

**UNDERSTANDING OF POLITICAL AND MORAL THOUGHT OF BENJAMIN
CONSTANT IN HIS HISTORICAL AND INTELLECTUAL CONTEXT**

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ABSTRACT

UNDERSTANDING OF POLITICAL AND MORAL THOUGHT OF BENJAMIN CONSTANT IN HIS HISTORICAL AND INTELLECTUAL CONTEXT

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Benjamin Constant (1767-1830) was a Swiss-French philosopher in the late eighteenth and early nineteenth century. As well as one of the France's leading writers, Constant was also a journalist and an active politician. The importance of Constant stems from the fact that he was the first thinker in France who used the term 'liberal' to describe his political stance. Constant constructed his ideas mainly on liberty, more specifically individual liberty, and opposition to despotism and absolute authority. Although he experienced the Age of Enlightenment, he got inspired by romanticism and therefore he did not only eulogize pure reason, but also he embraced the importance of sentiments. In this context, this thesis was a descriptive study which is mainly based on literature review and Constant's own works. It was aimed to analyze Constant's political and moral philosophy in his intellectual and historical context from a liberal perspective. It was focused on his intellectual biography and his thoughts on the concepts of liberty, sovereignty, constitutional order, commerce, romanticism and religion. It was reached the conclusion that Constant's ideas were a composition of republican, conservative and liberal values and because he modified or reconstructed his ideas in accordance with social structure and conditions of the period, he was a pragmatic liberal. Finally, there were no sufficient studies on Constant in Turkey. Therefore, it is thought that this thesis contributed to the literature of political theory by introducing Constant's philosophy in details.

Keywords: Benjamin Constant, Liberalism, France, Liberty

ÖZET

TARİHİ VE ENTELLEKTÜEL BAĞLAMINDA BENJAMİN CONSTANT'IN SİYASET VE AHLAK DÜŞÜNCESİNİ ANLAMA

Gündoğdu, Pınar

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Benjamin Constant (1767-1830), on sekizinci yüzyılın sonlarında ve on dokuzuncu yüzyılın başında yaşamış İsviçre kökenli Fransız filozoftur. Fransa'nın önde gelen yazarlarından biri olmasının yanı sıra Constant ayrıca bir gazeteci ve aktif bir politikacıdır. Constant'ın önemi, siyasi duruşunu Fransa'da liberal olarak tanımlayan ilk kişi olmasından kaynaklanmaktadır. Constant fikirlerini esas olarak özgürlük, daha özel olarak da bireysel özgürlük ile despotizm ve mutlak otoriteye karşıtlık üzerine kurmuştur. Aydınlanma Çağı'nı tecrübe etmesine rağmen romantizm akımından da etkilenmiştir ve bu yüzden sadece saf aklı yüceltmemiş, aynı zamanda duyguların önemini de kabul etmiştir. Bu bağlamda, bu tez temel olarak literatür taramasına ve Constant'ın kendi eserlerine dayanan betimsel bir çalışma olmuştur. Tezde Constant'ın siyaset ve ahlak felsefesini kendi tarihsel ve entelektüel bağlamında ele almak amaçlanmıştır. Bunun için, Constant'ın entelektüel biyografisi ile özgürlük, egemenlik, anayasal düzen, ticaret, romantizm ve din kavramları üzerine düşüncelerine odaklanılmıştır. Çalışmada, Constant'ın fikirlerinin cumhuriyetçi, muhafazakar ve liberal değerlerin bir kompozisyonu olduğu ve fikirlerini toplumun yapısına ve dönemin koşullarına göre yeniden oluşturduğu için pragmatik bir liberal olduğu sonucuna ulaşılmıştır. Son olarak, Türkiye'de Constant üzerine yapılmış yeterli çalışma yoktur. Bu nedenle, bu tezin Constant'ın felsefesini detaylı analiz ederek siyaset teorisi literatürüne katkı sağladığı düşünülmektedir.

Anahtar Kelimeler: Benjamin Constant, Liberalizm, Fransa, Özgürlük



To the memory of my beloved mother and to my esteemed husband

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CHRONOLOGY

1767

Benjamin Constant was born in Lausanne on October 25. His mother died on November 10. He was raised by his grandmothers.

1772

After his grandmother, Constant was also brought up and educated by a peasant girl Jeanne-Suzanne- Marie Magnin who was the secret love of Constant's father and various inadequate tutors.

