two types of liberty. See: John Maynor, *Republicanism in the Modern World*, (London: Polity, 2003), 31

⁴⁵ Andreas Kalyvas & Ira Katznelson, *Liberal Beginnings: Making A Republic for the Moderns*, (Cambridge: Cambridge University Press, 2008), 172 – 173

fundamental for the maintenance of a republican state. The meaning of public spirit was related to a sentiment of caring about public affairs and resisting to despotic intentions. They emphasize this concept citing the following claim of Constant: “The administration of a state is supported by the sentiment of public spirit...Only when citizens are animated by a vivid patriotic enthusiasm, public affairs are working well.”⁴⁶ Hence, Kalyvas and Katznelson point out the presence of republican values as part of their combination with liberalism, but they refer to the sentiment of caring about public affairs⁴⁷ as crucial for the maintenance of liberty. The resistance to despotism required the moral transformation of persons.

In addition, apart from the role of public spirit as supportive of a morality that mitigates the impact of self-interest, they emphasize the role of traditions and especially the influence of communal bonds and local institutions⁴⁸ for the reconciliation of political with individual autonomy. As they point out, Constant emphasized the importance of shared traditions, the sentiment of patriotism and the necessity of maintaining collective memory as elements of resistance to arbitrary authority. In addition, Constant defended landed property instead of industrial capital, because the latter “fragments, disconnects, and destroys the symbolic realm that sustains the belief in the sacredness of tradition.”⁴⁹ The dedication to the land and the communal affairs was fundamental for the subsequent attachment to public life. According to Kalyvas and Katznelson, political rights depended on the existence of these bonds, which create the motivation for involvement in the public affairs. Therefore, political participation presupposed attachment to the community, so that it can be effective against the radical individualism caused by self – interest.

⁴⁶ Benjamin Constant, *Fragments d'un Ouvrage Abandonné sur La Possibilité D'une Constitution Républicaine dans Un Grand Pays*, (Paris: Aubier, 1991), 210

⁴⁷ Hana Fortova also shares this view and claims that public spirit is maintained by patriotism, which is natural emotion. Constant stresses its local character and according to Fortova, this emotion “enables people to be part of a nation, of a political body, thanks to the local bonds...” See, Hana Fortova, “Benjamin Constant and the Ideas of Republicanism”, *Acta Politologica* 10:2 (2018): 43

⁴⁸ Another approach that focuses on institutions belongs to Valentina Lumova, who points out the importance of representation and the equivalent institutions, that are defended by Constant in the *Principles of Politics*. Lumova refers to institutions and means of participation, such as the right to petition, popular elections, the existence of two legislative assemblies, and the supervision of representatives. Moreover, she notes that the defence of representation changes the meaning of political liberty. In modern times political liberty should be related only to a constant surveillance and not to a collective self-government. See: Valentina Lumova, “Benjamin Constant and Modern Freedoms: Political Liberty and the Role of a Representative System”, *Ethical Perspectives* 17:3 (2010): 403–406

⁴⁹ Andreas Kalyvas & Ira Katznelson, *Liberal Beginnings*, 173

Constant's emphasis on involvement in politics has not only been interpreted in terms of his concern about the dangers of reactionary despotism and self – interest, but also as integral to critical attitude towards the rise and domination of commerce as the primary pillar of modern society. Helena Rosenblatt has claimed that the strict separation between republicanism and liberalism as labels of understanding obscures the interpretation of Constant's support for political participation. She has examined the formation of his argument during the final decade of his life in comparison to the views of Industrialist thinkers, such as Saint Simon and Charles Dunoyer seeking to identify Constant's response to challenges raised by different ideological sides⁵⁰. As she points out, this group of thinkers prioritised self – interest and utility and argued that constant work and production through industry could solve the problems of France and lead the French society to prosperity and happiness⁵¹. This goal could not be achieved with constitutional reforms and only *industrie* would reconcile the aims of economic and moral progress with social stability⁵². Hence, this group of thinkers defended the supremacy of economy over politics as more influential for achieving happiness.

Rosenblatt notes that Constant opposed the supremacy of industry as the solution for happiness because industrialist thinkers replaced the notion of government with that of administration and believed that a prosperous social order could not be achieved by jurists or representatives, but only by scientists or technical experts capable of making the right decisions for the economic development of society⁵³. At this point, Rosenblatt draws on Constant's treatise *Commentary on Filangieri's Work*, in which he argues in favour of participation in public affairs, while he stresses that governments do not possess any superior expertise to that of citizens. Criticising the elitist arguments of Industrialists, as Rosenblatt notes, Constant defended in another essay response to Dunoyer⁵⁴ that the underestimation of a citizen's capability for taking part in decision making and the support for the quantification of enjoyments make individuals submissive to authority and restrict the capacity of manifesting new

⁵⁰ For a more extensive analysis, see: Helena Rosenblatt, *Liberal Values: Benjamin Constant and the Politics of Religion*, (Cambridge: Cambridge University Press 2008), 155–191

⁵¹ Helena Rosenblatt, "Re-evaluating Benjamin Constant's Liberalism: Industrialism, Saint – Simonianism and the Restoration Years", *History of European Ideas* 30 (2004): 23–24

⁵² *Ibid.*, 27

⁵³ *Ibid.*, 28

⁵⁴ See: Benjamin Constant, *Ecrits Politiques*, 654–678

and noble ideas⁵⁵. Thus, the disagreement of Constant with another set of values defended by the industrialists prioritises involvement in politics as a proper way of mitigating the possibility of being subjected to another type of harmful rule. Although Rosenblatt does not state explicitly that republican values were incorporated to Constant's political thought, she points out the importance of politics and the necessity of mitigating the negative dimensions and effects of a commercial society.

Another approach that focuses on the moral or even the spiritual character of political participation has been articulated by Bryan Garsten. According to his interpretation, Constant's embrace of political liberty can be interpreted by referring to the crucial impact of religion and the religious sentiment on the way society is ruled. Garsten focuses on the claims defended by Constant in some unpublished and neglected lectures on religion, that were given in 1818, namely, one year before the lecture on the two types of liberty. As he points out, Constant was searching through the course of time for the possibility of an independent religion, which is liberated from the authority of the priests. In the case of independent religions, the religious sentiment was allowed to develop because of the absence of a caste, which imposed the stagnation of religious doctrine and prevented its further flourishing.

Constant's interest in an independent religious faith was the reason behind his criticism of ancient liberty, according to Garsten. As he notes, political theorists, such as Rousseau and Mably, who advocated a nostalgia for ancient liberty, were simultaneously in favour of a religious conformity or the subjection of religion to priestly authority⁵⁶. This observation led Constant to suggest that "reviving ancient liberty often involved imposing political religion"⁵⁷, because the promotion of virtue for all was possible only with the establishment of a religion that could promote a unified doctrine of morality without being subjected to modification by each one of the believers. As Garsten observes, Constant identified the acceptance of this belief not only in the case of republicans, but also in the current of Industrialists, who believed that a set of common religious beliefs should be accepted by society⁵⁸. Hence, agreeing with Rosenblatt's approach in this aspect, Garsten states that according to Constant, Industrialists defended the expansion of the technocratic type of

⁵⁵ Helena Rosenblatt, "Re – evaluating Benjamin Constant's Liberalism", 30

⁵⁶ Bryan Garsten, "Religion and the Case against Liberty: Benjamin Constant's other Lectures", *Political Theory* 38:1 (2010): 13

⁵⁷ *Ibid.*, 15

⁵⁸ *Ibid.*, 15–16

government to the religious field, where the decisions about the doctrine would be taken by the priesthood.

In another publication, Garsten adds that the definition of religion in terms of a private religious sentiment could be the foundation of a liberal society, because it is hostile to claims of expertise imposed by the priests. This version of religion is compatible with the way Constant approaches modern liberty, as free individuals can adjust and modify the religious doctrine according to their own feeling. As Garsten notes, “religion understood purely as private sentiment is different in that it removes the possibility that some people have privileged access to religious truth”⁵⁹. Each one can decide about religious truth according to how this feeling guides the believer. Constant’s claims gain a supportive pillar, which can operate as a solid basis for a pluralist society. A religion that is subjected to modification by each one, might enhance the desire for maintaining modern liberty and operates as a tool of resistance against religious despotism.

Constant’s account of modern liberty and especially the claims defended in the end of the lecture are explained by Garsten with reference to self–development. Defining the concept, Garsten notes that Constant intended to link modern liberty with an inherent human capacity based on the faculty of sacrifice⁶⁰. Self–development was fundamental for the modification of religion as an independent feeling and attributed to modern liberty a more positive purpose than a negative – type impact against the dangers of a commercial society. In addition, modern liberty supported by self–development could mitigate the negative impact of calculated self – interest enhanced by the commercial activities. Constant did not only aim to argue in favour of the anti–authoritarian character of modern liberty, but to elevate its value to the level of promoting self–development. Therefore, Garsten stresses the importance of two factors articulated by Constant in other writings in order to interpret the participatory

⁵⁹ Bryan Garsten, “Constant and the Religious Spirit of Liberalism”, in *The Cambridge Companion*, 299

⁶⁰ Laurence Dickey has argued that the last remarks on Constant’s lecture indicate that self–development serves the process of “fulfilling a specific telos that is part of a providential plan for man’s religious salvation”. This claim is based on the use of terms “heaven” and “destiny”, which indicate this divine plan addressed by God to human beings, as also on claims defended in Constant’s treatise *On Religion*. In this framework, humans resist the values of self–interest, because they want to overcome the temporary happiness provided by the commercial society, and through self–development they seek a greater moral purpose. Thus, the function of sacrifice signifies, according to Dickey, a process of transition from happiness to morality. See: Laurence Dickey, “Constant and Religion: “Theism Descends from Heaven to Earth”, in *The Cambridge Companion*, 313–332

aspect of modern liberty: a) an independent religious sentiment was supportive to the protection of civil rights, b) the natural need of humans for self – development could be fulfilled only in conditions of modern liberty⁶¹.

Garsten's approach in comparison to the previous ones differs because of the simultaneous examination of other works of Constant's thought⁶², such as the religious writings, which provide explanations for important political claims⁶³. In this sense, Garsten attempts in his interpretation to identify these connections, that can facilitate the understanding of one text with the claims defended in others. He does not only address the moral character of active citizenship, but he shows that this aspect of modern liberty cannot be neglected, because it cultivates the inner need of humans for self–development, namely, a natural faculty that also boosts the development of religious sentiment.

Considering these approaches, I will interpret his distinction between the two types of liberty and his endorsement of political participation through the lens of equality in the final chapter of the thesis. First, I will explore Constant's approach on ancient liberty, as it is articulated in the lecture. I will argue that he considers the exercise of collective sovereignty as compatible with an ancient type of inequality, which was based on two dominant conditions: a) the undertaking of labour by slaves and non–citizens, b) the subjection of individuals and their private sphere to the authority of the community. Although equality was an existing value in the ancient world, it involved only those with citizenship, as they had equal access in the decision – making procedures. Additionally, Constant associated this form of liberty with a regime of omnipotent authority which intervened in the private sphere of individuals and subjugated private life in the jurisdiction of the community. As a result, Constant believed that this type of liberty should not be revived completely in the modern age

⁶¹ Bryan Garsten, "Constant on the Religious Spirit of Liberalism", 299–301

⁶² Garsten considers the other aspects in a bigger extent than Ghins and he does not attempt to interpret Constant's argumentation exclusively in relation to the historical context.

⁶³ Another similar approach has been advocated by Alan Pitt, who emphasizes the arguments defended in Constant's systematic treatise *On Religion* and points out that the development of religion cannot be separated from the progression of freedom in the history of humanity. According to Pitt, 'history...is a dual process: a process of ever-growing freedom, accompanying ever-growing sincerity and purity of feeling.' The conflict between religious sentiment and priestly authority does not only show Constant's opposition to their despotic authority but indicates his claim that any attempt to impede religious progress actually destroys feeling. Modern freedom can be maintained and the threats against it can be mitigated by the influence of modern feeling. See: Alan Pitt, "The Religion of the Moderns: Freedom and Authenticity in Constant's 'De la Religion' ", *History of Political Thought* 21:1 (2000): 81

and only some of its aspects (such as press freedom, the right to vote, and participation in municipal power) should be integrated in modern institutions as civil rights. The prioritisation of modern liberty as mainly individual independence coincides with the absence of ancient inegalitarian conditions and therefore, with the abolition of omnipotent authorities inspired by the ideal of participation.

Second, I will explore the main means of political participation, which are endorsed by Constant because of their impact on sustaining and promoting equality. These means as important civil rights are freedom of the press and participation in local authorities. The active involvement in public affairs through these ways fulfils two purposes in relation to equality. The first is related to the prevention of institutional arbitrariness and the transition to a despotic government (negative purpose). On the one hand, press freedom enables citizens to check the violation of rights by a government. On the other hand, municipalities give the opportunity to citizens of creating networks of resistance to centralisation by expressing institutionally their attachment to homeland, the community and the local practices. Especially in the second case, Constant embraces an “ancient-type” of participation in terms of scale in order to secure the maintenance of an anti-despotic attitude.

The second purpose is related to the developmental character of political liberty identified by Constant in the end of his notable lecture (positive purpose). Press freedom, when it is independent and is not influenced by government’s intervention, allows citizens to use their rational capacities in order to shape their own views about public affairs and search the truth. This contributes to their intellectual autonomy, as they can rely on the rational methods without being subjected to the directives of a government. Participation in local affairs enables citizens to revise their ideas and lead the political system towards equalisation, namely, a constant trajectory, which aims for the transfer of political power to various networks from the central government. Therefore, interpreting Constant’s account on liberty through the lens of equality provides a different angle from the contributions of secondary literature, which shows the dependence of political participation on his primary concern on equality.

In conclusion, approaching Constant’s work under the aspect of equality revises the way with which scholars have approached it. The main conclusions, that challenge the dominant perspective are the following: a) Constant’s commitment to liberty is not

primary, but it is a dominant value, of which the exact position within a socio–political environment is determined by equality, b) although it is accepted that both conditions are incompatible, Constant’s thought constitutes an example of reconciling the two conditions in a way of interdependency within the framework of liberal thought in 19th century, c) the arguments defended are not shaped only by historical debates dominated in the first decades after French Revolution, as there is a core in Constant’s thought, which considers the impact of historical progress for the formation of societies.

1. CHAPTER 1: The developmental character of equality in Benjamin Constant's thought

Introduction

As it was indicated in the introduction, the main purpose of the thesis is to explore the importance of equality and show through this lens how the understanding of basic problems can be revised considering it as the key notion. The underestimation of equality within the revival of his political thought excludes the possibility of articulating a different interpretative angle on the following problems already discussed in secondary literature: a) Constant's approach on the universal suffrage and political equality, b) the doctrine of legitimacy, c) his support for political participation in the modern age. The common element in these three issues is the concept of liberty, of which the understanding will be revised with the consideration of equality. Specifically, my aim is to argue equality is compatible with liberty and is a presupposition for sustaining it. Contrary to the perspective that sees both conditions as incompatible, I will show that these two conditions are interdependent, since the participatory aspect of liberty sustains equality and promotes equalisation through self – development.

My task in this initial chapter is twofold. First, I am going to explore Constant's account of equality that is articulated in some important historical essays. In these essays, he identifies equality as the driving force of progress which enables humans to improve institutions through the course of time. Second, I will examine his account on the universal enfranchisement, as he defends a restricted suffrage only for property owners. Although it seems *ex prima facie* that there is a contradiction between the egalitarian direction of history and his choice to limit the suffrage, I will show that Constant's approach to political participation is consistent with his narrative on equality, as he accepts the expansion of suffrage universally under specific presuppositions.

Addressing the problem, it is necessary first to explore the meaning of equality, as it is analysed in his historical writings. For this reason, the chapter is divided in five main sections. In the first three, I will explore Constant's approach to the notion of equality, as it is defended in his historical essays. In these essays, he identifies equality as a natural need rooted in humans and associated with a timeless demand that no one (either person or group) should possess greater political power over others. As I will show, humans are able to achieve historical progress reforming the

institutions with a transformation of the natural feeling to an idea through self – development. This process is presented in his historical essays and is associated with an inherent capacity of replacing sensations with ideas. Being endowed with this capability, humans are able to revise the idea of equality, so that they can achieve the abolition of unjust conditions. In the fourth section, I compare his account with that of Alexis de Tocqueville pointing out important differences among them.

In the final section, I will argue that although history is characterized by the progress of equality, it cannot be achieved regardless of the chosen way, because the process of equalisation is subjected to specific presuppositions. Hence, I will examine the example of suffrage and the exact reasons behind its initial rejection. As his claims indicate, Constant defended initially the restriction of suffrage because he wanted to ensure the maintenance of post–revolutionary socio–economic conditions identifying property as the main presupposition for being an active citizen. However, Constant in his *Principles of Politics* and the *Commentary on Filangieri's Work* claimed that the gradual implementation of political equality can be achieved with the tools provided by the commercial society, such as the division of landed property. Contrary to the interpretation of Holmes, with this suggestion Constant does not see as stagnant the range of political participation, because under these conditions it can be expanded without being subjected to the will of property – less poor. His choice to subjugate the demand for equality to the overall attempt of securing it as a foundation for the emergence of liberty led him to adjust its implementation to the equivalent socio – economic framework. This example shows that Constant distinguished between justified and unjustified forms of pursuing equality, as the sudden enfranchisement ignoring the division between propertied and property – less individuals would restore despotism.

1.1 Equality as the driving force of progress

To begin with, Constant discusses the concept of equality in the historical part of his work and mainly in an unpublished essay called *Du moment actuel et de la destinée de l'espèce humaine ou histoire abrégée de l'égalité*⁶⁴ (On the current moment and the destiny of the human species or the abridged history of equality). In this essay, Constant addresses the problem of how humanity achieved progress

⁶⁴ This essay was written in 1800 – 1802 but remained an uncompleted draft during Constant's lifetime. It was published in 1982 and was edited by Beatrice Fink.

through the course of history and attempts to present the main reasons for this successful trajectory. Constant even in the beginning of the essay traces in the nature of humans a constant need for equality⁶⁵, which is the cause for the subsequent achievements in politics. He even points out in the introductory remarks of the essay, that the desire for equality is “the most natural of our feelings”⁶⁶ attributing its pursuit to human nature itself.

In the first remarks, Constant uses the terms “need” (*besoin*) and “desire/feeling” (*sentiment*) to refer to a natural inclination rooted in humans regarding equality. As this feeling is natural, it boosts them to seek the improvement of the socio–political conditions, of which the attempt until modernity has been indeed successful. This desire is central and is not abandoned by humans, as he makes clear that “the constant need of the human species is equality”⁶⁷. Except for the use of this characterisation, Constant refers to the concept as the “primitive law” (*loi primitive*). This characterisation introduces two further dimensions, which explain the timeless struggle of humankind against inequality. First, Constant admits that humans are born equal in the sense that any differences among them do not justify the establishment of hierarchical relations. He claims that “whatever attempts have been made to obscure this truth, men are born equal, that is to say, the difference in physical forces and moral faculties would never be such as to establish permanent inequalities...”⁶⁸. Second, the term “primitive law” refers to a norm that should shape human relationships. All the subsequent laws made by human society tend to reach gradually the primitive law until it is fulfilled completely.

Constant does not only associate the inherent pursuit of equality with a feeling, but he attempts to describe how this desire is manifested outside and becomes able to transform the socio–political environment. In oppressive forms of government inequality (and consequently injustice) is rooted in what Constant calls political laws (*lois politiques*), namely, the enacted laws imposed by a state towards its subjects. For example, in a despotic state, the despot has the authority to decide about the life and death of the slaves, because they are not recognised as autonomous persons. In this framework, the civil laws (*lois civiles*), which are associated with a sense of

⁶⁵ Benjamin Constant, “Du Moment Actuel et de La Destinée de L'espèce Humaine ou Histoire Abrégée de L'égalité”, *Dix-Huitième Siècle* 14 (1982): 205

⁶⁶ Benjamin Constant, “Du Moment Actuel”, 206

⁶⁷ Constant, “Du Moment Actuel”, 205

⁶⁸ *Ibid.*, 205 – 206

justice and are defended by the slaves, remain in silence⁶⁹. When the civil law is promoted by the slaves, then a process of modifying the status quo begins with its awakening within this population and results in the establishment of an improved relationship between the new ruler and the slaves. The reformed institutional environment coincides with the establishment of an improved status for the ruled. In this conflict, Constant sees the promotion through the civil law of demands against the unjust character of political laws. For this reason, equality is also a condition strictly tied with justice. As Constant notes, “whoever says justice, says equality”⁷⁰. This initial analysis indicates that the desire for equality is related to a constant denial of humans to acknowledge that someone else should possess greater power over them. In this example, this denial is expressed by slaves, so that the laws of a state can gradually reach equality as the primitive law.