1774-1781

Constant stayed with his father Louis-Arnold Juste de Constant de Rebecque in the Netherlands where his father worked as an intelligent army officer.

1782

Constant was enrolled at the University of Erlangen.

1783

After his love affairs, he left the University of Erlangen and he was enrolled at the University of Edinburgh where he became friend with John Wilde and James Mackintosh.

He began study of the history of religions and attended many debates at the Speculative Society.

1785

He was obliged to leave Scotland, due to his accumulated gambling debts and he moved to his father's place in Brussels where he conceived the lifelong research project: a history of polytheism. After his affair with Marie-Charlotte Johannot, his father sent him to Paris.

1787

He met Isabelle de Charrière.

1788

After his short travel to England, he rejoined his father in Switzerland and then he went to Brunswick to take up a position as chamberlain. There he met Minna von Cramm.

1789

The beginning of French Revolution.

He lived in Brunswick and married Minna von Cramm. He followed the events in France.

First divergence with Isabelle de Charrière. He supported the Revolution.

1790-1792

He prepared a refutation of Burke's book on the French Revolution, which he could never complete.

1793

He divorced from Minna von Cramm and met Charlotte von Hardenberg, his future second wife.

The beginning of the Reign of Terror. Constant began to voice criticism against the revolutionary leaders. He had continued to defend the Revolution until 1794, but on the other hand, he worried about its excesses.

1794

He worked on his lifelong project on religion.

He met Germaine de Staël in Switzerland.

Thermidorian period began with the execution of Jacobins. He is pleased by the end of the Terror in France. A shift was seen in Constant's ideas. He became a Thermidorian intellectual.

1795

The Convention declared the new constitution in 1795 and the Directory period began.

Constant accompanied Madame de Staël to Paris. The beginning of his political activities in Paris and his first political publications.

1796

Constant publishes his first major pamphlet, *De la force du gouvernement actuel de la France et de la nécessité de s'y rallier*.

1797

He published *Des réactions politiques*, followed by *Des effets de la Terreur*. The Directory designates Constant as president of the Administration of Luzarches.

He contributed to set up a political society, the Club de Salm, as oppose to royalist club Clichy, in order to further the republican cause and to support the Directory.

1798

He worked on a translation of Godwin's book *An Enquiry Concerning Political Justice*.

1799

With the Coup d'état of the 18th Brumaire, Bonaparte took power. Constant was appointed to the Tribunat, an advisory institution.

1802

Constant is expelled from the Tribunate for his opposition to Napoleon Bonaparte.

1803

Constant began his first journal, *Amélie et Germaine*.

Madame de Staël was exiled by Napoleon and Constant accompanied her to Germany. In Weimar, they met Goethe, Schiller, the Schlegel brothers, Schelling and Wieland.

1806

He began to write his book *Principles of Politics Applicable to All Governments (Principes de politique applicables à tous les gouvernements)*.

1811

In Germany, he worked on book on religion; wrote *Ma Vie* and gave final shape to *Cécile*.

1813- 1814

Napoleon was defeated at the Battle of Leipzig. Constant wrote *The Spirit of Conquest and Usurpation and Their Relation to European Civilization (De l'esprit de conquête et de l'usurpation dans leurs rapports avec la civilisation européenne)*.

1815

Napoleon escaped from captivity, and returned to Paris. Constant agreed to collaborate with the Emperor and was appointed as conseiller d'état (Counselor of State). He helped to draft *Acte additionnel* to the constitution of the empire, because he wanted to prevent any return to the despotic rule.

A new version of *Principles of Politics Applicable to All Governments* was published.

On June 18, Napoleon was defeated at the Battle of Waterloo. Four days later, he abdicated.

On July 19, Constant received a royal order to leave France.

On October 31, Constant leaved Paris for Brussels.

1816

Constant travelled to London together with Charlotte and stayed here a couple of months and returned to Paris.

He published his novel *Adolphe* in London.

1817

Constant reviewed the journal *Le Mercure de France*.

He became one of the important leaders of Liberal Opposition.

1818

La Minerve française was launched by Constant and others.

1819

Constant elected to French parliament as Deputy for the Sarthe.

He made his famous speech at Athénée Royal "The Liberty of the Ancients Compared with That of the Moderns" (*De la liberté des Anciens comparée à celle des Modernes*).

He was elected to the Chamber.