The conflict with the political laws of a regime took place in the case of the main revolutions, that are observed by Constant and were achieved by humans against four dominant social systems of the historical past: theocracy, slavery, feudalism and aristocracy (era of aristocratic privileges)⁷¹. From a point of absolute inequality, humans started to transform their desire gradually to an idea and successfully overthrew these oppressive forms of government⁷², which did not reflect or even were hostile to egalitarian ideas defended by the equivalent communities. This description by Constant is very important, as it provides a hint for his account on legitimacy that will be explored in the next chapter. It will be examined how the attempt of the public opinion to pursue the reform of institutions and legitimize improved forms of government is accompanied by the processing of equality as the central idea, which allows the emergence of liberty.

⁶⁹ Ibid., 206

⁷⁰ Constant claims additionally, that “equity is the synonym of justice”. Ibid., 208

⁷¹ Constant, *Ecrits Politiques*, 712–713

⁷² The modern age, according to Constant, was that of legal conventions (*Ecrits*, 718). For example, another advocate of progress in history, such as Marquis de Condorcet, identified the modern age as the ninth epoch of the historical progress of humankind, in which humans ended up discovering the truth that individual rights are guaranteed by political society. He claims, that “after long periods of error... publicists have at last discovered the true rights of man and how they can all be deduced from the single truth: that *man is a sentient being, capable of reasoning and of acquiring moral ideas*”. See: Condorcet, *Political Writings*, ed. Steven Lukes & Nadia Urbinati, (Cambridge: Cambridge University Press, 2012), 92. From this statement, Condorcet concludes that the rule of the majority can determine the common rules, to which individual rights are submitted, because its will is the result of the consensus between rational individuals, who form their moral ideas interacting with others. See: Condorcet, *Political Writings*, 92.

While “love for equality is the constant and indestructible passion of the human species”⁷³, it is also considered an end for humans, which needs to be fulfilled. Constant connects equality with the capacity of humans to reach perfectibility. Because of a natural calamity that led humans to be subjected to theocracy, humans due to their natural desire began this trajectory from a status of absolute inequality and still continue to pursue the complete equalisation of social conditions. The main revolutions observed in history contribute to the re-establishment of equality and its reflection to an institutional level. That’s why he notes in his essay *De la perfectibilité de l’espèce humaine*, that “the perfectibility of the human species is nothing other than the tendency towards equality”⁷⁴. The historical events which improved the relationships of humans are important landmarks because they bring humans closer to the restoration of their true essence⁷⁵. As he notes in the same essay, “this tendency comes from the fact that equality alone is conformable to the truth, that is to say, in the relationships of things between them and men between them”⁷⁶. Historical progress equates to the trajectory of regaining the natural status of humans, namely, it is a timeless journey of regaining their initial truth as equals between each other. In other words, humans are striving to establish the primitive law both in their interpersonal relationships and in the institutional level from the beginning of history struggling constantly against the “privilege” of a person or a group to possess omnipotent power over others.

In order to understand further how equality is pursued in the field of politics, it should be taken into account that Constant does not approach the notion only in relation to a natural feeling, but he also describes equality as an idea of primary importance for politics. Even in his first political pamphlet called *De la force du*

⁷³ “Du Moment Actuel”, 207

⁷⁴ *Ecrits*, 714

⁷⁵ Some scholars claim that Constant defended a linear approach to the trajectory of history. For example, Beatrice Fink in her old publication pointed out that history is not cyclical, because of the success of the four main revolutions. See: Beatrice Fink, “Benjamin Constant on Equality”, 311. On the contrary, Etienne Hofmann traces a contradiction between this narrative and Constant’s claim that the historical march of the humankind is destined to end up in the restoration of natural equality. Hofmann notes, that “Constant wavered to some degree between two paradigms: that of cyclical history and that of never-ending linear progress”. See: Etienne Hofmann, “The Theory of the Perfectibility of the Human Race”, in *The Cambridge Companion*, 264–265. However, Constant’s doctrine can be considered consistent, since the return to the origins does not entail the support of cyclical history, but it is a restoration of perfection through a linear march characterized by the sequence of separate ages. The linear historical progress serves the restoration of equality, namely, the return of humankind to the initial status.

⁷⁶ *Ecrits*, 718

gouvernement actuel de la France et de la nécessité de s'y rallier (On the strength of the current government in France and the necessity to rally it - 1796), he claims that equality is a “mother idea” (*idée – mere*), which “has never been expelled from the hearts of men”⁷⁷. In this pamphlet, Constant refers more generally to the importance of ideas and attributes to them independence from humans pointing out that “it depends on the ideas alone that the empire of the world has been given. It is the ideas that create force, becoming either feelings, or passions, or enthusiasms”⁷⁸. However, Constant does not intend to isolate ideas from the formation of public affairs, but he addresses their connection with the world and their identification with a specific order of things⁷⁹. With this early perspective, Constant implies that the socio–political affairs are shaped and influenced by ideas and considering that equality is the primary idea, it is derived that it has the most crucial impact on the formation of the social environment and its development.

1.2 Self – development and the faculty of sacrifice

However, how humans, while they desire equality, manifest it as an idea able to influence and reform political affairs? Answering this question requires seeing how Constant analysed an inherent process that leads humans to perfectibility, namely, self–development (*perfectionnement*). This concept is mentioned in various writings (as also in the notable lecture of 1819 on the two types of liberty), but it is analysed as a process in his essay on perfectibility *De la Perfectibilité de l'espece humaine*, which is included in the collection of essays *Mélanges de Littérature et de Politique*. In this essay, Constant articulates his doctrine of progress, and his overall attempt consists in presenting an answer to the question of whether perfectibility is possible for the humankind with reference to its historical development from ancient times until the present.

Even from the beginning of this essay, he refers to the cognitive features of human beings claiming that they are able to perceive impressions, which are distinguished into two separate categories: a) sensations, b) ideas. First, according to Constant, sensations are related mainly to the human body and are produced by the organs.

⁷⁷ Benjamin Constant, *De la Force...*, 90

⁷⁸ *Ibid*, 88

⁷⁹ Constant points out in a characteristic statement the dependence of ideas from an equivalent institutional environment: “it is impossible therefore to establish ideas, which the force of things does not bring, to downgrade those which the force of things has brought, or to give a value to those whose region has passed”. See: *Ibid*.

They can be considered as immature perceptions of the world. Second, ideas are defined as memories of our sensations or combinations of them and instead of being temporary, as sensations, they have greater duration in time⁸⁰. Constant also notes, that another quality of ideas is that they can be multiplied, reproduced, and might create a world independent from that conceived with our senses⁸¹. Noting the differences between the two, he clarifies that humans cannot improve themselves when they rely exclusively on sensations. The possibility of achieving self – development is limited even when there is a balance between sensations and ideas⁸².

Constant extends his analysis in a characteristic passage and notes, that “if, on the contrary, a man governs himself by ideas, then self–development is assured. Even if our current ideas are false, they carry within a germ of ever new combinations, of more or less prompt, but infallible rectifications, and of uninterrupted progress”⁸³. He emphasizes the potential capacity of ideas to progress and constantly improve even when they are false. A very central element of his doctrine of progress is articulated with this statement, since the main condition for moving forward is the modification, the correction, and the revision of ideas. Through fallibilism in the realm of ideas, humans are able to revise their way of thinking setting aside the temporary influence of sensations. Hence, self–development is identified with the natural tendency to form ideas about the world, which set the foundations of progress in politics.

The process of self–development is described with greater precision by Constant, as he explains the replacement of sensations by ideas using the term “sacrifice”. This term refers to an inherent faculty of humans that enables them to prioritise ideas over sensations. He claims, that ‘the nature of man is so willing to sacrifice, that the present sensation is almost infallibly sacrificed, when it is in opposition to a future sensation,

⁸⁰ *Ecrits*, 702–703

⁸¹ A similar description of the function of the human mind is advocated also by Condorcet in his *Sketch for a Historical Picture of the Progress of the Human Mind* (1795). Condorcet in the first pages of this work argued that the progress of the human mind is subjected to laws observed in the development of some faculties, such as the capacity to perceive and distinguish sensations, to remember and combine them, and finally to form ideas. Thus, he claimed that “what happens at any particular moment is the result of what has happened at all previous moments...”. See: Condorcet, *Political Writings*, 1–2. Condorcet’s aim in this work was, according to his own words, to “show by appeal to reason and fact that nature has set no term to the perfection of the human faculties; that the perfectibility of man is truly indefinite...”. See: Condorcet, *Ibid.*, 2

⁸² *Ecrits*, 704

⁸³ *Ibid.*

that is to say with an idea”⁸⁴. A human’s tendency to be governed by ideas is tied with a capability of sacrificing the sensations for their sake. The natural faculty of sacrifice is approached by Constant as the basic “mechanism” behind individual self – development, which cultivates the intellectual capacities of humans.

The reason for which Constant uses this term in order to describe the capacity for self – development should be clarified with reference to the main dimensions of its meaning. The first important aspect of the meaning of sacrifice is related to the use of rational methods for the replacement of sensations. Constant makes clear that the selection of ideas is the result of reasoning, which involves comparison. “Sacrificing” sensations for ideas presupposes their contrast and comparison, which results to the replacement of the first. This rational process is confirmed by his claim that “whoever says the power of ideas means the power of reasoning; there is comparison and therefore reasoning”⁸⁵. The function of sacrifice consists in a rational process and leads someone to adopt ideas not randomly but using rational tools. This observation about self – development is significant, as it will be examined in the final chapter how political participation is able to advance these faculties by enabling citizens to express speech and intervene in public affairs. In this framework, humans are able to intervene in public discussion making use of the same rational tools (comparison) that facilitate the further realisation of self–development. It will be shown that Constant’s support of political participation in his notable lecture is derived by his claims on the contribution of self–development to the process of equalisation.

However, the above statement regarding the will of humans for sacrifice has a deeper background than its relation to the human’s capability of intellectual improvement. Although it is visible *ex prima facie* that this faculty advances this capacity, it has also a very crucial effect on the inherent morality of humans. This consideration indicates that sacrifice is not only identified with a rational process but attributes to humans certain moral qualities. Constant points out the moral character of sacrifice in his systematic treatise *On Religion* (1824–1831) stating that that “all moral systems reduce to two. One gives self–interest as our guide and well–being as our goal. The other proposes improvement, betterment, progress in perfecting ourselves as the goal, and interior sentiment as our guide, a certain abnegation of

⁸⁴ *Ecrits*, 707

⁸⁵ *Ibid.*, 706

ourselves, and the capacity for sacrifice”⁸⁶. Constant ascribes sacrifice to a different moral system against the one represented by the domination of self-interest.

Considering this dichotomy presented in this work, Constant notes additionally in his essay on perfectibility that humans would prefer to sacrifice the sensations to ideas suffering a current pain for a future pleasure⁸⁷. And he further adds that sacrifice refers to “a disposition that invariably gives men the strength to immolate the present to the future and therefore sensations to ideas”⁸⁸. Connecting sacrifice to a different moral system, Constant states that this faculty operates for the sake of the future enhancing the denial of humans to be absorbed by current pleasures dictated by self-interest. Thus, as Etienne Hofmann has claimed regarding the effects of this faculty, “man is capable of dominating his passions without external intervention (moral and political authority), because reason, which is among his natural gifts, leads him to compare present and future and thus to sacrifice the former to the latter”⁸⁹. The capacity of humans to sacrifice sensations for ideas as part of self-development indicates two further traits that are ascribed to the nature of humans and subsequently to their morality: the capacity of transcending the present for the acquisition of an idea and the primacy concern for the future. This faculty shows that self – development does not only cultivate intellectual capacities but elevates humans morally and enables them to deny the influence of self-interest. It also indicates that the ability to think rationally is subservient to the overall attempt of humans to adopt another system of morality.

The two dimensions of sacrifice (the rational and the moral) ends up in advancing the status of humans. Constant acknowledges that this faculty boosting humans to prioritise the future, establishes their autonomy and their moral independence. As he states in the essay, “the empire of ideas over sensations makes man master of himself and leads him to preserve moral independence, source of dignity, rest and joy”⁹⁰. Being able to exercise this faculty, humans are free from a subjection to the current sensations. Gaining autonomy, they can reach the ultimate goal of perfectibility, as it is noted by Constant that sacrifice has a cumulative function: “The

⁸⁶ Benjamin Constant, *On Religion Considered in its Source, its Forms and its Developments*, trans. Peter Paul Seaton, (Indianapolis: Liberty Fund, 2017), 12

⁸⁷ *Ecrits*, 705

⁸⁸ *Ibid.*

⁸⁹ Etienne Hofmann, “The Theory of Perfectibility...”, 259

⁹⁰ *Ecrits*, 707

indestructible seed of perfectibility lies exclusively in the faculty of sacrifice. The greater use a man makes of this faculty, the more energy he acquires, and the broader his horizon becomes.”⁹¹. With these words, he clarifies that sacrifice is the driving force of individual self–development, because it attributes to humans the restless will to reach perfectibility with a continuous effort of transcending the present.

Having explained the process of self–development and the further impact for human beings, it could be easier to contemplate how Constant approaches equality as an idea. First, it seems that this inherent desire is satisfied when humans deny accepting or compromising with current unjust conditions and start to think how equality as an idea could be integrated to the equivalent socio–political environment. In this framework, individuals address the issue of the improvement of these conditions and modify or revise this idea, so that the passion for equality can be served. This is not only an intellectual task, but mainly a moral pursuit to reach perfectibility. Identifying equality as a mother idea, Constant intends to establish that both the natural desire and the processing of the idea, according to the process described, forces humans to distance themselves from current passions for the sake of a greater cause. This means that the pursuit of equality is at the same time a moral and just pursuit because only humans who are interested in a sacrifice–based moral system can transform the desire for equality into an idea able to affect the socio–political field and finally restore this condition as a primitive law.

1.3 Equality in the field of religion

In his analysis on the essay regarding the historical progress of equality Constant points out that the first victory of humankind against inequality was achieved with the abolition of theocracy. As the first social and most oppressive system, theocracy is described by Constant as a state, which was responsible for the “most dreadful inequality”, because humans were not recognised as persons, but were treated as slaves⁹² without recognition of any rights. Constant explains the emergence of this social system by noting the importance of a primitive faith developed by humans towards the stars as objects of religious worship. But while in modern religions, believers can practice their faith without necessary mediation, the communication with stars was difficult⁹³ and any kinds of signs had to be interpreted by experts that

⁹¹ *Ecrits.*, 708

⁹² “Du Moment Actuel”, 211

⁹³ *Ibid.*, 211

possessed the equivalent knowledge. The first reason for the establishment of theocracy was exactly the need of societies to find answers and contemplate the world of stars. Constant also notes the importance of a big natural calamity as a possible cause for the emergence of this authority. Such an event did not only have immediate impact to the beliefs of people but was imprinted to the next generations. Hence, such a landmark led humans to show obedience to supernatural powers⁹⁴ and be subjected to the authority of the priests⁹⁵. Providing this dual explanation, Constant intends to make clear that the emergence of inequality cannot be attributed to the human nature: “It is therefore outside the nature of man and outside the will of his creator that we must seek the origin the inequality”⁹⁶. Hence, inequality is rather a social construct than a condition created due to human interference in the social environment.

Noting the emergence of priestly authority as another group that was omnipotent in the past, Constant emphasizes that the progressive character of equality is not only applicable in the case of political affairs, but also to the field of religion⁹⁷, in which Constant recognises a similar trajectory. Understanding how the pursuit of equality concerns the religious field as well, it is necessary to gain an insight on how Constant approaches progress in religion. He analyses his claims in another historical essay called *Du développement progressif des idées religieuses* (On the progressive development of religious ideas). Addressing the question of whether religion can be exempted from revolutionary changes, he responds explicitly that this is not possible⁹⁸ implying that the revolution against theocracy, was not only political, but it expanded to religion as well. Having acknowledged this dimension, Constant claims that progress in religion is the successful outcome of the conflict between the religious sentiment, that dictates modification, and the power of priests, who reject any attempt of revising the doctrine in order to maintain their authority in these matters⁹⁹. He claims that the religious sentiment is natural as well and is the foundation for the

⁹⁴ Ibid.

⁹⁵ Constant in this point does not present a detailed examination of how the first societies marginalised their passion for equality to be subjected to a system of absolute inequality.

⁹⁶ “Du Moment Actuel”, 215

⁹⁷ Constant adds that “there is not a nascent religion which has not proclaimed equality. There is not a popular revolution which has not taken equality for its flag.”. Thus, he identifies religion as another field, in which equality is pursued constantly. See: Ibid., 208

⁹⁸ *Ecrits*, 634

⁹⁹ *Ibid.*, 648

continuous modification of religious forms contrary to the stagnation of beliefs: “This implicit credulity, this immobility in dogmas, this stationary character in beliefs, all these things, which are recommended in the name of religion, are what is most opposed to religious sentiment”¹⁰⁰. As another aspect of the human nature, it guides humans towards the improvement of religion contrary to the will of the priests, who possess authority.

Constant clarifies that religious believers want to modify the doctrine when it does not correspond to their views. When the religious sentiment is dominant, the religious forms are modified (according to the process of sacrifice) and leads the faith to its liberation from the stagnant character of the doctrine. Constant points out, that when the religious forms cannot be modified, believers will be vulnerable inevitably to prejudice and fanaticism¹⁰¹. On the one hand, religion’s doctrine is changeable through the revision of the doctrine and on the other hand this change is opposed by the resistance of prejudice and fanaticism, which are responsible for the regression of religion¹⁰². This conflict between religious sentiment and the priesthood represents the opposition of a developmental interpretation of religion resulting from revised ideas against an absolute and stagnant reading, that is imposed by priests and should be accepted by the believers.

While the religious sentiment guides a believer to revise religious reforms and replace them with new ones, this attempt meets the opposition and the reaction of the priestly authority¹⁰³ which does not only prevent the improvement of religious faith but is also responsible for the cultivation of prejudices to the believers. In this description, Constant adds a distinction between two types of religion, that have existed in history: a) religions liberated by priests, b) religions subjected to their authority¹⁰⁴. In the case of the latter, “all progress is forbidden, advancement is a crime, all innovation is a sacrilege. Religion does not get rid of the hideous festiges of fetishism, the form of

¹⁰⁰ *Ibid.*, 635

¹⁰¹ *Ibid.*, 636

¹⁰² However, Constant adds regarding the progressive tendency of religion that “it is therefore a grave error to think that religion is highly interested in remaining stationary; on the contrary, its real interest is that the progressive faculty, which is a law of human nature, should be applied to it.”. See: Benjamin Constant, *On Religion*, 919

¹⁰³ *Écrits*, 641

¹⁰⁴ For Constant, ancient Greece was the example of culture, in which religion and its practices were free without the omnipotence of priests. Religions subjected to their authority existed in India, Ethiopia, and Egypt. See: *On Religion*, 908

the gods remains vague, their character vicious”¹⁰⁵. On the contrary, referring to the ancient Greek religion, “the Greeks borrow from everywhere whatever seduces their active and curious imagination, but they embellish everything they borrow”¹⁰⁶. The two opposing types of religion represent two different ways on how religions are institutionalized. This essential difference shows the degree, in which the religious sentiment can be manifested.

While the opposition against priestly authority has a religious sentiment as its source, which boosts humans to improve the religious doctrine, the progress of religions is not only beneficial for the autonomy of believers but satisfies the desire for equality. The denial of believers to grant the interpretation of religion to priests entails a rejection of the hierarchy between these two groups. Constant rejects their authority because he disagrees with the assumption that there must be experts, who can interpret the doctrine validly and clarify it to the believers. His understanding of religion as strictly religious sentiment implies that the interpretation of faith should be diverse according to how anyone’s feeling perceives the content of a religion, such as the religious commandments¹⁰⁷. In this sense, if the role of the priests does not involve the task of indoctrination that gives them institutional authority in religious matters, then they are not differentiated essentially from the believers with the exception that they fulfil their equivalent duties as intermediaries between them and God. For this reason, self–development in the field of religion leads believers to struggle against the premise that there is a “gifted” caste with access to true knowledge about religious matters. The successful limitation of the authority of this caste promotes at the same time the equal capacity of each one to shape religious faith according to one’s perspective. Hence, the opposition against omnipotent authorities does not only take place in the field of politics, but it expands to the other fields, in which inequality is present.

1.4 Constant’s and Tocqueville’s account of equality: Divergences and similarities

The developmental character of equality, as it was analysed until this point, is distinctive because it is a condition that is not separated by the capacity of humans to improve themselves and demand the improvement of political affairs. Constant’s perspective differs in a significant extent from another important approach to equality

¹⁰⁵ *On Religion*, 908

¹⁰⁶ *Ibid.*, 910

¹⁰⁷ See also: Bryan Garsten, “Constant on the Religious Spirit of Liberalism”, 299–303

formulated in the first half of 19th century, namely, that of Alexis de Tocqueville. He pointed out in the *Democracy in America*, that in modern times the mania for equality is the dominant tendency and makes the transition to democracy inevitable¹⁰⁸. He used the term “equality of conditions” to refer to the rise of the middle class and the gradual equation of people. This development signifies the disappearance of privileged classes, which maintained inequality. Admitting that this type of equality is the destiny of humankind, Tocqueville emphasized that this trajectory does not marginalize the potential emergence of dangers, as the domination of equality might operate in the expense of liberty. Hence, he identified equality as a social condition responsible for the direction of modern societies towards a more democratic path, that is inevitable.

This approach on equality defended by Tocqueville has essential differences with its character, as it is articulated by Constant. First, the desire for equality is not a modern tendency and is not restricted to the modern social framework, because its pursuit is manifested from the beginning of human history until the present. Second, although Constant claims that the equalisation of conditions has begun since the subjection of humans to theocracy, this tendency is rooted in a natural need, that constitutes the essence of humans. As Emeric Travers has pointed out, Constant and Tocqueville differed in the following essential point: the first referred to a need that is fulfilled as a judicial reality until its complete restoration, while Tocqueville considers “the democratic mentality, this aspiration to the equalization of conditions, not as an excessive and muddled manifestation of the need for equality, but as the very tendency of modern societies”¹⁰⁹. For Tocqueville, the desire of equality occurs because of the existence of a particular social environment that is favourable to its pursuit. It is a restricted phenomenon that is absent before the transition to modernity. For Constant, the rise of equality through the course of time involves the gradual establishment of a judicial reality, namely, an institutionalised incorporation of this idea to a specific constitutional order, which is combined with what Tocqueville calls “equality of conditions” (the gradual disappearance of privileged classes).

¹⁰⁸ Alexis de Tocqueville, *Democracy in America*, trans. James T. Schleifer, (Indianapolis: Liberty Fund, 2012), 3–6

¹⁰⁹ Emeric Travers, *Benjamin Constant: Les Principes et L' Histoire*, (Paris: Honore Champion, 2005), 474

Despite the divergences¹¹⁰ between the two approaches, Constant and Tocqueville would agree regarding the consequences of excessive equality, as this development is potentially favourable to the establishment of a hostile regime to liberty. Each one for different reasons defended the necessity of counterweights that could secure the liberty of individuals mitigating the risk¹¹¹ of steady equalisation. Tocqueville notes the problem in the coexistence of the two conditions stating that “when all citizens are more or less equal, it becomes difficult for them to defend their independence against the aggressions of power”¹¹². In his perspective, one main potential consequence that could be developed into a serious threat for liberty was centralization, namely, the concentration of political power to the state. Tocqueville observes that “if, in centuries of equality, men easily perceive the idea of a great central power, you cannot doubt, on the other hand, that their habits and their sentiment dispose them to recognize such a power and to lend it support”¹¹³. In this setting, citizens demand from the state to treat all individuals as equals without any differentiations between them. As Steven Pittz has pointed out, there is indifference of each one to the opinions and problems of other individuals because the notion of individual has been replaced by that of society¹¹⁴. The love of equality allows a government to decide in a uniform manner and equal individuals are subjected to the power of a centralized state, which can extend its authority beyond any limits¹¹⁵.

¹¹⁰ Additionally, while Tocqueville argued that democracy and equality are the inevitable future of modern societies, Constant did not associate it with a specific model of government. He admitted that equality coincides with the ultimate goal of perfectibility, but he did not present a specific account of the future social framework, in which equality could be realised. His description regarding the trajectory of progress reached only until the modern age, namely, the age of legal conventions.

¹¹¹ Both thinkers beginning from a different standpoint emphasized the danger of tyranny in the name of the majority. Tocqueville saw the majority as potentially favourable to a new kind of tyranny because of the social consensus on a set of views, which did not allow the minorities to defend their own opinions in public. The recognition of equality could lead to the formation of majorities, that could be hostile to different opinions. For this issue, see: Tocqueville, *Democracy in America*, Chapters 7 & 8. Constant was concerned with the usurpation of the will of the people by minorities, as these groups could impose a despotic government invoking the principle of popular sovereignty. See: Benjamin Constant, *Principles of Politics Applicable to All Governments*, trans. Dennis O’Keefe, (Indianapolis: Liberty Fund, 2003), 384

¹¹² Tocqueville, *Democracy in America*, 90

¹¹³ *Ibid.*, 1200–1201

¹¹⁴ Steven Pittz, “Providential Partners? Tocqueville’s Take on Equality and Centralization”, *The Journal of Politics* 73:3 (2011): 799

¹¹⁵ Pittz discusses an *ex prima facie* contradiction regarding how Tocqueville approached equality and centralization in the *Democracy in America* and in the *Old Regime and Revolution*, as in the second work Tocqueville defended that the love of equality was the consequence of centralization. Pittz argues that his account is consistent because both equality and centralization constitute a circular causal relationship. See: Steven Pittz, *Ibid.*, 797–807

For this reason, Tocqueville notes that the love of equality marginalizes the idea of privilege, because any privilege meets the opposition of society that demands the equal treatment of all. Constant from his standpoint believed that an attempt of rapid equalisation related to political rights could overthrow the existing order instead of improving it, since the poor class would be benefited with the attack against private property. However, although it seems *ex prima facie* that these two are incompatible conditions, Constant intended to reconcile his narrative on progress and equality with the value of active citizenship arguing that the expansion of political participation is compatible with equality under specific presuppositions. In the next section, this problem will be explored in relation to how he approached the issue of universal suffrage in the treatises *Principles of Politics* (1806) and *Commentary on Filangieri's Work* (1824).

1.5 The justified way of reconciling equality with political participation

Addressing the question of the range of suffrage, in the tenth book of the *Principles* Constant initially articulates his thoughts on property and its place on the economic relationships among citizens. He clarifies that property is a social convention pointing out that “it is absolutely not independent of society, since some kind of condition, admittedly a very wretched one, could be conceived without it, while property without society is unimaginable. Property exists by virtue of society”¹¹⁶. Although it is a social convention, it is not deprived of its value, because this convention has contributed crucially to the progress society has made through the course of time. He embraces its significance claiming that “without property the human race would be in stasis, in the most brutish and savage state of its existence”¹¹⁷. With this statement, Constant takes distance from those who considered property as a necessary evil¹¹⁸ and evaluates it very positively for the development of human society.

The impact of property on progress is confirmed by its influence on the capability of cultivating judgment. Constant points out that

“The abolition of property would destroy the division of labour, the basis of the perfecting of all the arts and sciences. The progressive faculty, the favourite hope of the writers I am opposing, would die

¹¹⁶ Constant, *Principles*, 167

¹¹⁷ *Ibid.*, 168

¹¹⁸ William Godwin viewed property as a necessary evil as well. See the footnote 3 in Constant, *Principles*, 167

for lack of time and independence. The crass and forced equality they recommend to us would be an invincible obstacle to the gradual setting up of true equality, that of happiness and enlightenment”¹¹⁹. On the one hand, Constant with this passage summarises the beneficial effects of property and implies its connection with citizenship, as it provides independence necessary for the formulation of judgment¹²⁰ in politics. On the other hand, he admits that rushed egalitarian policies through the abolition of property would signify a step of regression. In this statement, Constant provides a hint of his distinction between justified and unjustified ways of reaching equality, as the proper way should presuppose the foundation of property. On the contrary, “crass equality” through the abolition of property diminishes the attempt of reconciling it with liberty.

Identifying the maintenance of property as necessary for gradual equalisation, there is another significant reason behind Constant’s choice to acknowledge property–owners as voters and concerns his understanding on the proper range of equality in the post – revolutionary world. He claims that he “who has the necessary income to exist independently of any other party’s will, can exercise political rights”¹²¹. Constant insisted further that because of the current social conditions, he could not support an account of citizenship, which did not reflect the differences among classes. In a characteristic passage, he defends that

“Only property can render men capable of exercising political rights. Only owners can be citizens. To counter this with natural equality, is to be reasoning within a hypothesis inapplicable to the present state of societies. If from this idea of men’s having equal rights we go on to claim that owners must not have more extensive ones than non – owners, we will have to conclude either that all must be owners or none. For most assuredly the right to property establishes between those who have it and those bereft of it a far greater inequality than all political rights”¹²²

This passage indicates that the goal of natural equality could not be reached yet, because the possession of property by few prevented such a development from taking place. The ‘present state of societies’, which refers to the socioeconomic structure (commercial society with property which divides society’s members), should be represented as it is without any changes in the model of government. This means, that the political system should not alter the social structure for the sake of political equality and should integrate the opinions of the propertied individuals. Instead of

¹¹⁹ *Principles*, 168

¹²⁰ For the role of judgment, see: Lucien Jaume, *L’ Individu Effacé*, 64-71

¹²¹ *Principles*, 182

¹²² *Ibid.*, 166

violating the “present state”, Constant is going to adapt his defence of equality searching for what can be done in this institutional framework and how historical progress can be facilitated with the tools of the post–revolutionary world. Therefore, he admits that the necessary steps towards equality should be followed respecting the existing conditions. Otherwise, a sudden equalisation could lead to the exactly opposite result.

This problem led Constant to reject the maintenance of the strict dichotomy between property owners and propertyless individuals articulating his support for a gradual expansion of property ownership. This is confirmed by his claim, that

“The necessary purpose of the propertyless is to manage to become propertied. All the resources you give them they will use for this purpose. If you add to the freedom for their talents and efforts, which you do owe them, political rights, which you do not, these rights, in the hands of the vast majority of them, will infallibly be used to encroach on property. They will march on it by that irregular and meretricious route, rather than following the natural route, work”¹²³.

Constant is concerned on the possibility of emergence of social disputes caused by the enfranchised poor. The only way to avoid these social conflicts is to gain property. He also addresses an existing danger of destroying the foundations of modern society because of a potential rushed enfranchisement of the poor. Therefore, property secures the independence required for active surveillance of institutions and its gradual expansion is the way suggested for integrating the poor in politics without causing social conflicts.

In order to match the demand for equality with the respect to the dominant socioeconomic conditions, Constant a few years later in his treatise *Commentary on Filangieri’s Work* (1824) identifies the influence of landed property as a way of increasing the number of property owners (and the enfranchised). Rejecting the solution of state intervention (or social legislation) through the enhancement of a welfare state, he advocates the model, which, according to the words of Biancamaria Fontana, “saw the development of the market as producing generalised welfare and a larger and more equal distribution of property”¹²⁴. He points out in the *Commentary*, that “when the poor man can acquire even one field, class no longer exists, every proletarian hopes by his labor to arrive at the same point, and wealth becomes, in

¹²³ *Ibid.*, 170

¹²⁴ Biancamaria Fontana, *Benjamin Constant and the Post – Revolutionary Mind*, 73

land as in industry, a question of work and effort”¹²⁵. This policy suggested by Constant could gradually abolish the big gaps between the property owners and property – less individuals, as the latter could become owners depending on their own capabilities and then take part in politics. Property – less poor people can be motivated to become active citizens if they have as a purpose the acquisition of property¹²⁶

Giving the emphasis on property as a means of mitigating the great economic gaps, Constant towards the end of the treatise criticises Filangieri’s view that the public spirit is perverted by a mania for equality. In his criticism, he presents a definition of equality adapting it to the existing socio–economic framework. Specifically, he notes that equality “is distributive justice. It is not the absence of all difference in social advantages. No one has demanded, no one demands that kind of equality. Equality is the aptitude to gain these advantages according to the means and the faculties with which one is endowed”¹²⁷. Instead of associating the implementation of equality with social policies that enhance the position of the poor, in this case equality refers to a form of justice, which is the outcome of using individual skills and capabilities for the improvement of someone’s social position. Making a good use of these skills could end up forming a more just and equal society. Therefore, considering what was analysed in the first part, the concept of equality as oppositional to the concentration of power in the hands of specific persons has a specific meaning in the commercial society and is associated with the distribution of opportunities, that can be gained with the use of personal capabilities.

Through the acquisition of property gained with work ethic, the new owners could also acquire simultaneously an interest, which can be protected with the exercise of political rights. The emergence of separate interests is possible through property and can lead to the formation of independent opinions against the will of the upper classes. The importance of interest and its relationship is confirmed by Constant’s following statement:

“Once the minimum land carrying citizenship rights is fixed, the big proprietors must not have any legal superiority over the others. The division of powers applies in a way to the government of property owners, as to all forms of government; and just as in all free constitutions an attempt is made to endow

¹²⁵ Benjamin Constant, *Commentary on Filangieri’s Work*, trans. Alan S. Kahan, (Indianapolis: Liberty Fund, 2015), 112

¹²⁶ Gianna Englert, “Usurpation and the Social in Benjamin Constant’s *Commentaire*”, 79

¹²⁷ Benjamin Constant, *Commentary*, 252

the subordinate powers with the ability to resist the encroachment of the superior, and an interest in so doing, so small owners must be given an interest in opposing the aristocracy of the large and the ability so to do. This happens naturally if all proprietors enjoying true independence have equal rights¹²⁸.

The expansion of property to the poor will give them the chance to struggle against the influence of political decisions by the wealthy classes and prevent the implementation of policies that are favourable to their own interest.

The division of landed property as a way of including the poor as participants to political affairs does not create only the individual interest against that of the wealthy classes, but it creates the common interest among those who belong to the poor class. Constant points out, regarding landed property, that

“This alone establishes uniform ties between men. It puts them on guard against the imprudent sacrifice of the happiness and peace of others by enveloping within this sacrifice their own well – being, by obliging them to reckon on their own account. It makes them come down from lofty, chimerical theories and inapplicable exaggerations by establishing between them and other members of the society numerous complicated relations and common interests¹²⁹.”

The “chimerical theories and inapplicable exaggerations” refer to the intentions of enfranchising the poor jeopardizing the social order. Instead of believing these theories, they should work with their own capacities to gain their own property and acquire necessary autonomy for political participation.

His observation on the possible danger, that could occur recognizing equal political rights between property owners and poor was not an extension of his theoretical insights. According to his analysis, the negative outcome was visible after the application of this principle in the French Revolution¹³⁰. He points out, that “during the French Revolution, owners competed with nonowners in the making of absurd and spoliatory laws. This is because they feared the latter now that they had power. The owners wanted to be forgiven for being owners. The fear of losing what one has renders one every bit as cowardly or enraged as the hope of acquiring that which one has not¹³¹.”

The creation of an unstable political environment was an existing threat after the entrance of the non-owners in politics. The attempt of establishing equality in this way could not facilitate the emergence of liberty.

¹²⁸ *Principles*, 182

¹²⁹ *Ibid.*, 179

¹³⁰ Constant also mentions the case of ancient republics, in which nonowners had political rights and such a recognition made their influence “fatal to these republics”, because the “lawmakers had always to battle with the ascendancy of the propertyless”. *Principles*, 172

¹³¹ *Ibid.*, 171

Constant's acceptance that the suffrage can be expanded shows a problem of the "classic" interpretation on Constant's account of equality in relation to his perspective on modern liberty. In his classic monograph on Constant, Stephen Holmes emphasized the importance of property (and commerce) as a counterweight against arbitrary authority. According to his approach, property owners as voters could exercise active surveillance while they enjoy modern liberty and at the same time be distant from full time public surveillance¹³². Holmes associates the limitation of political participation with Constant's distinction between the two types of liberty and points out further, that the harmonious balance between the two avoiding both privatisation and overpoliticisation can be maintained only by allowing property owners to exercise influence in politics. The implication of Holmes from his overall interpretation is that political equality should be sacrificed for the coexistence of the two types on liberty. According to this perspective, Constant's priority to combine the two types of liberty marginalises the potential equalisation of citizens, because a possible enfranchisement of the poor could result only to the abolition of private property and the overthrow of commercial society's foundations.

This interpretation takes accurately into consideration Constant's concerns on not repeating the errors, that were based on a dominant invocation of ancient liberty. Although it is noted correctly that the support of modern liberty was influenced by the final phase of French Revolution, the perspective mentioned takes for granted that the degree of participation should remain stagnant. It is not taken into account that the moderate exercise of active surveillance could be maintained if the expansion of suffrage presupposed the increase of property owners. This means, that Holmes does not seem to clarify whether the full-time public surveillance could be the consequence of the increased participation either by a greater number of property owners or by the entrance of the enfranchised property-less poor to politics. He does not leave open the possibility implied by Fontana and Englert, that the active citizenship would not be jeopardized through the mitigation of big economic gaps with the tools of a commercial society (division of landed property). Therefore, approaching liberty and equality as two incompatible conditions, this interpretation is missing that property represents not only a means towards the acquisition of citizenship, but it is the only

¹³² Stephen Holmes, *Benjamin Constant and the Making of Modern Liberalism*, 74–77

element for the gradual mitigation of social hierarchies, which will have a subsequent impact on political participation.

It is derived also from the above observation, that Fontana's interpretation presents a more complete account of Constant's consideration regarding his account of equality, because it points out the priority of improving the economic position of the poor for the sake of participation but rejecting the intervention of the state through a social legislation. As Gianna Englert has further pointed out, Constant with that way reconciled the *ex-prima facie* paradox created among his concerns on the detachment from public life and the selection of property as the primary presupposition for political participation¹³³. This reconciliation is certain only if the respect to the existing order was accompanied by a gradual expansion of property through its circulation. Although this reading does not directly address the importance of equality as a key concept for the understanding of his political thought, it shows that there are effective policies of dealing with inequalities.

The analysis of Constant's claims regarding the acceptance of political inequality because of identifying property as primary for political participation has indicated the inadequacy of the 'classic' interpretation, which emphasized the incompatibility between liberty and equality. However, as it was shown, Constant did not treat the structure of society and a political system as static, but he embraced the potential of a commercial society to mitigate inequalities with the division of landed property. Because of this existing dimension, the second reading offers a more complete account of Constant's argumentation, since it addresses the problem of how a detached part of the population could start engaging with politics being recognised as equals with others. Considering his analysis defended in the historical writings, Constant attempts to reconcile his narrative on the developmental character of equality and the initial restriction of the universal suffrage supporting the capacity of each one to have access in property ownership, which is the foundation of interest in public affairs. With this choice, the foundations of modern society will remain stable without being questioned by demands in favour of an unconditional equality among all individuals. The inherent desire for equality rooted in human nature can be satisfied with the policies suggested within the commercial society. With this way, the

¹³³ Gianna Englert, "Usurpation and the Social", 79

implementation of equality will allow the increasing number of participants, and therefore, the flourishing of liberty.