1822

He wrote *Commentary on Filangieri's Work (Commentaire sur l'ouvrage de Filangieri)*

1824

He published the first volume of *De la religion* and the third edition of *Adolphe*.

1825-1829

He focused on preparing to publish the manuscript on religion, writing speeches and political articles, and looking after his health.

1830

Following the July Revolution, Constant supported the new king Louis-Philippe.

On December 8, Constant died. The state funeral took place at the Protestant church of the rue Saint-Antoine, and he was buried at the Père-Lachaise cemetery.

INTRODUCTION

Benjamin Constant (1767-1830) was one of the prominent philosophers in late eighteenth and early nineteenth century. Constant is a scholar with a wide range of interests from politics to literature and religion. He also wrote many books, essays and pamphlets, from which some of them were either unpublished, or published after his death. As well as one of the France's leading writers, he was also a journalist and an active or a practicing politician.

One of the significant points about Constant is that he who founded his all ideas on liberty was also one of the first representatives of French liberalism¹. As Vincent mentioned (2011), Constant embraced a liberal position during 1790s and he was first who used the term "liberal" in order to describe his political stance. He had also critical role in the Liberal Opposition² in the Second Restoration (1814-1830)³. Robert Alexander expresses that in Liberal Opposition he was the center because of three reasons: "his role as a spokesman for liberal values, interest and strategies; his frequent efforts to maintain unity within liberal ranks and to forge tactical alliances with other groups; and his recognition of the importance of organization" (2009, pp. 150).

¹ Main themes of French liberalism were liberty-especially individual liberty- and constitutional order based on limited government because of legacy of monarchical regime and revolutionary period and Napoleonic era. For further study on French liberalism, see: Martin, K. (1963). *French Liberal Thought in the Eighteenth Century: A Study of Political Ideas from Bayle to Condorcet*. New York: Harper Torchbacks; Kelly, G. A. (1992). *The Humane Comedy: Constant, Tocqueville, and French liberalism*. Cambridge: Cambridge University Press; Jainchill, A. (2008). *Reimagining Politics After The Terror: The Republican Origins of French Liberalism*. Ithaca and London: Cornell University Press. Geenens, R. & Rosenblatt, H. (Ed.), (2012). *French Liberalism from Montesquieu to the Present Day*. Cambridge: Cambridge University Press,

²Liberal Opposition appeared in 1817 in order to form committees to coordinate electoral campaigns in both Paris and the departments (Vincent, 2011, pp. 198). This was not a political party in the modern sense. Members of Liberal Opposition dissented to ultra-royalists, therefore they believed in protecting the constitutional Charter of 1814 (The first articles of the Charter are similar to a 'Bill of Rights') from ultra-royalists (Alexander, 2009, pp. 146-148). They also rejected the privilege and defended freedom of opinion and conscience and legal equality. For detailed information about Liberal Opposition, see: Alexander, R. (2003). *Re-writing the French Revolutionary Tradition: Liberal Opposition and the Fall of the Bourbon Monarchy*. Cambridge: Cambridge University Press.

³ Second Restoration was also known as Bourbon Restoration began with the abdication of Napoleon in 1814. For further information, see: Fortescue, W. (1988). *Revolution and Counter-revolution in France: 1815-1852*. New York: B. Blackwell.

Benjamin Constant's ideas derived mainly from his experiences and observations. He experienced the most important turning points in French history. He observed despotism, fanaticism, unlimited power and changes in society and in understanding of liberty. Therefore, he thought of liberty and changes in social order in terms of history and moral (Lee, 2003). Moreover, Constant analyzed circumstances within their own context. He modified his ideas or positions with regard to circumstances he experienced. For instance, even if he preferred reformation or evolution instead of revolution, at the beginning of the French Revolution he supported the Revolution and with the Reign of Terror, he refrained from ignoring the gains of the Revolution. In this sense, Todorov (1999, pp. 24) underlines: "Constant himself characterizes his personality as "fluid", but this is not inconstancy; rather, it is an extreme sensitivity to the elements of the context in which each experience occurs." Helena Rosenblatt (2004, pp. 439) asserts that Benjamin Constant pursued consistently to identify "big picture"; in other words, he was preoccupied with "the broader sociological and political patterns in history" and this led him to defend many of the liberal values such as small government, liberty and individual rights. According to Klayvas and Katznelson (1999, pp. 516), Constant's works consist of "steady gaze" on problems which did not change over time and as a solution to these problems, Constant was at times republican, at times liberal and at times traditional; that is, his thoughts were the combination of these three principle of legitimation.