1.6 Conclusion

In conclusion, I attempted in this initial chapter to analyse the developmental character of equality, as it is articulated in Constant's writings on historical progress. As it was analysed, the natural need for equality amounts to a desire on behalf of humans to reject the concentration of power to a person or group, because this condition introduces the subjection to its rule. Human beings indeed transformed this desire to an idea through the course of time, whose implementation was successful in the case of the main revolutions observed by Constant in historical past. This trajectory was possible with the process of self-development, which enables humans to revise their ideas and reinvest the notion of equality with a new meaning in order to achieve institutional reforms. As it was also shown, the egalitarian demand expanded in the field of religion, where the denial of priestly authority is achieved through a believer's capacity to shape his own approach on the religious doctrine according to the religious sentiment. In such a case, equality was related to the abolition of the distinction between "expert-priests" and ignorant believers.

Although Constant was confident that equality was the driving force of historical progress, which is still ongoing, he did not agree with attempts of its implementation that operated in the expense of liberty. Contrary to the interpretation of Holmes, which saw equality and liberty (its participatory aspect) as incompatible conditions, Constant argued in favour of their compatibility and especially their interdependency adapting its implementation to the fundamental institutions of the modern world. It is visible in the case of universal suffrage that he drew a distinction between unjustified and justified ways of pursuing equality. The "crass" attempt to enact the universal suffrage by enabling property-less poor to become active citizens would lead to the restoration of despotism driven by the poor, because it would jeopardize an existing progressive condition, namely, property. For this reason, considering the approaches of Fontana and Englert, Constant chose to reconcile both conditions in the existing framework by suggesting the expansion of property with the tools of commercial society in order to be consistent with his narrative on progress. If all individuals gained property, then they would become active citizens participating in decision-making. In this sense, the justified way of pursuing equality is the one, which allows the flourishing of liberty and

does not negate it. In the next chapter, I will show how this distinction is relevant examining Constant's doctrine of legitimacy and especially his preference on a government by opinion through the lens of equality.

2. CHAPTER 2: Public opinion as the legitimate agent to pursue equality

Introduction

As it was shown in the previous chapter, Constant associated the idea of equality with a rejection of the concentration of power in a person or a group which is accompanied by the subjection of persons to their authority. This type of authority (as it has been exercised in the case of the four social systems of the past) operates at the expense of autonomy since individuals are deprived of the available space in order to exercise their rational capabilities. The timeless struggle against inequality amounts to the mitigation of this gap and the transfer of power to individuals. Thus, in the example of suffrage, Constant argued that the proper way to equalisation should be connected to the gradual acquisition of property by all as the basic presupposition for becoming an active citizen. This way, in contrast to granting the suffrage to the property-less poor, could allow the capacity of expressing judgment in public affairs and the subsequent influence on decision-making. Additionally, this way could serve the historical trajectory towards equality and the avoidance of despotism.

My aim in this chapter is to show how Constant approaches the possibility of institutional reforms under the aspect of equality, as also the presuppositions for their success. As I am going to show, the distinction mentioned in the previous chapter between positive/justified ways of pursuing equality and the negative/unjustified ways of applying this idea is the background for the understanding of his doctrine of legitimacy. Specifically, Constant drew a distinction in his *Principles of Politics* between two different visions of how institutional change will be achieved. On the one hand, he identified a radical revolutionary current consisted of fanatic groups that preferred violence instead of reason as a means of pursuing equality within a reformed government. That current utilised, according to Constant, the principle of popular sovereignty and promoted a vague notion of the people, as also an idea of equality, that is ahistorical and did not correspond to the degree of readiness on behalf of the public. This type of vision could only lead to despotism and restore the previous hierarchical relationships between rulers and ruled. On the contrary, rejecting the legitimacy of radical oppositions, he argued in favour of a moderate reformist path, which could be advocated only by public opinion as the main agent. Instead of the invocation to the notion of people, public opinion should demand political change, because this enlightened part of society could process the idea of equality rationally,

according to the equivalent circumstances and develop it avoiding a pursuit of progress based on violence. Thus, the reformist path was both compatible with the historical trajectory of humans and could be successful in relation to its main purpose.

In order to address Constant's doctrine of legitimacy, I will divide the chapter into the following structure. In the first section, I will refer to Constant's approach on revolutions and the initial rejection of an equivalent right. However, I will clarify that revolutions could be legitimate under the condition they are accepted by the public or by what Constant calls 'universal sentiment'. In the second section, I will show his criticism to the principle of popular sovereignty and the exact reasons that lead him to reject the principle as unsuitable for aiding the attempt of an institutional improvement in the direction of equalisation. He associated the demand for popular sovereignty with the danger of usurping people's will by self-proclaimed representative fanatic groups, that could facilitate the establishment of a despotic regime. These fanatic groups could understand ideas (and the idea of equality) only in a form of a doctrine without being able to process them in the framework of a continuous revision and development.

As I will show in the third section, the reasonable process of forming ideas that could reform the status quo successfully could only be supported by those who constituted the enlightened public. This essential difference between two strategies is under-emphasized in the secondary literature, because the main contributions attempt to describe and identify the source of sovereignty, but they do not articulate the reasons and especially the impact of equality and its different conceptions behind Constant's preference for a government of opinion. As I will argue, Constant's main concern even in this problem was the progress of equalisation in a way that allows and sustains liberty. The goal of reconciling the two conditions can be undertaken only by an enlightened public opinion. However, as I will point out in the final section, the reformist strategy needs the intervention of enlightened men, who are considered agents of reason and facilitators to the integration of public opinion's ideas in a reformed order as principles.

2.1 The rejection of revolutionary violence

To begin with, the exploration of his account of legitimacy would be incomplete without a reference to the legitimacy of revolutions. Constant discusses them as part of the broader question in the last book of the *Principles of Politics* (1806) along with

obedience to law, civil disobedience, and resistance. Approaching initially the terms “resistance” and “revolution”, he notes that a common mistake in the use of these two concepts coincides with a usual confusion of their meaning. Intending to clarify it, he points out first that these concepts differ in regarding their purpose, since “resistance, properly called, tends simply to repulse oppression, while the purpose of the revolutions is to organize governments under new forms”¹³⁴. The difference in their purpose rests in the fact that while revolutions have a collective and radical aim regarding the way society is ruled, resistance is an individual oppositional action against the violation of rights by a government. This essential difference leads Constant to emphasize that someone is entitled to resistance, while people do not have a right to start a revolution, because making a revolution ‘is a power, with which one is accidentally cloaked’¹³⁵.

Constant clarifies that the recognition of a right to resistance does not entail a right to revolution. He is aware that many acts of resistance might lead due to outrage to revolutions, and he suggests, that in such a case the oppressed either “they tolerate the evil they suffer” or they “do what they can do so that the resistance they put up does not entail excessively violent shocks and fatal upheavals”¹³⁶. A revolution must be avoided in case a few citizens are the victims of oppression because the inevitable consequence will be a violent outburst towards the established political order. Violence is identified as a natural tendency of revolutionary movements, which must be rejected, because it serves the purpose of establishing a new model of government by few members of society. That’s why he clarifies that “if a minority or even a single idea, however, has the right to resist, no minority of any sort has ever the right to stage a revolution”¹³⁷. The main reason for the non–acknowledgement of such a right is that no one is entitled to represent a cause, which is not desired by (at least) the majority of society.

Having admitted that revolutions tend to cause violent upheavals, Constant refers to an exceptional condition able to constitute their legitimacy. As he notes,

“resistance is legitimate anytime it is founded on justice, because justice is the same for everybody, for one person as for thirty million. A revolution is legitimate, however, just as it is useful, only when it is consistent with the universal sentiment. This is because new institutions can be salutary and stable,

¹³⁴ Constant, *Principles*, 520–521

¹³⁵ *Principles*, 521

¹³⁶ *Ibid.*

¹³⁷ *Ibid.*, 522

in a word, free, only when they are desired by the whole society in which they are being introduced.... It is only ever tyranny which alienates the opinion of the majority; for the majority has nothing to gain from opposition to government. Therefore, the less tyranny we have, the less risk will there be of the alienation of the public opinion”¹³⁸.

Constant accepts the legitimacy of a revolution under the condition that its necessity is endorsed by what he calls “universal sentiment”. This notion is associated to the unified attitude of approval adopted by public opinion regarding the potential change of status quo¹³⁹. Public opinion being an agent, for which Constant has stated that it “is the very life of states”¹⁴⁰ cannot be expressed reliably when the few intend to oppose against a system using violence, because they would distort the will of the public in order to establish tyranny. In such a case, the creation of a “universal sentiment” is a presupposition for the acceptance of a revolution and the attempt of a safe transition to a reformed government.

With this initial analysis, Constant essentially identifies two different visions on how political change will be achieved, namely, how a political system will be reformed towards an egalitarian direction. On the one hand, there is a radical revolutionary intention advocated by a minority, that is hostile to the “universal sentiment”, and on the other hand, a revolution is conceived as a non–radical reform accepted by the public. The supporters of the two types of opposition are divided by Constant into two groups: a) those who remain moderate, but lose their unity, b) those who endorse violence as a solution to the oppression¹⁴¹. These two different groups, however, utilise different strategies and are characterized by incompatible ways of thinking regarding the promotion of progressive ideas and their subsequent incorporation to a reformed environment. In order to see how Constant ends up identifying public opinion as the agent of expressing a non–radical reform, it is crucial to see why radical revolutions cannot set the foundations of a reformed political order and will lead inevitably to the emergence of despotism.

¹³⁸ *Ibid.*

¹³⁹ This observation of Constant indicates a flaw in interpretations, that see him only as an advocate of passive resistance. See: Iain McDaniel, “Representative Democracy and the Spirit of Resistance”, 439. However, with the above statement Constant accepts revolutions only as non–radical political reforms.

¹⁴⁰ *Principles*, 113

¹⁴¹ *Ibid.*, 415

2.2 Criticism of fanaticism and of popular sovereignty

Associating revolutions with radical initiatives taken by radical minorities, Constant refers first to their way of thinking, which leads them to pursue a change contrary to the will of the majority. The second group of revolutionaries prefer the use of violence because there is an ally to this means of political action, namely, fanaticism¹⁴². Constant defines fanaticism as “the rule of a single idea which wishes to triumph at any price”¹⁴³. Fanaticism is an intellectual attitude that directs a person to adopt a specific idea and impose its application over the others. As he points out, “fanaticism and freedom are incompatible. One is based on examination; the other forbids research and punishes doubt”¹⁴⁴. While individuals, who think freely, attempt to persuade others with arguments, fanatics cannot question their own ideas or even doubt their validity and want to impose their worldview on others. Constant identifies the intellectual attitude, that aids the attempt of overthrowing violently a political order ignoring the opinion of the public.

Constant describes further the intellectual attitude of fanatics. As he claims, these people

“can receive ideas only in the word of others, more in the form of a mysterious revelation than as a sequence of principles and consequences. It is in the shape of a dogma that the nation of freedom dawns in unenlightened minds and its effect then is as with any other dogma, a kind of exaltation, of fury, impatience with contradiction, the inability to tolerate the slightest reservation, the slightest changes in the creed”¹⁴⁵.

Fanaticism prevents people from perceiving ideas as contributors to a continuous intellectual processing, since they reduce them in a doctrine, which must be followed without the slightest objection. The agreement to political ideas does not result from a rational process combined with a consideration of other factors (such as their historical suitability, the broader socio-economic conditions and the attitude of the public), because the fanatic minds attribute to ideas a stagnant meaning being independent from the framework in which they are going to be applied.

¹⁴² Steven K. Vincent also notes the importance of fanaticism as a danger in Constant's thought. See: Steven K. Vincent, *Benjamin Constant and the Birth of French Liberalism*, 143–146, 192–194. Germaine de Staël also attacked philosophical fanaticism noting, that it “was one of the evils of the Revolution”. See: Germaine de Staël, *Considerations on the Principal Events of the French Revolution*, ed. Aurelian Craiutu, (Indianapolis: Liberty Fund, 2008), 354–356

¹⁴³ *Principles*, 415

¹⁴⁴ *Ibid.*, 415.

¹⁴⁵ *Ibid.*

Rejecting violence as a means to pursue political change, Constant prioritizes the condition that these groups should not proclaim themselves as leaders of the public. This is confirmed in the following passage, in which he defines the relationship between the majority and few individuals:

“Individuals have the same duties to society as society to individuals. It has no right to stop the development of their intellectual faculties nor to put limits on their progress. They, however, have no right to stand in judgment on the progress society should make and drag it violently toward a purpose going beyond its present wishes”¹⁴⁶. Constant in this passage describing the proper relationship between individuals and society, implies that it is necessary for individuals to respect the pace or the way, with which society wants to achieve progress. The fanatic groups violating this principle intend to overcome the “present wishes” and establish changes, which society is not ready to accept at an equivalent point of time, because its members are not ready to reach a consensus about reforms beyond a particular framework of processing.

Constant, identifying violence as an ineffective way of achieving progress in the field of politics claims that the attempt by fanatics to impose reforms not accepted by the public, promotes rushed changes, which “put force in the place of reason”¹⁴⁷. On the one hand, force is utilised as a result of fanaticism, while reason characterizes the intellectual attitude of the public towards the necessity of reforms. The contrast between reason and force indicates a basic dimension in relation to the meaning of reason. Reason refers to the procedure through which ideas have been processed by the members of the public, as also to the task of manifesting them avoiding the use of violence. The processing of ideas with reason involves also a certain time of preparation by public opinion, during which certain ideas are formed and revised without leaving the political field open for dogmatism or fanaticism. Preference of reason over force corresponds to Constant’s implication, that ideas, which are applied by force might be appropriate in the long-term future, when maybe they will be accepted by public opinion, but they are not suitable at this particular moment.

Considering the fanatic way of defending political ideas, Constant points out that a crucial ideological contributor for the pursuit of their goals is the defence of popular sovereignty. The historical implementation of this principle has jeopardized the intention of founding a reformed government without the use of violence. The

¹⁴⁶ *Principles*, 409

¹⁴⁷ *Ibid.*

invocation of this principle by fanatics was very attractive and led them to seize power, because the notion of the “people” is vague and does not refer to a specific political category of individuals. The disastrous consequences, according to Constant’s explanation, occurred in the historical example of French Revolution, where the results were exactly the opposite. Constant points out, that

“this is the theory which seems to me false and dangerous. In my view, this is the theory we must hold responsible for most of the difficulties the establishment of freedom has encountered among various nations...and indeed for most of the crimes which civil strife and political upheaval drag in their wake. It was just this theory which inspired our revolution and those horrors for which liberty for all was at once the pretext and the victim”¹⁴⁸. Constant believed that the discourse in favour of popular sovereignty was the ideological facilitator to the attempt of fanatic groups of proclaiming themselves as representatives of the people, while their priority was to usurp its will in order to establish a despotic regime.

The theoretical problems of this principle, which provide assistance in the effort of fanatics to seize power, are pointed out by Constant in his criticism to Rousseau’s doctrine of sovereignty in the first chapters of the *Principles*. He discusses critically Rousseau’s basic principles on sovereignty expressing his agreement with the basic claim, but he modifies its meaning. As he points out, “Rousseau begins by establishing that any authority which governs a nation must come from the general will. This is not a principle I claim to challenge”¹⁴⁹. He agrees with the initial principle, but he articulates a new definition of the concept claiming that

“if you think that that power of a small group is sanctioned by the assent of all, then that power becomes the general will. Theocracy, royalty and aristocracy, when they command minds, are the general will. When they do not command minds, they cannot be anything else, but force. In sum, the world knows only two kinds of power. There is force, the illegitimate kind; and there is the legitimate kind, the general will”¹⁵⁰.

In this passage, Constant attempts to redefine the concept of general will clarifying that the existence of a form of government depends on the notion of “assent”, which is a passive form of consent given by all. His approach indicates at this point how obedience was secured under different models of government¹⁵¹ making clear that a model of government constitutes the general will when it secures the assent of the subjects.

¹⁴⁸ *Principles*, 13

¹⁴⁹ *Ibid.*, 6

¹⁵⁰ *Ibid.*

¹⁵¹ Arthur Ghins, “The Popular Sovereignty that I Deny”, 140

Extending his argumentation, he intends to disconnect the notion of general will from that of popular sovereignty, claiming that Rousseau's attribution to general will of a supreme and absolute jurisdiction possessed by all is not limited by boundaries regarding its range. As he notes:

“the axiom of the people's sovereignty has been thought of as a principle of freedom. It is in fact a principle of constitutional guarantee...It determines nothing, however, about the nature of this authority itself. It in no way adds to the sum of individual liberties, therefore, and if we do not turn to other principles for determining the extent of this sovereignty, freedom could be lost, despite the principles of the sovereignty of the people, or even because of it”¹⁵².

This principle represented for Constant the domination of general will upon the members of society, which could be extended to the field of individual independence. Hence, his priority was to connect the notion of general will with an account of sovereignty that will be shaped by certain boundaries.

The main problem with this principle was its vagueness and the absence of its limits, which could enable various groups to speak in favour of the people's interest without respecting the independence of individuals and their choice to deviate from what was the people's will at an equivalent point of time. As Bryan Garsten has pointed out, Constant indeed believed that the principle of popular sovereignty was beneficial only in its negative version (as a principle of constitutional guarantee). However, if it was conceived as a principle of government, then “it would be seized upon by all sorts of politicians ambitious for rule”¹⁵³. In addition, he notes that its general character was a facilitator to the usurpation of people's opinion. This was visible in the rule of Napoleon, who allowed the function of plebiscites, but in such a way, that would legitimize his own authority. In this case, “the voice of the people was conceived as an aggregate number of votes in support of a leader rather than more substantive expressions of policy by groups...”¹⁵⁴. Thus, without knowing the precise content of people's views, the agreement with the views of a despot could be constructed, so that there can be a “typical” existence of popular sovereignty.

The general character of this principle, which referred to the will of the people in an abstract way, had an impact on the conception of equality adopted by the fanatic groups. Its defence was related to policies, whose implementation was not accompanied by the examination of the social conditions. On the contrary, the

¹⁵² *Principles*, 11

¹⁵³ Bryan Garsten, “From Popular Sovereignty to Civil Society”, 257

¹⁵⁴ *Ibid.*, 259

defence of these policies was the result of its treatment as an instrumental contributor to popular sovereignty. For example, as it was mentioned in the previous chapter, Constant was very hesitant to accept a universal suffrage, because such a step presupposed the possession of property by all (male) individuals. Except for the dangers mentioned in the previous chapter, such as the abolition of modern society's foundations, Constant saw the results of enacting egalitarian measures utilizing this abstract perception of popular sovereignty. The universal suffrage was defended by the radical group of Jacobins, who, according to Constant, were influenced by Rousseau's doctrine of legitimacy¹⁵⁵. Under the constitution of 1793 the suffrage for all (male) individuals was enacted during their own rule, while all the members of the National Convention were elected in the previous year by all men. This institutional framework facilitated the creation of the Committee of Public Safety, which later organised the "Reign of Terror" possessing dictatorial jurisdiction. This historical experience show that Constant was concerned with the usurpation of people's will, so that the decisions against the 'enemies of the state' can seem legitimate and approved by them.

As this defence of egalitarian policy by the radical groups was associated with the embrace of popular sovereignty, the perception of the idea of equality and its meaning was subjugated to the objective of applying the principle so that the rule of fanatics can be approved. The radical groups intended to seize power in the name of popular sovereignty promising a change that could not lead to improved results, because their egalitarian perception did not integrate the specific opinions of individuals and therefore was totally isolated from social reality. While Constant defended a historicised conception of equality, these groups perceived equality as a vague idea, that is not developed upon historical experience, but is promoted by fanatics as an abstract 'catchphrase' deprived of any substantial meaning. Thus, their strategy to act without the approval of the public combined with an unexamined conception of popular sovereignty could lead, according to Constant to the restoration of despotism, since the use of violence served their intention of seizing power usurping the people's will. This conception of equality (and the "crass" attempt of applying it) defended was *ex prima facie* promising due to the demand for equal degree of participation, but it

¹⁵⁵ Constant points out in the *Principles* that "it would be easy to show, by means of countless examples, that the grossest sophisms of the most ardent apostles of the Terror, in the most revolting circumstances, were only consistent consequences of Rousseau's principles". See: *Principles*, 20

was the “vehicle” of legitimizing the rule of the groups and the equivalent means to establish a reactionary condition. Hence, the invocation to popular sovereignty promoted a perception of equality which did not allow the transition to an institutional environment favourable to liberty.

2.3 Public opinion as a reformist subject

Instead of identifying the sovereign people as the agent, that should pursue the implementation of progressive reforms, Constant argues in favour of a moderate reformist path advocated by public opinion. However, why is public opinion the agent that should approve the legitimacy of a reformed government? First, it should be noted that public opinion has a limited scope in comparison to the whole population. Constant identifies it with a part of society which is interested in being enlightened. As he claims, ‘the educated part of the nation interests itself in the administration of affairs, when it can express its opinion, if not directly on each particular issue, at least on the general principles of government’¹⁵⁶. Public opinion is that part of the population which is interested in cultivating intellectual capacities through a constant involvement in public affairs. This part of society exercises the most important influence on the adopted policies.

On the contrary, the other part of society, according to Constant, is ignorant. He points out, that

“there is a class, however, whose opinions can only be prejudices, a class with lacking time in reflection, can learn only what is taught, a class which has to believe what is told, a class, which, lastly, not being able to devote itself to analysis, has no interest in intellectual independence. Perhaps people will want the government, leaving the educated part of the society completely free, to oversee the views of the ignorant”¹⁵⁷.

Constant with this distinction implies that public opinion being interested in the public affairs can affect the opinions of the uneducated part and is the main factor that determines in a crucial extent the developments in public life.

The crucial difference between public opinion and the fanatic groups is that the first perceives ideas rationally through self–development. While fanatics support ideas without questioning their validity and suitability, public opinion adopts them after a long time of processing. Considering the previously mentioned contrast between reason and force, Constant implies that reason does not refer only to methods for the

¹⁵⁶ *Principles*, 112

¹⁵⁷ *Ibid.*, 303

adoption of ideas but also indicates the possibility of approaching agreement between the members of the public. One of the basic freedoms defended in the *Principles*, is that each citizen is free to search the truth without needing the directives of government¹⁵⁸. Government's intervention in someone's search for truth deprives citizens of the opportunity to be autonomous and to cultivate their own judgment on public affairs. Constant's concern for freedom of expression is not equated to just a priority of checking and limiting the arbitrariness of a government or to a defence of its neutral character. On the contrary, this aspect of freedom is defended because it further enables citizens to exercise reason with the process of self-development involving themselves in public discussion¹⁵⁹. Hence, the possibility of exercising individual judgment¹⁶⁰ is a precious tool for the formation of an enlightened public opinion.

Due to its large significance for intellectual cultivation, the expression through speech is the presupposition for the formation of an enlightened public opinion. Although Constant has described self-development as an individual process, he believed that the revised separate opinions would end up forming an overall agreement. He claims, that "if government stays neutral, however, 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."¹⁶¹. Discussion as a process leads to the emergence of a unified opinion because of the final agreement among separate perspectives. There is a combination of individuality in terms of searching the truth and a final hegemony of public reason, which is the sum of the distinct and aggregated seeds of truth. This is the way for the creation of what Constant called "universal sentiment" since it is a main condition for domination of public opinion as a political subject with specific political ideas. Therefore, another aspect of reason corresponds to the

¹⁵⁸ See: *Principles*, 301–303. For the freedom of speech in Constant's thought, see further: 1) 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: Bloomsbury Academic, 2015), 117–124, 2) 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: Bucknell University Press 2011), 133–164

¹⁵⁹ For this reason, Constant referring to the values of freedom of the press claims that 'the question of press freedom is therefore the general one about the development of the human mind', See: *Principles*, 112

¹⁶⁰ For Constant's approach to judgment, see: Lucien Jaume, *L'Individu Effacé*, 64–69

¹⁶¹ *Principles*, 343

process of emergence of unified public opinion, that results from the individual search of truth.

Constant's emphasis on the capacity of public opinion to search the truth and adopt ideas indicates that intellectual development is a collective and not exclusively an individual case. Being recognised as a collective process, the search for truth can unify the separate opinions through interaction towards a final set of ideas. The development of public opinion towards a final agreement about the ideas, which will be incorporated to a reformed government, leads Constant to introduce the concept of "public spirit". This concept refers to the final formation of a subject with a specific political identity and not a multitude, that has not reached a consensus. He points out, that "the public spirit is the fruit of time. It forms through a long sequence of acquired ideas, sensations experienced, successive modifications, which are independent of men and are transmitted and modified again from one generation to another"¹⁶². The public spirit is not stagnant, as the fanatic groups, but transforms continuously with the aid of ideas that are modified and transferred to the next generation. This public spirit follows a path of progress and at some point, is ready to manifest an idea of equality, which has evolved in comparison to the previous conceptions and can be applicable without violating the equivalent socio-economic conditions.

While the public spirit (or public opinion) is developed constantly in time, it does not always immediately manifest political ideas. However, this silence does not entail that the public opinion does not desire a political change. As Constant points out,

"it is never right to claim that the people's wish is for despotism. They can be dropping with fatigue and want to rest awhile, just as the exhausted traveler can fall asleep in a wood although it is infested with brigands. This temporary stupor, however, cannot be taken for a stable condition"¹⁶³.

People always have a 'wish' regardless of whether it can be expressed explicitly or not, even if the political system is despotic. In such a case, a despotic government is hostile to the public will and keeps its expression silent. That's why he points out, that "to no avail do the weariness of nations, the anxiety of leaders, the servility of political instruments form an artificial "assent" which people call public opinion. It is absolutely not this. Men never cut themselves off freedom"¹⁶⁴. Public opinion remains always a reformist subject, which wishes to establish improved political conditions but the

¹⁶² *Principles*, 522

¹⁶³ *Ibid.*, 526

¹⁶⁴ *Ibid.*, 421

degree of its preparation and awareness differs from time to time. With these two passages, Constant implies that regardless the circumstances, there is a collective desire for equality, as also for an overall improvement of institutions.

Acknowledging that the public always seeks the improvement of political conditions, Constant uses the term “wish” to refer to the existence of an inner desire within people, that is not expressed necessarily and frequently does not transform into an active and decisive requirement for change. The manifestation of the wish of the people and its transformation to an organized demand for institutional reforms coincides with the manifestation of their will. That’s why Constant intends to make clear, that

“there is always a public spirit, a public will. Men can never be indifferent to their own fate nor lose interest in their futures. When governments do the opposite of what the people want, however, the latter grow weary of expressing it, and since a nation cannot, even through terror, be forced to tell itself lies, they say that the public spirit is asleep, holding themselves the while ready to choke it, if ever it should allow the suspicion that it is awake”¹⁶⁵.

The ideas of public opinion, when they are silent, maintain the form of wishes until their decisive transformation to an organized will. Constant admits that the establishment of despotism is successful because of the temporary “sleep” of the public spirit.

However, he recognizes a capability of awakening when the conditions have become mature. His observation is supported by the historical rise of public opinion’s will in 1789. He points out that people were ready for a significant political change after a long period, in which the conditions were suitable for the implementation of public’s ideas¹⁶⁶ and the pursuit of an ‘enlightened’ conception of equality. This public spirit was formed gradually and was influenced not only by the writings of progressive thinkers, but also by the oppression of the Ancien Regime, which forced the “deactivated” public opinion to express its will. Constant is aware of a historical example, which indicates the legitimacy of revolutions as non–radical reforms occurring when the previously silenced public opinion transforms into an active public

¹⁶⁵ *Principles*, 522–523

¹⁶⁶ Constant points out, that “the public spirit of 1789 was the result, not only of the writings of eighteenth century, but of what our fathers have suffered, under Louis XIV, our ancestors under XIII. The public spirit is the heritage of the experiences of the nation, which adds to this heritage, the experiences of every day”. See: *Ibid.*, 522

spirit. The creation of this reformist subject was crucial for the constitution of an anti-hierarchical attitude against the absolute monarchy.

The capacity of public opinion to revise and adopt ideas rationally and transform itself into a public spirit is the successful and justified way defended by Constant, which can lead to a non-violent reform and establish an improved political system based on these ideas. This path represents for Constant the “enlightened” way of approaching equality, since it is followed according to the procedure of self-development. This strategy leads both individuals and the public opinion demand the equalisation of political system, namely, the gradual abolition of relationships based on the concentration of power in the hands of a specific agent. On the other hand, the ‘rushed’ way towards equality, that involves the aggressive opposition against status quo, being not based on reason will not be successful, because it will bring the opposite results leading a revolutionary movement to regression.

The implied distinction in the *Principles* between justified and unjustified ways of pursuing equality indicates some problems in notable contributions of secondary literature, which do not emphasize the different conceptions of equality as impactful on Constant’s doctrine of legitimacy. For example, Arthur Ghins has argued in favour of a different approach to Constant’s doctrine of sovereignty from that defended by other scholars¹⁶⁷ and has claimed that Constant advocated indeed government by public opinion instead of popular sovereignty or a mixed type of government. Following an examination based mainly on the historical context and the influence of historical events on the thought of Constant, Ghins has pointed out that Constant defended this view from his early years until his later writings and he continued the articulation of an argument regarding sovereignty, which has its origins in the political essays of David Hume.

Although this interpretation has indicated that government by opinion is chosen by Constant as the agent of sovereignty by Constant, his approach does not shed light in the reasons which lead Constant to defend this type of government instead of popular sovereignty. He points out accurately that Constant denounced popular sovereignty because it reflected an abstract entity associated to absolute power¹⁶⁸.

¹⁶⁷ See: 1) Steven K. Vincent, *Benjamin Constant and...*, 175–180), 2) Biancamaria Fontana, *Benjamin Constant and the Post – Revolutionary Mind*, 19–20), 3) Stephen Holmes, *Benjamin Constant and the Making of Modern Liberalism*, 85–87, 4) Andreas Kalyvas & Ira Katznelson, *Liberal Beginnings*, chapter 6

¹⁶⁸ Arthur Ghins, “The Popular Sovereignty”, 137–138

However, its defence represented a distinct vision for the implementation of political equality, which was doomed to fail, because even the equivalent perception of equality did not incorporate the specific ideas of the public. It is ignored that the conflict between popular sovereignty and government by opinion was examined by Constant not only under the contrast between reason and fanaticism, but under the specific perception of equality promoted by these incompatible intellectual attitudes. This means, that Constant defended government by opinion as proper because the processed idea could serve the progressive trajectory of humans in history, while another unexamined conception of equality could become the ideological tool for the restoration of despotism. Hence, Ghins does not focus on Constant's concern that government by opinion was the only way for institutionalizing equality as a principle instead of promoting it through popular sovereignty.

The primary focus on the specific potential principles defended by public versus the abstract doctrine of defenders of popular sovereignty is treated by this reading accurately as the primary distinction for explaining Constant's account of legitimacy. However, there is not an answer to the question of what the other effects of accepting the first strategy instead of the second are. It is missed at this point that government of opinion is not only chosen because equality as a mother idea can be processed rationally upon its historical trajectory, but because public opinion can pursue a conception of equality which presupposes political participation, and its subsequent enactment allows active citizenship within a reformed political system of diminished inequality. Additionally, the equalisation of political system e.g through the gradual recognition of suffrage under acquisition of property will allow the respect to what Ghins calls the 'object' criterion of political legitimacy, namely, the individual independence without being in conflict with active participation.

It has to be noted that while the other interpretations¹⁶⁹ explain Constant's criticism on popular sovereignty under his commitment to liberty, they marginalize the question of how liberty will be sustained and expanded after a progressive reform with egalitarian aims. This disregard is owed to the consideration of Constant's approach to legitimacy as static without examining the capacity of the public to struggle against inequality after a development of its ideas. However, as it has been pointed out until this point, popular sovereignty being connected to absolute power, is rejected by

¹⁶⁹ These interpretations are mentioned in the Introduction.

Constant, because it promotes a perception of equality, which facilitates the emergence of omnipotent authorities. As a result, a reading of his doctrine under the scope of developmental notion of equality makes clear that liberty is not an independent condition but is the result of the equalisation. Hence, Constant's identification of equality as a primary goal leads him to shape his doctrine of legitimacy accordingly.

2.4 The contribution of enlightened men to the reformist strategy

The distinction between an enlightened and a rushed way of approaching equality is the background for Constant's doctrine of legitimacy and the success of the first requires further safeguards, which could prevent the development of the rushed direction. In order to rescue the enlightened way of changing the status quo, Constant introduces the role of enlightened men (intellectuals) as very crucial for the success of revolutionary oppositions. He discusses their role in the last book of the *Principles* drawing at the same time a distinction between two stages in revolutions, similar to the division mentioned between their supporters: in the first, there is "a unanimous feeling that overthrows what everybody finds intolerable", while in the second "there is an attempt to destroy everything contrary to the viewpoint of a few"¹⁷⁰. Regarding the possible transition from the first to the second stage, he attributes to the enlightened men (intellectuals/ enlightened writers) the duty to prevent this development from taking place. The prevention of such a trajectory forces the revolution to remain devoted to the ideas of public opinion and not give the chance to any individual of seizing power without the approval of the public. Between the first and the second stage, enlightened men should come forward and contribute to the control of any passions and maintain the whole intentions of the public in moderate terms. As Constant points out, "if the enlightened men can stop the revolution at this stage, the chances of success are good"¹⁷¹. Their initial duty is to prevent violence from becoming the main means of changing the political environment.

The intervention of the enlightened men during revolutions is accompanied primarily by their obligation to respect the opinion of the public. As Constant has repeatedly stated regarding the necessary presuppositions of a successful revolution, 'an improvement, a reform, the abolition of an abusive practice, all these things are

¹⁷⁰ *Principles*, 408

¹⁷¹ *Ibid.*

useful only when they follow what the nation wants”¹⁷². It is repeated at this point, that the will of the nation determines the need for reforms only when there is agreement to a specific set of ideas. This is a clear statement in which Constant uses the concept of nation¹⁷³ alternatively to the notions of public opinion (or the universal sentiment) to indicate that behind any important reforms the agreement of this collective subject is required. Hence, the enlightened men should be responsible for discussing the necessity of reforms with the public without violating this initial premise.

Although they have the duty to prevent the second stage from taking place, Constant reminds that they should not act as the fanatic groups, which want to impose their ideas despite the disapproval by the public. A potential desire of the intellectuals to drag the public towards a cause rejected by its members is characterized by two features, which jeopardize the transition to a reformed government. First, enlightened men fall within the following contradiction: on the one hand, they promise to the current generations benefits in the new political reality they want to establish and on the other hand they emphasize that the sacrifice of the current generation is necessary for the prosperity of the future ones¹⁷⁴. Second, the few intellectuals promise a certain environment, which overcomes the institutional problems of the previous status quo, but this guarantee is problematic, because even the system established after the revolution will need continuous improvement¹⁷⁵. Hence, the few intellectuals should be aware in that case that they demand from the majority (public opinion) sacrifices for a cause, which they cannot guarantee in the case of its establishment. Even if the reformed order is realized, the political environment created will not be stable, because it will not be accepted universally. Hence, the duty of intellectuals to prevent the second stage also includes their commitment to not impose their own visions to the public, because any suggestion for political changes requires its approval.

While intellectuals should not isolate themselves from society and maintain contact with the views of the public, Constant adds in his analysis that they have a duty to prepare the members of the public for a political change. In this case, they

¹⁷² *Principles*, 409

¹⁷³ For the place of nation within the discussion about sovereignty in the first half of 19th century, see: Lucia Rubinelli, “Taming Sovereignty: Constituent power in Nineteenth Century French Political Thought”, *History of European Ideas* 44:1 (2018): 64–65

¹⁷⁴ *Principles*, 409

¹⁷⁵ *Ibid.*, 410

should offer the necessary guidance in order to save “the least bit of enlightenment, the least germ of thought, the least refined sentiments, the least mark of elegance...”¹⁷⁶. This duty is crucial and very important for the trajectory of a revolution because the maintenance of these indispensable features rescues the possibility for the reform of political institutions. Considering Constant’s claim that the public does not remain always active regarding its will to overthrow despotism, an additional element in the relationship between the public and intellectuals can be introduced. Their communication with public opinion either through their writings or through their effort to prevent the violent tendencies is approached as an important duty historically and is not tied necessarily to specific historical events. He considers the enlightened men as “agents of reason”¹⁷⁷ especially even after violent revolutions. In such a case, when violence has prevailed over the reasonable ideas of the public opinion and probably have diminished the chances of a successful revolution, “enlightened men always retain a thousand ways of making themselves heard”, because “despotism is to be feared only when it has choked reason in its infancy”¹⁷⁸. The intellectuals cannot just abandon the hope of awakening again the public opinion, but they should insist on the re-emergence of its will even after the ruins of a failed opposition because of their capability to rescue the enlightened direction of a reformist movement.

Considering their role as vital for political improvements, Constant points out that the enlightened men engage with a “vocation” that cannot be controlled or silenced by anyone. He notes that intellectual activity is “always independent whatever the circumstances. Its nature is to survey the objects it is evaluating and to generalize on what it observes”¹⁷⁹ clarifying that the cultivation of reason might take place regardless of the various socio – political circumstances. Due to this fact intellectuals are able to be active and serve their vocation through the course of time. Therefore, their role is not limited in the fulfilment of their equivalent duties during revolutions, but their influence is timeless and unrestricted by various circumstances.

Extending the previous observations, the victory of despotism over the ideas of the public opinion is only temporary and cannot be maintained for a long time.

¹⁷⁶ *Principles.*, 414

¹⁷⁷ Arthur Ghins uses the term “missionaries of truth” to describe the contribution of enlightened men. However, the term implies that their role is to indoctrinate the public or impose a certain conception of truth and not to advise or coordinate. See: Arthur Ghins, “The Popular Sovereignty”, 144

¹⁷⁸ *Principles*, 421

¹⁷⁹ *Ibid.*, 527

Despotism is able to delay the progress of reasonable ideas and prevent them from being applied institutionally, but “when reason gets on the march, however, it is invincible. Its supporters may perish, but it survives and triumphs”¹⁸⁰. The possibility of the re-emergence of reason through public opinion is facilitated by the initiative of the intellectuals to remain restless and not give up on their efforts to awaken the public in harsh times. This is the reason for why Constant in his concluding paragraphs of the *Principles* addresses the following message to the enlightened men:

“So, redouble your efforts, eloquent, brave writers. Study the old elements of which human nature is composed. You will find everywhere morality and freedom in everything which at all times produced true emotions, in the characters which have served as the model for heroes...you will find these principles everywhere, serving some people with an ideal model...”¹⁸¹.

He entrusts to enlightened men the task of awakening the inner desire of public opinion for progress.

This message to the intellectuals shows that Constant attributes to them a great degree of responsibility, as they should not just prepare public opinion for a potential revolution, but they should utilize the knowledge they accumulated and incorporate it to the task of aiding the public in its reformist attempt. This gradual progress in the ideas of the public is owed in a significant extent to their involvement, whose thought reaches the public opinion and help it to accept truths, that exist independently of various circumstances, but have not been recognized yet. As Ghins points out, Constant saw enlightened writers not just as a separate class that has the privilege to engage with intellectual activity, but as a caste which helps the public to process and accept universally recognized truths¹⁸², avoiding the imposition of a particular doctrine. Thus, their role is considered guiding and at the same time “anti-systemic” since their intellectual independence is a condition for their commitment to the equivalent tasks. Constant confirms this ‘virtue’ of intellectuals pointing out, that “thought is strengthened when redundant activity is removed from government for a people to progress, it suffices that government does not shackle them”¹⁸³. The autonomous intellectual activity is a presupposition for the fulfilment of their duties towards public opinion.