Constant advocated liberty in all areas from politics to religion and philosophy, and from commerce to industry (as cited in Vincent, 2011). He also defended constitutional order, which included limited political authority, separation and balance of powers and wider private sphere. In addition, according to Isaiah Berlin (2002, pp. 207), Constant defended passionately maximum degree of non-interference in individual rights and liberties. He, as a person who had experienced Jacobin dictatorship and Napoleonic rule, knew the damages of arbitrary rule and invasion to the liberty by heart, and he believed there had to be existed an area which cannot be violated by arbitrary rule. This area must include "at the very least the liberty of religion, opinion expression and property" (Berlin, 2002, pp. 173). Therefore, because of Constant's defense of liberty and limited government, Isaiah Berlin (2002, pp. 207) regarded Constant as "one of the fathers of liberalism" and Berlin (2002, pp. 173) also declared him as "the most eloquent of all defenders of freedom and privacy".

The topic of enthusiasm occupied an important place in the understanding of liberal thoughts of the eighteenth and nineteenth centuries. With the Age of Enlightenment, reason and reasoning were canonized.⁴ Enlightened philosophers were opposed to enthusiasm and sentiments. In the Age of Enlightenment, enthusiasm had a derogatory or negative meaning; that is, as Pocock (1997, pp. 10) expresses, it depicted “the delusion or imposture of those who falsely believe or profess that they are or have been possessed by the Spirit.” In other words, many philosophers regarded enthusiasm and sentiments as a threat to superiority of reason⁵. However, Constant did not evaluate enthusiasm and sentiments as a delusion and he added positive meaning to them. And Benjamin Constant made remarkable analyzes of these issues. Although he cared about private sphere of individuals and commerce, which accelerated self-interests and individual liberty, he suggested sentiments or enthusiasm as a remedy for egoism and isolation emerged from focusing on excessive self-interest and as a means for self-fulfillment and social stability. In this respect, Vincent (2011, pp. 215) asserts: “Sentiments beyond self-interest were central not only for personal fulfillment and social stability, but also for understanding how individuals moved ahead in economic, social and political arenas.” Additionally, for Constant, Vincent (2011, pp. 215) wrote that enthusiasm was crucial for full life and passionate attachment to sentiments and enthusiasm beyond self-interest were the ones of the characteristics of modern individual fulfillment. Another important point is that Constant was not generally radical, but moderate in his analysis. In other words, when he analyzed circumstances or a phenomenon, he tried to find a balance instead of complete rejection. For instance, when he compared ancient liberty and modern liberty, he did not refuse ancient liberty or political liberty; rather he harmonized ancient

⁴ The Enlightenment, of course, cannot be reduced to the age of reason. In this regard, especially in the Scottish Enlightenment, the concept of sentiment holds a prominent place. Constant's prominence is to draw attention to this issue in the French context.

⁵ David Hume regarded enthusiasm, together with superstition, as two species of false religion and argued: “[...] when this frenzy once takes place, which is the summit of enthusiasm, every whimsy is consecrated: Human reason, and even morality are rejected as fallacious guides: And the fanatic madman delivers himself over, blindly, and without reserve, to the supposed illapses of the spirit, and to inspiration from above. Hope, pride, presumption, a warm imagination, together with ignorance, are, therefore, the true sources of ENTHUSIASM.” (1987, pp.74) See: Hume, D. (1987). *Of Superstitions and Enthusiasm*. In E. F. Miller (Eds), *Essays: Moral, Political and Literary*, (pp. 73-79). Indianapolis: Liberty Fund. For detailed information about the Enlightenment and enthusiasm, see: Laborie, L. (2015). *Enlightening Enthusiasm: Prophecy and Religious Experience in Early Eighteenth Century England*. Manchester: Manchester University Press. Ahnert, T. (2005). *Enthusiasm and Enlightenment: Faith and Philosophy in the Thought of Christian Thomasius*. *Modern Intellectual History*, 2(2), 153-177. Doi: 10.1017/S1479244305000387. Heyd, M. (1995). “*Be Sober and Reasonable*”, *The Critique of Enthusiasm in the Seventeenth and Early Eighteenth Centuries*. Leiden, New York & Köln: EJ. Brill.

concept of liberty with modern times. Moreover, he did not reject traditions or moeures (customs) and religion; rather he sought to harmonize them with liberty.