¹⁸⁰ *Ibid.*, 421–422

¹⁸¹ *Principles.*, 422

¹⁸² Arthur Ghins, “Benjamin Constant and Public Opinion in Post – Revolutionary France”, *History of Political Thought* 40:3 (2019): 499

¹⁸³ *Principles*, 343

The adopted principles, that are enacted and incorporated in political institutions after a successful revolution have been previously ideas not widespread accepted. These ideas are potential and timeless principles and exist regardless of whether public opinion is ready to recognize them or to demand their application to reformed institutions¹⁸⁴. These ideas will transform into principles in the future, but various obstacles, such as the oppressive character of despotism or the silence of public opinion, delay this transformation¹⁸⁵. Hence, equality as one of these ideas is subjected to these limitations and its transformation to an institutional principle presupposes its processing as an idea by the public with the intervention of intellectuals. Despite the hostile socio-political circumstances, Constant being confident in the progressive trajectory of history, emphasizes that individuals and the public always will manage to promote the integration of equality to a reformed environment, because the supremacy of reason is certain and is owed in a significant extent to enlightened men.

From the above it is derived, that enlightened men possessing the role of facilitators are not only agents of reason, but opinion-makers, who are able to influence the members of the public on the necessity of institutional changes¹⁸⁶. This relationship, as it has been described, shows that the role ascribed to enlightened men, does not involve any expertise or true knowledge about political affairs. Enlightened men are not assigned the duty to indoctrinate the public according to an ideological path, but they should coordinate the effort of integrating the defended ideas in a reformed political order. This means, that the discussion on how equality will be promoted within institutions concerns also the task of intellectuals to not turn into expert-leaders. In such as case, they would gain a role as that of the priesthood and the process of claiming a non-radical reform would presuppose the subjection of the public to their own authority¹⁸⁷. While the main objective is the mitigation of power

¹⁸⁴ Arthur Ghins, "The Popular Sovereignty", 139

¹⁸⁵ It can be derived from his analysis that Constant adopts a historical perspective on the formation and the reform of political institutions. In the *Principles of Politics* of 1815, he points out in a footnote in the Foreword, that "Constitutions are seldom made by the will of men. Time makes them. They are introduced almost gradually and in almost imperceptible ways.". See: Benjamin Constant, *Political Writings*, 172. This passage indicates that the will for a political reform is not sufficient, as the content of constitutions is the result of a long processing and formation of the equivalent ideas. This process is owed crucially in the contribution of enlightened men.

¹⁸⁶ Ghins, "The Popular Sovereignty", 144–145

¹⁸⁷ Constant repeats a similar claim about the role of enlightened men adopted by thinkers of 18th century, such as Helvetius. As Jonathan Israel has pointed, the *philosophes*, according to Helvetius, should educate the public within the process of leading society to progress. See: Jonathan Israel, *A*

relationships, the task of pursuing equalisation of political system should be undertaken by the public. The attribution of such a role to intellectuals essentially serves the purpose of incorporating equality as a principle in a constitutional order. Hence, their intervention aids the progressive pursuit of humans to reach equality.

2.5 Conclusion

In this chapter I attempted to show the impact of equality in Constant's doctrine of legitimacy. Specifically, the distinction between justified and unjustified ways of pursuing equality, is visible in this issue, as the legitimacy (and success) of new reforms depends on the pursuit of a certain strategy. Its implementation will promote a conception of equality favourable to the emergence of liberty. It is derived from this exploration that Constant identified public opinion as the proper agent for advocating this cause, because its members could process a historicised version of equality built upon previous conceptions through rational tools. Using reason instead of violence, public opinion could incorporate the contribution of each member to the final set of potential principles, while the fanatic groups referred to an abstract, unexamined idea of equality which could be utilized to establish a despotic system.

In the first and second section I explored the problem of identifying the two strategies (the radical and the reformist) and showing the reasons for the rejection of the radical one. Constant was concerned with the possibility of usurping people's will through the reference to abstract perceptions of popular sovereignty and equality. The invocation of popular sovereignty by fanatic groups was accompanied by the support of policies, such as the universal enfranchisement, which required the expansion of suffrage to the property-less poor. This policy, as was analysed in the previous chapter, could disrupt the social order and enable fanatics to gain power restoring despotism in the name of the people. This scenario would restore simultaneously a version of equal right to participation, which negates individual independence, because political equality would be utilized for the "popular" approval of despotism. In this sense, as will be analysed in the next chapter, the restoration of despotism through a favourable discourse on equality related to popular sovereignty would be similar to the regime of ancient republics, where omnipotent authority is exercised through collective participation.

Revolution of the Mind: Radical Enlightenment and the Intellectual Origins of Modern Democracy, (Princeton: Princeton University Press, 2010), 53

The need of avoiding the radical strategy led Constant to identify public opinion as a reasonable agent, which could pursue the integration of reforms based on widespread approval. Being aware of the various obstacles, Constant intended to secure the supremacy of reason over fanaticism introducing the contribution of enlightened men as crucial for the reformist strategy. Denying the role of experts, which introduces unequal relationships with the public, Constant considers them as agents of reason, who are able to facilitate public opinion's awakening and commitment to the necessity of demanding reforms. In this sense the pursuit of reforms is carried through the participation of the public in the process of equalisation, while intellectuals play a complementary, but significant role to this attempt. While in such a case, political participation is the vehicle for demanding egalitarian reforms, Constant also shows that both equality and liberty are interdependent conditions, because the success of the reformist attempt allows the manifestation of liberty in the new institutional environment. In the next chapter, I will explore further this relationship of interdependence focusing on his notable distinction between the two types of liberty through the lens of equality.

3. CHAPTER 3: The interdependency between modern liberty and equality

Introduction

In the previous chapter it was shown that Constant advocates a reformist rather than a revolutionary pathway to institutional change driven by public opinion. Public opinion can generate an enlightened, rationally processed historical conception of equality which allows the emergence of liberty and sustains it. Its members are able to agree rationally in a perception of equality that will fulfil the progressive trajectory of humans with respect to the foundations of modern society. On the contrary, the attempt of fanatic groups to apply political equality referring to the principle of popular sovereignty will only lead to the restoration of despotism. The implementation of equality after a recognition of an unconditional universal enfranchisement would revive a despotic regime like that established in ancient societies. In this framework, the isolated perception of equality from social reality is dogmatic and serves the violent overthrow of the established order in the name of the people. The emergence and maintenance of liberty is certain only through the pursuit of a historical notion of equality conceived through the rational interaction of members of the public.

In this chapter I will examine the relationship between equality and the two conceptions of liberty Constant famously juxtaposed: the liberty of the ancients and the liberty of the moderns¹⁸⁸. I will show that he embraces a combination of the two types, because individual liberty emerges through equality, and its combination with political participation promotes equalisation. It is indicated by Constant in the notable lecture of 1819 that ancient liberty was dependent upon the exclusion of slaves from politics, as political participation required the labour of non-citizens. Another effect was the subjection of individuals in the authority of the community as an omnipotent entity without being able to decide on private matters. However, Constant thought that it was necessary to integrate political participation in modern society in order to secure individual freedom prioritised by modern people in the commercial societies. Despite the emphasis given in literature on the (neo) republican sensitivities and the inherent value of active citizenship, Constant defended means of political participation adapted in the modern age, because he addressed the priority of avoiding the revival of the

¹⁸⁸ This distinction has been mainly approached in secondary literature under Constant's commitment to individual liberty. For example, see: 1) Stephen Holmes, "The Liberty to Denounce", 47–68, 2) Jeremy Jennings, "Constant's Idea of Modern Liberty", in *The Cambridge Companion*, 69–91, 3) Valentina Lumova, "Political Liberty and the Role of a Representative System", 389–414, 4) Steven K. Vincent, "Benjamin Constant and Constitutionalism", 19–46

unequal relationships dominated in the ancient republics. Hence, political participation in modern age, while being respectful to individual liberty, could boost the process of equalisation.

The structure of the chapter is divided into the following main sections. In the first section, I will begin commenting Constant's last observations regarding political liberty in his notable lecture called *The Liberty of the Ancients compared with that of the Moderns* (1819) and I will explore his criticism against ancient liberty under the aspect of equality. He makes clear both in this lecture and the *Principles* that the combination of the two types of liberty can be realised only when no one possesses omnipotent authority (either it is exercised in the name of all or not) over individuals. This is a conclusion derived from his observations regarding liberty as collective exercise of sovereignty in the ancient city-states. In this setting, political participation was possible through the inequality caused by the subjection of slaves and individuals to the community's authority. On the contrary, the ancient inequality is absent in modernity due to the engagement of individuals with private activities. For this reason, individual liberty is the outcome of abolishing despotism, but its maintenance requires political participation. In the second section, I point out the limits of majority's authority over minorities as part of Constant's concern on the potential revival of the ancient ideal of participation through a modern type of despotism. He defines its limits because his priority is to ensure that a despotic state inspired by invocations to the collective exercise of sovereignty will not be revived in the modern age.

In the second section, I will explore the ways of political involvement, such as press freedom and participation in local authorities, which are defended by Constant due to their influence on the fulfilment of two objectives: a) securing individual liberty by checking the arbitrariness of government and the creation of a "spirit of resistance" against inequality through the attachment to local affairs (negative objective), b) the creation of an available space/realm for the cultivation of intellectual capacities and promotion for equalisation (positive objective). This exploration provides a different angle from two notable perspectives, which on the one hand emphasize his antitechnocratic attitude derived from a prioritisation of prosperity and on the other hand, the value of political participation as an expression of local attachment. The viewpoint defended in the chapter consists in two claims. First, Constant defends political participation in modern age because he rejects the premise that politics

should be a field administered by experts. Such a condition could restore inequality between rulers and ruled. Second, Constant does not defend political participation because of any republican sensitivities, but because he recognizes the importance of being attached to a community for struggling against centralisation and sustaining equality. Therefore, the revival of political participation in moderate extent and its combination with individual liberty shows two basic aspects about its relationship with equality: a) individual liberty emerges because of equalisation, b) political liberty promotes it.

3.1 Constant's criticism of ancient liberty

In his notable lecture (1819), *The Liberty of the Ancients compared with that of the Moderns*, Constant draws a comparison between the ancient and the modern form of liberty and expresses the need of abandoning the complete revival of the first¹⁸⁹. Modern people should remain devoted to modern liberty which is associated mainly with the engagement with private life. However, in the ending paragraphs of the lecture, he considers the integration of political liberty as necessary for the maintenance of individual liberty. He even upgrades its value claiming that “it is not to happiness alone, it is to self–development that our destiny calls us, and political liberty is the most powerful, the most effective means of self–development that heaven has given to us”¹⁹⁰. Connecting it to the process of self–development, he explains his statement by pointing out that “political liberty by submitting to all the citizens, without exception, the care and the assessment of their most sacred interests, enlarges their spirit, ennobles their thoughts, and establishes among them a kind of intellectual activity which forms the power and glory of a people”¹⁹¹. Despite his criticism throughout the lecture, political liberty is finally considered essential for modern liberty.

However, why does Constant criticize ancient (political) liberty despite the positive remarks in the end of the lecture? According to his analysis, liberty was perceived by the citizens of ancient city–states as the collective capacity of exercising sovereignty. Specifically, he points out that this type of liberty consisted in “exercising collectively, but directly, several parts of the complete sovereignty; in deliberating, in

¹⁸⁹ The comparison between the ancient and the modern way of life is only summarised in the lecture and is analysed in the *Principles*.

¹⁹⁰ Benjamin Constant, *Political Writings*, 327

¹⁹¹ *Ibid.*, 327

the public square, over war and peace; in forming alliances with foreign governments; in voting laws, in pronouncing judgments;...”¹⁹². This description by Constant indicates the priority, that was given by ancient citizens in societies with the scale of city–state. While active citizenship was very meaningful for them, the engagement with private enjoyments and activities has been prioritised by the moderns and was absent in antiquity. He even ends up observing that “they admitted as compatible with this collective freedom the complete subjection of the individual to the authority of the community”¹⁹³. This remark is important, because it is acknowledged that the community (or the demos) exercised absolute power and imposed decisions about the private life of citizens. Regarding the subjection of individuals to the community, he notes in the *Principles* that this condition was facilitated because every citizen was visible and therefore known in the public space¹⁹⁴. On the contrary, it is more difficult for individuals to be dependent on the decisions of modern collective subjects (nations) because the constant presence of someone in a potential public realm is almost impossible. The condition of ‘obscurity’ in the modern age, as it is called by Constant, is a safeguard in favour of individual independence.

The relationship between an individual and a collective body was unequal and operated in the expense of the first because there was no available space protected from the intervention of the second. Constant essentially implies that this relationship was identical to that existed in a despotic system, where persons were slaves (or individuals deprived of rights) to the will of the despot¹⁹⁵. He mentions the characteristic example of Athens, which although was the only city to respect individual independence in comparison to other city – states, still incorporated the subjection of individual to the will of the collective body. Referring to the institution of ostracism¹⁹⁶, according to which a citizen could be expelled from the city for ten

¹⁹² *Political Writings*, 311

¹⁹³ *Ibid.*

¹⁹⁴ *Principles*, 352

¹⁹⁵ Constant states in his treatise *The Spirit of Conquest and Usurpation* (1815) that the modern supporters of ancient liberty defend the revival of modern type of despotism. The only difference that exists between a despotic state and the ancient republics consists in the agent of sovereignty, while arbitrariness is a common foundation. He clarifies, that “I affirm that the principle is the same as that of government detested by the moderns when it displayed the colours of liberty. This principle is arbitrary power. The only difference is that, instead of being exercised in the name of all, it is exercised in the name of only one”. See: *Political Writings*, 115

¹⁹⁶ Constant plausibly interprets the hierarchy of values behind the intention of the Athenian city–state to expel someone from its territory pointing out that every citizen wanted to become a prosecutor and sought to find the guilty because this was a proper way of gaining recognition and fame among the demos. This practice, however, is inconceivable in modernity, because no one is

years, he states that it was a “legal arbitrariness, extolled by the legislators of the age;”¹⁹⁷ and indicates that ‘the individual was much more subservient to the supremacy of the social body in Athens than he is in any of the free states of Europe today.’¹⁹⁸ Even in the Athenian city – state, the collective exercise of authority could invade and violate the boundaries, that protect the individual freedom in modernity¹⁹⁹.

Ancient liberty, being consisted in the collective exercise of sovereignty, was dependent on the subjection of private sphere and the non–citizens to the public. At this point, Constant implies without analysing explicitly that the condition mentioned above constituted an ancient type of inequality. In this institutional framework, equality was limited only to those who could be active citizens. Each one had an equal share in the self–government of the city, namely, each one could be a participant in the exercise of sovereignty in the same degree as others²⁰⁰. In this sense, ancient equality was an existing condition only in the process of public deliberation, while citizens as individuals could not decide about themselves. The private affairs belonged to the jurisdiction of the political community.

This incompatibility between ancient liberty and equality is also interpreted in relation to the geographical size of societies which facilitated political participation and negated the flourishing of fundamental activities, such as commerce. The small territory of ancient city–states led them to conduct war against each other in order to survive, be independent and even expand their territory. The decision to be involved in conflict was not separate from the political system of ancient republics because the need of ancient people to start a war maintained the despotic relationships within

entitled to exercise such a privilege. For this reason, “formerly public interest went before safety and individual freedom. Today safety and individual freedom come before the public interest”. See: *Principles*, 364. This difference in the hierarchy of values shows that the ancients preferred to sacrifice the substance of an individual to rescue a notion of public interest incompatible to a potential threat identified by the citizens.

¹⁹⁷ *Political Writings*, 316

¹⁹⁸ *Ibid.*

¹⁹⁹ Constant’s observations on the relationship between a political body and individuals in the lecture appears as a primary concern in his systematic treatises. For example, the references of fanatic groups to the notion of popular sovereignty were accompanied by their desire to revive the ancient form of liberty. Constant saw as almost identical the real example of ancient republics and the intention of modern fanatics to establish a regime in the name of the people. For this reason, he does not recognize in these attempts a justified intention of pursuing freedom. See: *Principles*, 384

²⁰⁰ For example, in the framework of Athenian democracy, citizens had the privilege of *isegoria*, namely, the equal capacity and opportunity of expressing political speech in public deliberation. For the meaning of *isegoria* and its difference from other fundamental values in the Athenian city–state, such as that of *parrhesia*, see further: Paul Cartledge, *Democracy: A Life*, (Oxford: Oxford University Press, 2016), 78, 114, 128–130.

the city–states²⁰¹. Citizens were participating constantly in public affairs in order to decide about the necessity of war and their choice to be involved in it kept on preserving inequality in the city–state because of the violent integration of people deprived of citizenship (e.g slaves) subjected to the authority of citizens. For this reason, there were multiple levels of hierarchical relationships within a city–state: a) the subjection of citizens to the collective body in the public sphere, b) the subjection of slaves to the collective body or to the authority of individuals in every aspect of daily life.

On the contrary, the acquisition of goods achieved by war in antiquity, is, according to Constant, pursued through commerce in the modern nation–states. It should be noted that Constant does not identify war as absent in modernity, but he points out in the *Principles* that instead of being a purpose, it is a chosen only as a means. For the ancients, “a successful war was an infallible source of wealth for individuals: for us a successful war always costs more than it is worth”²⁰², while commerce allows the acquisition of goods without any losses boosting the prioritisation of peace instead of starting a conflict. The expansion of commerce within the large territories of states allows the engagement of individuals with private pleasures and activities. Thus, the field of their individual independence has been broadened, as they cannot gather in a form of assembly to decide about political matters. In this framework, the despotic relationships of antiquity are absent, because “the abolition of slavery has deprived the free population of all the leisure which resulted from the fact that slaves took care most of the work”²⁰³.

As a result, while the collective exercise of sovereignty is impossible in modern states for practical reasons, individuals are not subjected to the authority of someone else and therefore, can engage with activities of the private sphere. Hence, they are not dependent on the decisions of collective entities because no one can take decisions about the private matters and violate their autonomy. Individual liberty for the moderns is compatible with a modern type of equality, according to which there is a significant degree of personal self–determination that enable persons to make their choices without surveillance from a central authority. This means that modern individuals do not possess the power to decide upon private matters of someone

²⁰¹ *Political Writings*, 312–313

²⁰² *Principles*, 354

²⁰³ *Political Writings*, 314

else, as modern states respect the distinction between public and private. For this reason, Constant acknowledges that the modern age with its institutional framework constitutes a more progressive achievement²⁰⁴ than antiquity because of the ways invented to abolish relationships based on inequality.

The rise of commerce does not only liberate individuals from oppressive relationships of the past²⁰⁵, but it is a main vehicle towards their gradual equalisation. Constant in the lecture repeats a claim formulated in the *Principles* and is related to the claim that the access to political rights by all presupposes the universal expansion of property. In the lecture, Constant notes that “commerce confers a new quality on property, circulation”, as “circulation creates an invisible and invincible obstacle to the actions of social power”²⁰⁶. This observation entails that the circulation of property enables citizens to resist arbitrariness to social authority gaining interest for defence. The beneficial effects of commerce create the foundations of material prosperity and enables someone to resist arbitrariness without ending up to the sacrifice of individual independence. Commerce increases also the possibility that each one will gain property necessary for cultivating an increasing interest in public affairs. Therefore, commerce, while being almost an absent activity in antiquity, replaces war, is a crucial means of dealing with despotism and a facilitator to the compatibility between equality and liberty.

The analysis in the lecture leads Constant to identify individual liberty as the true modern liberty, because modern people cannot sacrifice the engagement with private pleasures in order to exercise full-time surveillance. Political liberty is considered valuable in the extent, that it protects individual independence²⁰⁷. For this reason, he emphasizes towards the end of the lecture that the absorption of individuals by the

²⁰⁴ The progress recognized by Constant, is not only political, as it has been pointed out in the previous chapters of the thesis, but also moral. For example, the absence of slavery has elevated the morality of modern people, who have developed a greater sense of pity and sympathy for pain towards others. The cruelty and inhuman behaviour towards a class of people deprived of any rights would be inconceivable for modern people. See: *Principles*, 358–359. However, Constant’s approach remains limited in observations about modern Europe excluding the reality of slavery of United States from his analysis. Hence, historical progress is limited only in Europe. For further analysis, see: Jennifer Pitts, “Constant’s Thoughts on Slavery and Empire”, in *The Cambridge Companion*, 115–145

²⁰⁵ Constant notes in the *Principles* that commerce is not only a facilitator to liberty, but confers to individuals also a considerable power that forces governments to compromise with them. See: *Principles*, 356

²⁰⁶ *Political Writings*, 324–325

²⁰⁷ In the *Principles*, Constant admits that “it is civil freedom which men in our era cherish above all”. *Principles*, 362. Using the term civil freedom, he refers to the civil rights that secure individual independence.

continuous enjoyment of private activities might lead them to surrender their capacity to participate in public affairs²⁰⁸. Constant is aware of the danger that if individuals lose their interest in politics, the possibility of despotism, namely, the concentration of power to a person or a group arises. In other words, if modern citizens cannot combine the two types of liberty and prioritise only individual independence, there will be a possibility for the rise of despotism²⁰⁹.

The acknowledgement of this reality reflected a stable concern for Constant, which involved a dangerous outcome because of the desire for political participation. Constant had in his mind the historical example of Jacobins, who transformed the reformist attempt towards a radical direction in the French Revolution and ended up establishing a despotic system in the name of the people. Being inspired by Rousseau's invocation to general will²¹⁰ they appeared as defenders of absolute participation, which could legitimize their own power. According to Constant, they utilised the ancient ideal of full active citizenship and that of civic virtue²¹¹. As he points out, "the men who were brought by events to the head of our revolution, were by a necessary consequence of the education they had received, steeped in ancient views which are no longer valid, which the philosophers, whom I mentioned above had made fashionable"²¹². As a result, each one during the "Reign of Terror" (1793 – 1794) was subjected to their own authority that gained popular support. This example indicates that a modern type of despotism could revive an ancient type of inequality inspired by the ancient ideal of political participation.

3.2 The limits of majority's authority

Considering the social reality in antiquity, as also its legacy in modern times, Constant in the *Principles* formulates his claims regarding the authority of a majority towards a minority in a constitutional state. Prioritising the avoidance of despotism,

²⁰⁸ *Political Writings*, 326

²⁰⁹ The last remarks regarding political liberty confirm Constant's definition in the beginning of the lecture: "Finally it is everyone's right to exercise some influence on the administration of the government, either by electing all or particular officials, or through representations, petitions, demands to which the authorities are more or less compelled". *Ibid.*, 311. In this initial definition, he incorporates the aspect of participation to his conception of modern liberty.

²¹⁰ *Ibid.*, 317–320

²¹¹ Robespierre referring to the foundation of popular government states: "Now, what is the fundamental principle of democratic or popular government, the essential mainspring that supports it and makes it move? It is virtue; I am talking about the public virtue that worked such prodigies in Greece and Rome, and that should produce far more astonishing ones in republican France; that virtue that is none other than love of the homeland and its laws". Maximilien Robespierre, *Virtue and Terror*, trans. John Howe, (London: Verso Books, 2007), 111

²¹² *Principles*, 319

he intends to ensure that the sphere of individual independence should remain safe from the arbitrary will of a majority. A similar danger was discussed in the previous chapter as part of his doctrine of legitimacy, as he argued that the public opinion should pursue the reform of institutions instead of the fanatic groups. His analysis of the ancient republics in the lecture also reflects his overall argument on how the relationship between majority and minority should be formed in the framework of his constitutional proposal.

The avoidance of omnipotent majorities in modernity presupposes that participation should be shaped by precautionary restrictions, so that the possibility of reviving despotism with ancient invocations can be marginalized. The combination of the two types of liberty is not jeopardized only by the attempt of a minority to speak in the name of all, but also by the potential ambition of a majority to establish institutional arbitrariness by proclaiming itself as the only source of sovereignty. Constant discusses the limitation of political authority in the second book of the *Principles* after the criticism of Rousseau's doctrine of legitimacy. He states even in the beginning that "in a society whose members have equal rights, it is certain that no member can on his own make obligatory laws for the others"²¹³ unless the making of laws has been approved by the sovereign body. He makes clear that equality of all presupposes that no one will gain the power to enact laws about others without the delegation of such a body. However, the approval by such a body does not entail that the delegates are justified to violate the boundaries and harm individuals. These boundaries are clearly stated by Constant in the following claim: "There is a part of human existence which necessarily remains individual and independent, and by right beyond all political jurisdiction. Sovereignty exists only in a limited and relative way. The jurisdiction of this sovereignty stops where independent, individual existence begins"²¹⁴. Regardless of who is sovereign, the intention of interfering in the affairs of individuals makes this form of government omnipotent and therefore, despotic.

With these statements, Constant clarifies that although political participation is integral part in a modern state, there are two necessary presuppositions, which should restrict the possibility for a society of turning into a despot²¹⁵: a) none will endow himself with political power without the approval of citizens, b) even in the case

²¹³ *Ibid.*, 31

²¹⁴ *Principles*, 31

²¹⁵ *Ibid.*

of approval, someone has no right to intervene in the independent part of human existence²¹⁶. With these two conditions, Constant intends to secure the combination between political and individual liberty, as citizens can participate in the administration of affairs without allowing the enactment of laws that violate these boundaries²¹⁷. The range of issues for public discussion should be limited to problems related to public interest setting aside the field of privacy. Otherwise, the will of a majority to decide upon everything would coincide with its transformation to a political body, which could operate according to the ancient standards mentioned by Constant.

Drawing the limits on the actions of sovereign agent, Constant examines the relationship between majority and minority. He acknowledges that the opinion of majority should have a stronger weight than that of a minority, because although he admits that this is unjust condition, it is still more just than recognizing the superiority of a minority. However, the prerogative of a majority is shaped by limits, as it “can make the law on issues on which the law must pronounce”²¹⁸. Otherwise, its “wish” is illegitimate. For this reason, depending on its actions, the majority is a judge “when it acts within its competence, and becomes a faction when it exceeds this role”²¹⁹. Constant adopts the majoritarian principle, but he prioritises the need that the majority will not turn into an agent that decides in the expense of individual rights. The protection of the individual sphere is a criterion of legitimacy, that extends to all relevant institutions with a legislative initiative. Therefore, the analysis in his notable lecture about liberty in ancient city–states is extended as a primary concern in other political writings since political participation and the subsequent decision – making should sustain the status of equality by respecting individual liberty.

Recognising the value of liberty, Constant essentially defends individual independence occurs after the mitigation of inequality, but equalisation is promoted with the aid of active involvement in public affairs. Towards the end of the lecture, he

²¹⁶ This independent part of human was subjected to the arbitrary interventions of the community/demos in the case of ancient republics. Constant referring to ostracism, defends the inviolability of individual independence contrary to the arbitrary intentions of this institution: “No-one has the right to exile a citizen, if he is not condemned by a regular tribunal, according to a formal law which attaches the penalty of exile to the action of which he is guilty.” *Political Writings*, 321–322

²¹⁷ Constant warns his readers that “if anyone thinks these maxims dangerous, let him think about the other, contrary dispensation which authorised the horrors of Robespierre”. *Principles*, 31. This means, that regardless of the source of the authority, a government can become despotic if it threatens the safety of individuals.

²¹⁸ *Ibid.*, 33

²¹⁹ *Ibid.*,

shows his appreciation for political liberty as a tool that guarantees individual independence. However, he upgrades its value connecting it with self–development, as it is a vital means of intellectual cultivation for citizens. Their capacity to be involved in public discussion is not only a counterweight towards the surrender of power to a despot (or usurper) but a means of cultivating their intellectual capabilities. Through political participation they are able to continue the path of progress revising their own ideas in order to pursue future political reforms. In the next section, I will show that citizens through political participation can fulfil two basic objectives related to equality: a) preventing despotism by checking arbitrariness, b) promote the process of equalisation through self–development.

3.3 Political liberty as a counterweight to inequality

While Constant supports the integration of political liberty in modern conditions, he does not analyse in the lecture how it will fulfil the function of preventing the restoration of despotism. He articulates relevant claims about its multidimensional impact in the *Principles of Politics*. A few years before the lecture he states that the necessary aspects of political freedom, which operate as safeguards for the guarantee of private satisfactions and enjoyments, should be maintained²²⁰. He refers to some crucial means of public involvement, the operation of which serves two basic objectives related to equality: a) check of institutional arbitrariness and resistance to omnipotent authorities (negative objective), b) cultivation of rational capacities, which boost further equalisation, namely, the process of revising and promoting new aspects of the idea of equality (positive objective). The fulfilment of these objectives secures also individual independence.

One of the main participatory counterweights defended by Constant against the despotic transformation of a polity is the freedom of the press (and speech). He presents some considerable remarks regarding the role of freedom of the press and its impact on political life. First, he clarifies that press freedom is a significant tool for the check of a political system's function. Any potential violations can be checked by the press: "The independence of the courts can be violated in scornful mockery of the best drafted constitution. If open publication is not guaranteed, this violation will not

²²⁰ *Principles*, 365. He admits, that "it is not political freedom that I want to renounce, but civil freedom that I am demanding with other forms of political freedom" connecting the latter with the exercise of fundamental civil rights, which are compatible with individual liberty. *Ibid.*

be checked, since it will remain covered by a veil”²²¹. Open publication is a safeguard against the potential turn of a government towards arbitrariness. Violations that are not known, can be revealed due to the press, so that there can be pressure to restore the status of institutional normality. Regarding the check of institutions, Constant ends up admitting that press freedom “enlightens government and prevents deliberately closing its eyes”²²². This means, that the press can force a government to fulfil its duties in favour of the constitutional function of the political system.

The capacity of checking the policies of a government is not restricted to the boundaries of criticism, but it can even lead to significant political consequences. He points out, that ‘the declaration of an opinion in a special case produces an effect so infallible that such an opinion must be regarded as an action...Writings, like speech, like the most simple movements can be part of an action’²²³. This statement makes clear that a citizen’s judgment can be the cause of changes, that might even challenge the stability of a political system. The objective of publishing an opinion is not only restricted to revealing flaws in government’s policies but consists also in the constant contestation of political decisions. Speech as action can produce more important effects than expected because its effects might signify even historical events.

Second, press freedom provides the opportunity to citizens of searching the truth about particular facts. It was stated in the previous chapter that everyone is free to search truth without government’s intervention. This will result to the interaction among separate opinions and the emergence of what Constant calls “national outlook”, namely, a consensus initiated by public opinion, which reflects the whole society. Attempting to emphasize this aspect of freedom of the press, Constant notes that “to restrain the freedom of the press is to restrain the human race’s intellectual freedom”²²⁴. In a simple statement, he connects the capacity of manifesting thoughts and opinions with the flourishing of intellectual horizons. He upgrades the value of this civil right noting that “the question of press freedom is the general one about the development of the human mind. It is from this point of view that it must be envisaged”²²⁵. The opportunity of expressing personal views on the press is not of minor importance for Constant, because its defence is accompanied by a constant

²²¹ *Principles*, 111

²²² *Ibid.*

²²³ *Ibid.*, 105

²²⁴ *Ibid.*, 112

²²⁵ *Ibid.*, 112

concern about a citizen's freedom to shape his own views. Bryan Garsten confirming Constant's priority points out that the impact of the press on the free formation of opinions is not only related to a concern about the expansion of a common sense of reasonability, but there is a political concern about the conditions, which may allow the development of people's intellectual capacities²²⁶. For this reason, Constant extends his previous observations and claims that "independent thinking is as vital, even to lighter literature, science, and the arts, as air to physical life"²²⁷. The influence of independent thinking extends even beyond the field of politics and is the cause of development for crucial areas of human activity.

The flourishing of independent thinking is achievable under the condition that a government will not restrain the freedom of the press. Free thinking also presupposes that the state cannot be favourable to any views related either to public policies or to the truth about some facts. The absence of these interventions is the presupposition for the manifestation of free thinking that enables someone to utilise the tools that allow self-development. As it was mentioned in the first chapter, an integral part of this process is the use of methods for the formation of ideas. Constant states in the *Principles*, that the valid methods of approaching the truth are "reasoning, comparison, analysis"²²⁸. Repeating the core function of self-development²²⁹, as it has been analysed in his essay on perfectibility, he essentially argues that the autonomy of persons depends in a large extent on whether they can exercise their reason without government's intervention.

He presents in the same work an additional explanation in favour of the personal formation of opinion instead of the dependence on government's choice to provide the state's version about a fact. He claims, that

'it would be equally right to say that the adoption of an error on our own accord, because it seems true to us, is an operation more favourable to the perfecting of the mind than the adoption of a truth on the say – so of any government whatever. In the former case, analysis is for motive. If this analysis, in the particular circumstance does not lead us to happy results, we are on the right track even so. Under the latter suspicion, we are reduced to a plaything of the government before which we have humbled our own judgment. Not only will this result in our adopting errors if the dominating government

²²⁶ Bryan Garsten, "The Spirit of Independence in Benjamin Constant's Thoughts on a Free Press", 122

²²⁷ *Principles*, 119

²²⁸ *Ibid.*, 301

²²⁹ In his essay on perfectibility, Constant states regarding the process of replacement of sensations by ideas that "whoever says the power of ideas means the power of reasoning; there is comparison and therefore, reasoning". *Ecrits Politiques*, 706

gets things wrong or finds it useful to deceive us, but we will not even know how to derive from such truths as this government has given us the consequences which must flow from them. The abnegation of our intelligence will have rendered us wretchedly passive creatures. Our mental resilience will be broken”²³⁰.

In this passage it is obvious that a government cannot be entrusted with the task to direct people into a particular path of searching the truth. On the contrary, it is preferable that citizens should trust their personal reason instead of adopting the directives of the government, because they can have the chance of correcting the false assumptions and contemplate why they ended up adopting them. In a different case, someone might become a passive citizen depriving himself of the autonomy to form opinions about political matters²³¹. Government’s will to guide and direct a citizen’s opinion coincides with the intention of limiting the sphere of resistance that confers a status of autonomy to citizens. Constant emphasizes that ‘everything imposed on opinion by government turns out to be not only useless, but harmful, truth as much as error. In this case truth is not harmful qua truth, but harmful for not having penetrated human intelligence by the natural route’²³². Someone’s reliance to the “natural route”, namely, the set of rational methods, constitutes the capacity of manifesting independent judgment that can reveal the potential violations of the government.

Third, except for the intellectual impact of publishing opinions, Constant considers press an effective substitute as a civil right. He notes in an important passage, that ‘in countries where populace does not participate in government in active, that is, everywhere there is not national representation, freely elected and invested with significant prerogatives, freedom of the press replaces political rights’²³³. Constant sees in the press a crucial means of showing concern about public affairs, because it cultivates the need for personal influence on them. When the possibility of exercising this civil right is absent, citizens are isolated from politics and remain engaged with private activities. Press freedom can drag a citizen from the field of privacy to that of a public realm, where all opinions about the common affairs can be presented. Hence,

²³⁰ *Principles*, 302

²³¹ In his treatise *The Spirit of Conquest and Usurpation* Constant points out the consequences after the oppression of arbitrary power towards talented individuals. He notes, that gifted men will attack authority, while others will choose to cooperate with the government to gain profits. A despotic state harms talent oppressing free thinking, since it punishes the independent gifted men, while it incorporates others under its will. See: *Political Writings*, 126

²³² *Principles*, 302–303

²³³ *Ibid.*, 112

press freedom constitutes a counterweight to the problem identified in the lecture regarding the dangers that might arise due to the exclusive engagement with privacy.

The value of the freedom of the press is indicative of how Constant perceives the relationship between equality and liberty. In this example, citizens participate in public affairs not according to the ancient standard of “full – time surveillance”, but in a way compatible with private independence. This is possible because of two dimensions of press freedom. First, publishing an opinion constitutes a safeguard that secures the right function of institutions and raises awareness against the potential violation of individual rights. Second, free publication boosts autonomy and shapes an individual judgment that does not conform to the state’s directives. The cultivation of this judgment is also a means of resistance to someone’s subjection to the state’s authority. Hence, the integration of this civil right to modern liberty, indicates two separate, but relevant aspects about its relationship with equality. On the one hand, it operates as a preventive factor to the possible re–emergence of despotism, namely, the institutional status of inequality among individuals. On the other hand, checking the policies of a government boosts autonomy and cultivates rational capacities, which are necessary for the processing of equality. Therefore, the defence of press freedom shows that modern liberty is a result of the equalisation within an institutional system, but also contributes to the preservation of equality.

Constant does not suggest that only press freedom is sufficient for the prevention of despotism and the maintenance of individual independence. Additionally, he considers the value of municipal power and citizen’s involvement in local authorities as very important for the cultivation of attachment to community and therefore, to a constant care about its prosperity. He discusses its significance in the shorter version of the *Principles of Politics* (1815), where he advocates an alternative type of federalism. According to this conception, local societies should develop relationships of mutual influence, but “the internal arrangements of the particular groups, since they have no influence upon the general association, must remain in perfect independence”²³⁴. This revised conception is suggested due to his disagreement with another conception of federalism, according to which, different associations are perceived as totally independent from each other maintaining only elementary

²³⁴ *Political Writings*, 254

external links²³⁵. The problem identified by Constant with this model is that the federal states can exercise power over individuals, while the administration of municipal power belongs to the jurisdiction of the federal association. On the contrary, Constant suggests that the constitution of a federal state should be the outcome of mutual influence from other states and the institutional organization of municipalities should be independent. The suggested conception can establish “a peaceful and lasting patriotism”²³⁶ and will boost someone’s attachment to a specific birthplace.

Although Constant clarifies that federalism is a favourable institutional model for the creation of an emotional attachment, he believes that membership in a commune has a significant impact which is not restricted in the sense of belonging. Discussing the problem in the *Principles* of 1806, he emphasizes its value in order to criticize uniformity and especially the enactment of unified policies from a government towards municipalities. First, Constant notes that each individual within a territory has his own interests, common interests with the community and interests that concern the whole society. The absence of government’s intervention in the personal and local interests allows the manifestation of patriotism that consists of a favourable sentiment not only to the community, but towards the metropolis as well. In this case, the capital city “would seem the protector and tutelary city of all the little fatherlands living in the shelter of its power, instead of what it is today, their implacable adversary and ever threatening enemy”²³⁷.

Constant sees a conflict between the pluralistic attachment of individuals comprised by their different levels of caring about the homeland and a general, abstract idea of the state that is harmful because it deprives them of the chance to make decisions about affairs, for which their knowledge is better than that of politicians. For this reason, he states that “local interests and memories contain a principle of resistance which government allows only with regret and which it is keen to uproot”²³⁸. The principle of resistance is related to the will of individuals to prevent the intention of a government from making decisions about local affairs, which might be at least flawed because of ignorance about the special problems each community has to deal with. The recognition of pluralistic attachment indicates boundaries, that

²³⁵ *Political Writings.*, 253

²³⁶ *Ibid.*, 254

²³⁷ *Principles*, 325–326

²³⁸ *Ibid.*, 326

divide the field of justified interference of government from the sphere of local community administered by its residents.

The acknowledgement by Constant of interests tied with a community leads him to defend a different account of general interest. He disagrees with the opinion of other authors, who see the notion of general interest as isolated from individual ones. This approach constitutes the general interest as a unifying idea, that overcomes the communal ones and is adopted by representatives as incompatible with individual or local interests. As a result, they distance themselves from the needs of their constituents adopting a vague idea of general interest for the sake of uniformity. On the contrary, Constant wonders “what is general representation but the representation of all the partial interests which must negotiate on matters common to them? The general interest is doubtless distinct from particular ones. But it is not contrary to them”²³⁹. He clarifies that the general interest is the sum of all the partial interests without being hostile to them. Hence, Constant does not separate the policies of state from the local problems, as they should respect the unique character of each community.

Redefining the concept, Constant adds two important dimensions provided by political participation in municipal power for the struggle against the isolation of a government from local authorities. First, he defends a pluralistic account of political participation, as citizens can be involved to the communal affairs, as also to those of a state. Their participation is multidimensional, because they can show their care for public affairs through institutions of different scale. With this way, they protect the local interests due to the better degree of knowledge they have for these affairs. Second, representatives should express the interests of their voters instead of referring initially to the general interest, because “public interest is only individual interests prevented from harming each other”²⁴⁰. Their choices should be influenced by the opinions of their voters without taking distances from their will. Hence, the policies of a central state should be the product of considering the existing differences among the needs of various communities.