Considering Constant's works, although he was known generally with his novel *Adolphe* and his speech at Athénée Royal "The Liberty of the Ancients Compared with That of the Moderns" (*De la liberté des Anciens comparée à celle des Modernes*, 1819), he produced many books, essays and pamphlets. His other major works were *Principles of Politics Applicable to All Governments* (*Principes de politique applicables à lous les gouvernements*, 1806) which later evolved into *Principles of Politics Applicable to All Representative Governments* (1815), *The Spirit of Conquest and Usurpation and Their Relation to European Civilization* (*De l'esprit de conquête et de l'usurpation dans leurs rapports avec la civilisation européenne*, 1814), *Commentary on Filangieri's Work* (*Commentaire sur l'ouvrage de Filangieri*, 1822), and *De la religion, considérée dans sa source, ses formes et ses développements* (1824-1831). In *Principles of Politics Applicable to All Representative Governments*, he gathered his political philosophy; that is, he focused on the notion 'sovereignty, representative system, responsibilities of authority and of citizens, and liberty. *The Spirit of Conquest and Usurpation and Their Relation to European Civilization* was written to criticize Napoleon's rule. In other words, this book was an attack on the emperor's military rule. *Commentary on Filangieri's Work* includes mainly economic and political issues that Constant discussed over Filangieri⁶. According to Alan S. Khan, who translated and edited this book, from Constant's point of view, economic liberalism is not distinct from political liberalism, because both of them originate from "his commitment to individual freedom" and this Constant's work indicates that (2015, pp. xiii). *Commentary on Filangieri's Work* also reflects especially the essence of liberal government. Constant's statement within this book depicts his understanding of liberal government: "[...] the functions of government are purely negative. It should repress disorder, eliminate obstacles, in a word, prevent evil from arising. Thereafter one can leave it to individuals to find the good." (pp. 28).

⁶ Gaetano Filangieri (1752-1788) was Italian philosopher and economic theorist. His most important work was *La scienza della legislazione* (The Science of Legislation). See: Gaetano Filangieri. (2017). In *Encyclopædia Britannica*. Retrieved from << <http://0-academic.eb.com.library.metu.edu.tr/levels/collegiate/article/Gaetano-Filangieri/602985>>> For further information about Filangieri, see: Maestro, M. T. (1976). *Gaetano Filangieri and His Science of Legislation*. Philadelphia: The American Philosophical Society.

Benjamin Constant's philosophy keeps up-to-date because his ideas about liberty, the role of government, sovereignty, general will, the impact of commerce, and religion are still controversial and complex issues. Therefore, it is important to analyze his philosophy in terms of understanding the modern age or contemporary world as well as French political history.

This thesis examines Benjamin Constant's political and moral philosophy within his own intellectual and historical context. The main question of this study is, "What was Benjamin Constant's political and moral thought and what was his place in eighteenth and nineteenth century French politics?" It also seeks for an answer to the questions: "What was Constant's position in eighteenth and nineteenth century French history?" "How were the changes in his ideas within his own intellectual and historical context interpreted?" "How did Constant construct his understanding of liberty?" "How did Constant construct his understanding of constitutional order?" "How did Constant construct his understanding of religion?"

This thesis aims to analyze Constant's moral and political philosophy; to familiarize Benjamin Constant and his philosophy; and to contribute to literature in Turkey. There is no sufficient work on Benjamin Constant in Turkey.⁷ Therefore, this study contributes to the literature in Turkey for being comprehensive study directly on Benjamin Constant's political and moral thought. In this context, this thesis is a descriptive study on Benjamin Constant and his thought. For this purpose, the literature about Benjamin Constant and some of his major works which are translated into English are reviewed. Also, while analyzing Benjamin Constant's philosophy, the historical background of the notions that Constant dealt with is given and it is occasionally benefited from comparison of his ideas with those of the other philosophers.

⁷ In Turkey, there is not a comprehensive study or thesis directly on Benjamin Constant. However, there are some parts mentioned Benjamin Constant's philosophy. For instance, H. Çetin's master thesis named *Liberalizm: Tarihsel Kökenleri, Felsefi Kökenleri ve Temel İlkeleri* (Liberalism: Historical Roots, Philosophical Origins and Main Principles, Unpublished Master thesis, Cumhuriyet University, Institute of Social Science, 1996) includes a small part on Benjamin Constant. Also, in the M.C. Oğuz's Ph.D dissertation named *Liberalizmden Sosyal Reform Düşüncesine: 19.yy İngiliz, Amerikan ve Fransız Siyasal Düşüncesinin Kurumsal ve Entelektüel Dönüşümü* (From Liberalism to Social Reform Thought: Institutional and Intellectual Transformation of nineteenth Century English, American and French Political Thought, Unpublished PhD dissertation, Ankara University, Institute of Social Sciences, 2014), in the third chapter, it was mentioned Benjamin Constant and constitutional liberalism. In other master thesis named *Egemenlik Kavramı ve Carl Schmitt* by Y. Görgün (The concept of Sovereignty and Carl Schmitt, Unpublished master thesis, Marmara University, Institute of Social Sciences, 2015), it was expressed Benjamin Constant's ideas on sovereignty.

In this regard, I argue that Constant's ideas were a composition of republican, conservative and liberal values. He applied the values that he defended passionately to his private and political life. However, while he determined his principles and values, he took into consideration the social structure and the conditions of the age and period. Because he modified or reconstructed his ideas and principles in accordance with social structure and conditions of the period, he was a pragmatic liberal.

I constructed my thesis on four main chapters except introduction and conclusion parts. The first chapter deals with Benjamin Constant's intellectual biography in order to figure out the background of his philosophy. In this regard, the answers for the questions such as "what were the key aspects that shaped Benjamin Constant's thought?", "What was Constant's attitude towards the French Revolution" are sought. Also, his famous novel *Adolphe* is reviewed. The second chapter focuses on his understanding of liberty within the context of his famous speech "The Liberty of The Ancients Compared with That of Moderns". It is tried to clarify why Constant made such a distinction, and whether this distinction has similarity with Isaiah Berlin's distinction of liberty as positive liberty and negative liberty. The third chapter is on Constant's political philosophy. While analyzing his philosophy, it is mentioned Rousseau's thought on general will and sovereignty in the light of his book *Social Contract* and Montesquieu and his contribution to the doctrine of the separation of powers. In this context, Constant's ideas on general will, sovereignty, the doctrine of separation of powers and his argument of constitutional monarchy as a neutral power are discussed. Additionally, his perspective on government comparatively with Godwin's perspective is included, and it is touched upon his thoughts on federalism, commerce and romanticism. The fourth chapter is dedicated to his lifelong project on religion. In other words, his perspective on religion is analyzed. In this chapter, firstly it is tried to find out the roots of Constant's interest in religion. His definition of religion and his distinction of religious form is also analyzed.

CHAPTER 1

INTELLECTUAL BIOGRAPHY

This chapter focuses on respectively Benjamin Constant's life and career, his thoughts on the French Revolution and reviewing of his famous novel *Adolphe*. In this respect, the key figures and circumstances in Constant's life is tried to mention, as well as his educational and intellectual life, his reactions towards different phases of the French Revolution and how he narrated his socio-political ideas and even his real life through his famous novel *Adolphe*.

1.1. Constant's Life and Career

Henri-Benjamin Constant de Rebecque, one of the most important philosophers of early nineteenth century, was born in Lausanne, Switzerland in 1767. He was a descendant of a Swiss Protestant aristocratic family of Huguenots⁸, whose ancestors had left France in the seventeenth century. His father, Louis-Arnold Juste de Constant de Rebecque was an intelligent army officer in the service of Holland. His mother, Henriette- Pauline née de Chandieu-Villar, died in 1767, sixteen days after his birth. He was brought up by his relatives then a peasant girl Jeanne- Suzanne- Marie Magnin who was the secret love of Constant's father and various inadequate tutors. In 1782, he was enrolled at Erlangen University in Southern Germany. After several negative circumstances about Constant, his father sent him to the University of Edinburgh in 1783. In Scotland, he established friendships with historian