Constant introduces a closer relationship between representatives and voters because the potential invocation to an abstract notion of general interest would ignore

²³⁹ *Principles*, 327

²⁴⁰ *Ibid.*

the attachment to the communal ones and lead to decisions, which do not correspond to the will of citizens. This pluralistic version of participation is a crucial institutional tool against the separation of the political system by the political body of citizens. The quality of this form of participation depends on the degree of influence exercised by local societies on the opinions of representatives. Otherwise, the notion of general interest will be subjected to uniformity and will be tied with policies incompatible or hostile to the local interests. This is the reason for which Constant attempts to raise awareness regarding the concentration of power to the central political system. The separation of representatives from the people based on an abstract idea of general interest might be a precursor for the rise of omnipotent authority and the accumulation of power to the centre in the expense of the local peripheries. This means that a deprivation of political participation would create unequal relationships between local citizens and the power of central government.

The formulated perspective in this chapter constitutes a different angle in relation to some known views of secondary literature. First, according to one main interpretation²⁴¹, Constant endorsed active involvement in public life because he disagreed with the 'industrialist' current of liberal thinkers, which advocated the supremacy of the economy for the prosperity of a society. For example, Helena Rosenblatt has pointed out that Charles Dunoyer, who belonged to this liberal branch, identified the involvement of individuals in economic production as the proper way over politics for achieving happiness²⁴². According to Constant, this view was indeed a-political, because it was strictly individualistic and similar to the attitude defended by those who engage constantly with private enjoyments. This interpretation sees in Constant's criticism a post-revolutionary conflict of values between the necessity of an active citizenship for social happiness, and an extreme individualism accompanied by the marginalization of politics as pointless for the prosperity of society.

However, although the supremacy of economy over politics was criticised under the aspect of prosperity, Constant's primary concern was related to the resignation of citizens from politics because of the negative consequences of an exclusive engagement with economic production. This possibility could end up leading to the restoration of institutional inequality through a form of technocracy, in which political

²⁴¹ See: 1) Helena Rosenblatt, "Re-evaluating Benjamin Constant's Liberalism", 23–37, 2) Helena Rosenblatt, *Liberal Values: Benjamin Constant and the Politics of Religion*, 155–191

²⁴² Helena Rosenblatt, "Re-evaluating Benjamin Constant's Liberalism", 26–27

decisions should be administered by a few experts and individuals should remain devoted to labour²⁴³. For this reason, Constant's disagreement consisted in his confidence that a citizen's knowledge about at least a part of public affairs (such as the local ones) should be taken into account and therefore, his opinion for making decisions mattered in the same degree as those of everyone. As a result, citizens should be active politically because there is not a separate class, that possesses expertise on political affairs. In such a case, expert-politicians could be entitled to decide about others constituting a regime of "enlightened monarchy", where its authority is based on intelligence, namely, a criterion incompatible with equality. A government created by technocrats with omnipotent authority could not be justified, because it introduces inequality because an initial unfounded premise. Therefore, Constant's disagreement with the 'Industrialists' has his egalitarian commitment at its core and not a concern about the impact of active participation on society's prosperity.

The approach formulated in the chapter also constitutes an answer to an interpretation, that focuses on Constant's (neo) republican aspect of his political thought. This approach explains his embrace of political participation as the institutional expression of the creation of communal bonds, upon which political rights are dependent. In other words, Constant's suggestion for reconciling political and individual autonomy was possible because of the cultivation of a democratic culture enhanced by common customs and practices²⁴⁴. In this sense, this reading points out that the attachment to the local practices provided a motive for active citizenship. However, as it was shown in the chapter, the attachment of citizens to their community was the foundation for creating a spirit of resistance against the concentration of power towards a single centre. The decentralisation of government could be possible only through the participation in local affairs. This means that active involvement in

²⁴³ As Bryan Garsten has pointed out, Constant criticised the industrialist current, because he saw a similarity between its agreement with a government run by experts and its support to the need of establishing a shared religion for securing social cohesion. In the second case, Constant was afraid that this scenario would be favourable to the emergence of omnipotent priestly authority instead of giving the opportunity to develop religious faith according to the individual needs of citizens. See: Bryan Garsten, "Religion and the Case Against Liberty", 15–16

²⁴⁴ For this interpretation, see: Andreas Kalyvas & Ira Katznelson, *Liberal Beginnings*, 171–173. A more historical interpretation places the development of Constant's political thought in the framework of a broader formation of post-revolutionary liberalism upon republican foundations in the period 1794–1804. For the analysis on Constant, see: Andrew Jainchill, *Reimagining Politics After the Terror: The Republican Origins of French Liberalism*. For other approaches, which trace (neo) republican elements in Constant's thought, see: Hana Fortova, "Benjamin Constant and the Ideas of Republicanism", 33–46

local affairs is not only the practical manifestation of attachment, but the latter is the source behind the creation of this spirit of resistance against the centralisation of power. Constant attributes a greater value in the sense of belonging than that ascribed by this interpretation, because it motivates local residents to demand the transfer of significant portion of power from the centre to the peripheries. This aspect in Constant's political thought shows that liberty in modern times is not only sustained by equalisation but can be the primary tool for promoting equalisation. Therefore, even in this issue Constant defends political participation under the scope of equality since this fundamental purpose is served by the need of citizens to express institutionally their attachment to their own homeland.

3.4 Conclusion

In the final chapter of the thesis, I attempted to show that Constant's criticism of liberty of the ancients and his support for combining the two types of liberty is inseparable from his concern about the implementation of equality. In the first section, I pointed out that his criticism towards ancient liberty was related to the identification of ancient type of inequality that consisted in two conditions: a) the exclusion of slaves and non-citizens from politics, b) the subjection of individuals (citizens) to the authority of community. In this framework, equality was conceived only in relation to the capacity of each citizen to participate equally in the decision-making procedures. These two conditions mentioned are absent in modernity and facilitate the emergence of individual liberty, while modern individuals cannot be full-time active citizens for practical reasons. Hence, the weakening of this authority coincides with the mitigation of this unequal relationships allows the engagement with private activities.

The observations regarding the status of individuals of antiquity leads Constant to argue in favour of not reviving completely the ancient ideal of active citizenship. Seeing how modern movements were inspired by this model establishing a modern despotism referring to these ideas, Constant suggested a moderate integration of political participation in modern times, so that the rise of despotism can be prevented. Identifying political apathy as an important problem in modern times, Constant was aware that individual liberty needed specific guarantees, because it could be exposed to dangers favourable to the concentration of power in one agent. For this reason, the maintenance of both modern equality and individual independence could be secured through a participation in public affairs with the exercise of civil rights.

In the second section, I showed further that Constant endorsed the integration of political participation in the modern age, because it can fulfil two objectives related to equality: a) prevention of despotism by checking arbitrariness (negative objective), b) promotion of equalisation through self–development (positive objective). The means chosen by Constant for the fulfilment of these objectives are freedom of the press and participation in municipal power. On the one hand, both means boost the capacity of individuals to check potential arbitrary choices and create a network of resistance consisted in a denial to surrender to someone else the capacity of making decisions for themselves. On the other hand, participation could boost further the process of self–development. Citizens can rely on their reason in order to revise their existing ideas, modify the idea of equality and pursue the implementation of a revised conception in the institutions. Thus, political participation in the scale of modern states can be a precious tool only if it does not restore the unequal conditions of antiquity.

The consideration of equality in this problem changes the way, with which liberty is approached in the thought of Constant. Specifically, the main observations derived from this exploration are the following. First, liberty, although it is a value of primary importance, has an instrumental function, since it serves the historical pursuit of equality by humans. Second, the exercise of individual liberty is possible only after the mitigation of power relationships. Hence, liberty, as it is not the primary objective of humans, is the outcome that occurs after the equalisation of a political system. The conclusion derived is that the relationship between equality and liberty is not only characterised by compatibility (contrary to contributions of secondary literature) but is shaped by interdependence. Equality allows the emergence of liberty, and its participatory aspect boosts the pursuit of equality through self–development.

4. Conclusion

My main aim in this thesis was to explore the importance and the impact of the notion of equality in Benjamin Constant's political thought. The notion of equality has been marginalized in the interpretations during the revival of studying his work, although it is a key-concept, the consideration of which enriches the understanding of basic issues and provides a different angle in relation to the contributions of secondary literature. Interpreting his thought through this lens of equality, I examined its relationship with liberty, which plays a very significant role in his writings and occupies a large part of interpretations. The exploration of this relationship does not only establish the importance of equality for understanding issues already touched in secondary literature but revises the way with which liberty has been approached.

The basic statement of the thesis was that equality allows the emergence of liberty and sustains it, while the latter itself in the form of participation promotes equalisation of socio-political conditions, namely, the process of reducing the concentration of power in specific agents. I attempted to argue in favour of the first part of the statement in the first chapter. Advancing the argument required an explanation of how Constant approaches the notion of equality analysed in some neglected historical essays, in which he presents his doctrine of historical progress. As I explained in the first chapter, equality is identified as the driving force of progress and is the main purpose set by humans for fulfilment. Pointing out first that there is an inherent desire and subsequently a manifested idea, Constant associates the desire for equality with a denial to recognize that a person or a group is entitled to greater power than others. Humans have attempted successfully to implement this idea with the aid of self-development, which enables them to revise, modify and then adopt ideas adapted to a specific socio-political framework. Identifying equality as the main objective, Constant already states, contrary to the emphasis given to liberty in secondary literature that this is an idea of primary importance (mother-idea), which has the most crucial impact on the formation of social environment.

However, as I analysed in the same chapter, the idea of equality could not be implemented regardless of the way, or the means adopted by humans. Prioritising the avoidance of despotism, Constant needed to reconcile his narrative on progress with ways of serving this trajectory without the danger of regression. This is visible in the way he discusses the problem of universal enfranchisement. At this point there is a

distinction implied, but not presented explicitly, between justified/positive and unjustified/negative ways of pursuing equality. In this example, Constant seems *ex prima facie* hesitant to accept the universal enfranchisement. However, under this exploration, it was clarified that he suggested the adaptation of universal enfranchisement to the modern socio-economic conditions. Having identified property as the main qualification for being a citizen, the division of landed property was the recommended measure for gaining citizenship, because in such a case political equality through the recognition of political rights would sustain liberty and allow the political participation of a greater number of citizens. For this reason, the justified way is determined by whether the implementation/pursuit of equality is compatible with liberty. On the contrary, Constant claims that the unjustified way would be related to a sudden recognition of universal suffrage ignoring property as main precondition. In this case, the recognition of universal vote would operate in the expense of liberty, because it would enable the property-less poor to seize power and demand the abolition of property in the name of equality.

The acknowledged capacity of expanding the suffrage makes his account of equality distinctive and it differentiates him from other approaches in favour of its restriction. His choice to defend an initial restriction under property qualifications is explained by his commitment to respect the socio-economic foundations of the modern world. For this reason, he would disagree with the arguments in favour of its restriction by other liberals, such as Francois Guizot, who did not accept the capacity of citizens to participate because he endorsed the existence of natural inequality among them. However, Constant defended the exactly reverse view, and he embraced the potential expansion of suffrage because he was concerned with the rise of expertise in politics as well. Constant's account of equality in political rights took into consideration the institutional inequality caused by the creation of "elites", which supposedly possessed true knowledge about political matters. Hence, due to the egalitarian reading of history, Constant's approach on the suffrage is progressive and not stagnant.

The distinction between unjustified and justified forms of pursuing equality was indicated in the second chapter as well, in which I explored Constant's doctrine of legitimacy through the lens of equality. Constant identified a radical revolutionary way of pursuing the change of status quo, which was represented by fanatic groups and

involved violence as a main means for achieving political goals. The political identity of these groups consisted in the support of two main ideological features. First, one main characteristic was the invocation to the principle of popular sovereignty. Constant argued criticising Rousseau's doctrine of legitimacy that the implementation of this principle allows the authority of the sovereign agent to be expanded in the field of individual independence. Additionally, the continuous invocation to this principle was baseless, unsubstantial and abstract, because the notion of "people" does not refer to a unified category of individuals with a specific set of ideas and demands. In this sense, ambitious rulers, such as Napoleon, could use this principle to usurp people's will and establish their despotic rule. This means that popular sovereignty could be easily subjected to the intentions of these groups to seize power.

Second, the fanatic groups, while they could not utilize reason to process ideas and develop them, referred to the idea of equality with a superficial way without adapting this notion to applicable policies in the equivalent historical framework. The perception adopted by radical groups did not incorporate the idea of the public but a counterfeit demand for equality, which was isolated from social reality. This is very visible on the problem of universal suffrage. Movements, such as the Jacobins, defended this policy without any presuppositions in order to receive the votes of the whole male population. However, this measure secured political equality as an illusion, while it became the vehicle for legitimizing the decisions of a movement, which led the Revolution in failure.

Having rejected the radical strategy, the task of pursuing institutional reforms could be undertaken by public opinion, which was the advocate of the reformist strategy. Being identified with an enlightened part of society that was interested in public affairs, public opinion was able to envisage the future of political institutions with reason instead of violence. This means, that its members could interact with their separate opinions and gradually form a consensus about the ideas, which should be integrated in a reformed constitutional order as principles. The final result would be represented by what Constant calls "public spirit", namely, a political subject with a certain set of ideas. Preferring government of opinion instead of popular sovereignty, Constant indicates the practical importance of participation, which is not just a promising condition succeeding the reforms but takes place during the preparation of public opinion for opposing the status quo. Hence, the creation of the public spirit is

the precondition for integrating to institutions a notion of equality that will allow the maintenance of liberty and facilitate the political participation of individuals.

However, the success of this attempt requires the contribution of enlightened men (intellectuals), who are considered by Constant as “agents of reason”. Intellectuals are able to control any violent tendencies, interact through discussion with public opinion and primarily awaken public spirit in the period of its silence. Constant in this relationship rejects the role of leadership for intellectuals, who might indoctrinate the public, but considers them as collaborators of public opinion. Treating their relationship as equal, Constant makes clear that the task of reforming the status quo should be undertaken by the public and not by groups, either fanatics or intellectuals. Public opinion is the agent that can determine the legitimacy of a government and serve the progressive trajectory of humans in history. Treating the role of intellectuals as agents of reason and being committed to the egalitarian direction of politics, Constant focuses on securing a more democratic way of pursuing institutional changes based on dialogue and continuous interaction. Hence, he rejects a role of leadership for intellectuals, because the possibility of becoming experts erases essentially the effort of the public to incorporate the idea of equality as a principle in a reformed constitution.

The coexistence between individual and political liberty and the exploration of Constant’s support for their combination under the scope of equality was the central question of the third chapter. I attempted to interpret Constant’s notable distinction between the two types of liberty through this lens focusing on his claims formulated in the lecture *The Liberty of the Ancients compared with that of the Moderns*. Constant adopts a critical attitude towards ancient liberty arguing that its exercise by citizens in ancient city – states required the existence of an ancient type of inequality consisted in two conditions: a) the undertaking of labour by slaves and their subjection to the authority of the community, b) the subjection of an individual (citizen) to the authority of the community. Constant associated the exercise of ancient liberty with the possession of omnipotent authority of demos and emphasized that this way of life should not be revived in modern times. He was concerned with the effort of modern radical movements to establish a modern type of despotism inspired by the ancient ideal of active citizenship. Noting that in modern times an individual is free in his personal life, it was clarified that modern individuals are equal between each other

because there is not the possibility for the emergence of despotic authorities. Being free in individual terms, the moderns should prioritise the maintenance of this type of liberty.

However, Constant considered the integration of a modified version of political participation (as exercise of civil rights) as necessary in modern times, because its practice by moderns in a way compatible with their individual independence could fulfil two crucial objectives related to equality: a) checking potential violations and institutional arbitrariness for the prevention of despotism (negative objective), b) cultivation of intellectual capacities and promotion of equalisation (positive objective). These two functions serve at the same time the transfer of power to citizens mitigating inequality in order to secure individual independence. As I further indicated in the second section of the chapter, the two most effective means of political participation for fulfilling these objectives are freedom of the press and participation in municipal power.

In the first case, citizens are able to identify errors or violations of a government by publishing their opinion in order to rehabilitate institutional normality. Regarding the positive objective, citizens without the government's intervention can boost their autonomy utilizing their rational capacities, while they form their opinion about an issue. As a result, they can exercise the process of self – development to revise ideas, as also the idea of equality. Hence, they can contribute to the further equalisation of institutions. Regarding the participation to municipal power, Constant notes that citizens being attached to their community, create networks of resistance and deny surrendering their capacity of making decisions in a local scale to the central government. Citizens are able to decentralise political administration, because their knowledge about these affairs is more reliable than that of a government. With this way, the concentration of jurisdictions to a central pole and its potential transformation to an omnipotent power can be avoided. Through this type of participation local citizens can also express their opinion for the improvement of conditions in their own province undertaking the responsibility to administrate these affairs removing a significant portion of power by the central government.

The fulfilment of these two objectives shows that equality and liberty are interdependent conditions, as the first allows the emergence of individual liberty and the participatory aspect of the second promotes the first. Constant shows his

confidence in the capacity of citizens to decide for themselves the trajectory of the local affairs. While the rise of despotism is a main danger, he is aware that the promotion of equality is related to the avoidance of expertise in political decisions. In this case, the need for decentralising political administration coincides with the claim that a central government is not in position to decide about the local affairs. Therefore, Constant defends the value of local participation, because the denial of expertise in politics is a precondition for promoting equalisation.

In summary, the exploration of basic problems in Constant's political thought under the scope of equality enriches the understanding of his work introducing a key concept as a main interpretative tool. It is plausible to point out that the study of post-revolutionary political theory despite the positive steps of the last decades, could be renewed examining the importance of equality in the work of other notable thinkers of this period, as also in the historical debates between them. For example, the consideration of equality for interpreting political participation reveals Constant's confidence in the capability to form opinions on political affairs without surrendering this opportunity to a central government. Recognising this inherent capacity in humans, Constant defends simultaneously political equality as a foundation of denying omnipotent authorities. Observing this crucial element, there is a visible example of a political theorist whose egalitarian concerns lead him to defend the decentralisation of political power. Regarding this point, Tocqueville thought that the increasing "equality of conditions" leads to the centralisation of political power, as was mentioned in the first chapter, and political participation within various communities is the counterweight against the negative outcomes of equality. This example is characteristic of how equality was conceptualised in the first post-revolutionary decades and shows the differences in their meaning, as also the impact on its relationship with liberty.

The exploration of the relationship between equality and liberty in this historical period could set the foundations of renewing and even revising dominant views, which approach post-revolutionary liberalism as deprived of any egalitarian concerns. The inclusion of equality for the further study of modern political thought could achieve two objectives related to modern intellectual history. First, the content of post-revolutionary liberalism and its ideological pillar could be reconsidered under the aspect of equality. A systematic research in the role of equality for the formation of

post–revolutionary political theories would lead to the classification of different branches of liberalism according to their relationship with this value. Second, the trajectory of equality and its meaning in the history of ideas could show the different conceptualisations, which influence the articulation of arguments regarding a form of government.²⁴⁵ This exploration could indicate how the defence of specific policies or the suggestion for the function of institutions is dependent upon an adopted conception of equality, as has been shown in the case of Constant.

A research directed towards these objectives is important, because a dominant reception in favour of a unified liberalism will be challenged. In this sense, the potential distinction between separate branches of liberal thinkers could be determined by what extent they adopt an elitist direction of politics or a more democratic one, which would take into account the opinion of individuals for the formation of policies. In the case of Constant, it could be plausible to point out that the entrustment of political power to citizens is quite visible and places his liberalism away from the equivalent perspectives of his time. The exploration of the importance of equality, as has been analysed, indicates that his views on participation is more democratic than is believed and could signify the research for other similar or even divergent post–revolutionary political theories characterised by this viewpoint. Therefore, the developments in contemporary political theory could be inspired or influenced by arguments in favour of equality defended in modern intellectual history, which could be impactful to practical reforms regarding the current function of democracies.

²⁴⁵ For the neglect of equality in intellectual history, see further: Darrin M. McMahon, “To Write the History of Equality”, *History and Theory*, 58:1 (2019): 112–125

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