⁸ Huguenots were French Protestants minority group that followed Calvinist school in sixteenth century. After the civil wars (1562-1598), Henry IV promulgated the Edict of Nantes which provided a kind of protection and religious, civil, judicial and military rights for Huguenots. However, the French Roman Catholic clergy did not accept Huguenots and in 1685, Louis XIV revoked the Edict of Nantes. Because of general harassment, many Huguenots migrated to England, America, Netherlands and Prussia. For the origin of the word Huguenots, see: Gray, J. G. (1983). The Origin of the Word Huguenot. *The Sixteenth Century Journal*, 14(3), 349-359. doi:10.2307/2540193. For further information also see: Ruymbeke, B. V., & Sparks, R. J. (Eds.). (2003). *Memory and Identity: The Huguenots in France and the Atlantic Diaspora*. Columbia: University of South Carolina Press. Adams, G. (1991), *The Huguenots and French Opinion, 1685-1787 The Enlightenment Debate on Toleration*, Waterloo: Wilfrid Laurier University Press

and philosopher Sir James Mackintosh⁹, historian Malcolm Laing¹⁰, and professor of civil law John Wilde¹¹ at Edinburgh. They played a significant role in shaping of his ideas (Wood, 2009, pp. 5). Especially, they contributed to Constant's awareness of the history of religion. Through John Wilde's sponsorship, Constant became a member of the Speculative Society¹² (Wood, 1993, pp. 46). Sir James Mackintosh impressed him with his discipline and intellectual effort and also encouraged him to write. Mackintosh and Constant also shared a common interest on the history of religion (Wood, 1993, pp. 48-49). After Mackintosh's first essay on the religion of Ossian in the Speculative Society, Constant complimented Mackintosh for his smart hypothesis and commented his essay, in Mackintosh words, "he said that he believed Macpherson¹³ to have been afraid of inventing a religion for his Ossian." (as cited in Wood, 1993, pp. 49). Malcom Laing also worked on Macpherson's Ossian poems. Through all these discourses on Ossian poems, Constant realized the complexity of the history of religion (Wood, 1993, pp. 50).

The Edinburgh Speculative Society, founded in 1764 as a student organization, was also important for Constant's life, because he first time participated in debates on political, religious and historical themes within this student organization. His interest in the history of religion or his own awareness of complexity of religion developed in discourses in the

⁹ James Mackintosh was a prominent Scottish Whig politician, a moral philosopher, and a historian of England. In fact, he took education on medicine in the University of Edinburgh. He wrote the book *Vindiciae Gallicae* (1791) on the French Revolution. For further information, see: O'Leary, P. (1989). *Sir James Mackintosh: The Whig Cicero*. Aberdeen: Aberdeen University Press. McKenzie, L. (1981). The French Revolution and English Parliamentary Reform: James Mackintosh and the *Vindiciae Gallicae*. *Eighteenth-Century Studies*, 14(3), 264-282. doi:10.2307/2738491. W. (1830). Sir James Mackintosh. *The National Magazine*, 1(1), 10-16. doi:10.2307/30058055

¹⁰ Malcolm Laing was Scottish historian worked mainly on authenticity of Ossian's Poems. He also published *History of Scotland from the Union of Crowns, on the Accession of King James VI to the Throne of England, to the Union of the Kingdoms*. For his brief biography, see Lee, S. (Eds.). (1892). *Dictionary of National Biographies*. Vol. 31. London: Smith, Elder, & CO. Retrieved from <<https://ia802707.us.archive.org/7/items/dictionaryratio47stepgoog/dictionaryratio47stepgoog.pdf>>. See also (Wood, 1993, pp. 50).

¹¹ As Wood mentioned (1993, pp. 51-52), John Wilde was born in Edinburgh and a professor of civil law. He also suffered from mental disorder. His course at university of Edinburgh focused on history of Roman Law. Benjamin Constant identified him: "He was immensely learned, tireless in his enthusiasm for his studies, brilliant in his conversation, and of excellent character" (as cited in Wood, 1993, pp. 51). About his teaching method of Roman Law, see: Cairns, J. (1991). Rhetoric, Language, and Roman Law: Legal Education and Improvement in Eighteenth-Century Scotland. *Law and History Review*, 9(1), 31-58. doi:10.2307/743659 .

¹²The Speculative Society was one of the debating clubs founded in 1764 in Edinburgh and its activities included lectures and discussions of interrelated historical, political, moral and religious themes (Rosenblatt, 2008, pp. 12). For detailed information, see: Speculative Society of Edinburgh (1905). *The History of The Speculative Society, 1764-1904*. Edinburgh Printed for the Society by T. and A. Constable. Retrieved from <<<https://archive.org/details/historyofspecula00specuoft>>>

¹³ It is about James Macpherson's book named *Works of Ossian* (1765).

Speculative Society¹⁴ (Wood, 1993, pp. 50). The first speech of him in the Speculative Society was on “The Influence of the Pagan Mythology on Manners and Character”¹⁵ (Wood, 1993, pp. 50). His interest in religions maintained with the lectures in the University of Edinburgh. He attended lectures on the religion and myths of the ancient world. These lectures contributed to his interest in polytheism, and more specifically to his lifelong project on the history of religion.

In 1785, he was obliged to leave Scotland, due to his accumulated gambling debts (Rosenblatt, 2008, pp. 13) and he moved to his father’s place in Brussels where he conceived the lifelong research project: a history of polytheism (Wood, 1993, pp. 62). In Brussels, he also had an affair with Marie-Charlotte Johannot married with a Genevan, Joseph-Jean Johannot. Therefore, his father took him away from Brussels to Paris and Marie-Charlotte poisoned herself. In Paris, he met Isabelle de Charrière. While in Paris, Constant was tired of his father’s rebukes and he ran away to England, and he wandered from London to Edinburgh on horseback (Wood, 2009, pp. 6). After he came back, his father sent him to the court of the Duke Brunswick in order to work there. In Brunswick, he had affairs with Minna von Cramm and Charlotte von Hardenberg during six years that he lived there. In 1794, he moved to Switzerland. In Switzerland, he met Germaine de Staël. In 1797, he returned to Paris as a chairman of the municipality of Luzarches. Although he sometimes left Paris because of various reasons like his affairs with women, he always returned to Paris and he died in Paris.

It is obvious that Constant travelled and lived in many different places such as Paris, Brussels, Brunswick, Switzerland, The Hague, London, Oxford, Erlangen and Edinburgh because of his father’s profession, his own education and profession, and his affairs with women. His active life enabled him to learn to speak French, English and German and his background made him a cosmopolitan (Vincent, 2011, pp. 20).

Constant’s affairs with women were one of the important aspects that shaped his personality and intellectual life. Benjamin Constant was not successful in his relations with women. He married twice and had serious relationships with many women. Minna von Cramm, Isabella de Charrière, Germaine de Staël, Julie Talma, Anna Lindsay and Charlotte von Hardenberg

¹⁴ It will be touched upon the effect of the Speculative Society in the last chapter Benjamin Constant’s Thought on Religion.

¹⁵ Unfortunately there is no record of this discourse.

were significant women in Constant's life. Although there were many women who impressed Constant considerably, two of these women in his life were more important than others in terms of impacts on his character, psychology and ideas. The famous writer Isabella de Charrière was the first of them.¹⁶ Constant's relationship with Isabella de Charrière lasted from 1787 until her death in 1805. Isabella de Charrière was Constant's loyal friend. She played a critical role in his emotional and intellectual life, especially in his development as a novelist. Benjamin Constant thought that they suited each other perfectly (as cited in Vincent, 2011). They shared some similarities, but the main similarity was their skeptical world view (Vincent, 2009, pp.184). According to Gustave Rudler, Isabella de Charrière was responsible for the growth of Constant's skepticism, pessimism and rebelliousness (as cited in Vincent, 2011). Isabella de Charrière was also Constant's primary confidant and advisor (Vincent, 2009, pp. 184). As a novelist, her ideas and conversations were an encouragement to him to fulfill his own potential as a writer. She encouraged him to pursue his works (Wood, 2009, pp. 6). Most importantly, she created a private sphere for him to be free (Wood, 1993, pp. 89). Constant could do what he liked or act how he liked when he was with her, and this contributed to his self-exploration (Wood, 1993, pp. 89). Although they were compatible with each other in many aspects, they had different points of view on the French Revolution¹⁷.

Another important woman in Constant's life was Germaine de Staël. Constant met Madame de Staël, wife of the Swedish ambassador in Paris, in 1794. Their relations lasted until 1811. Madame de Staël was politically moderate. During the empire, she tried to be politically and culturally influential and her chateau became a center of liberal opposition to Napoleon (Vincent, 2009, pp. 184). During the early year of the revolution, she supported the monarchy and she attempted to convince the government not to prosecute the former queen, Marie-Antoinette, in her work *Réflexions sur le procès de la reine* (Vincent, 2011, pp. 36). Constant admired Madame de Staël's intellectual profundity and personality (Todorov, 1999, pp. 17). They had similar political and intellectual concerns and they evaluated each other's works (Vincent, 2011, pp. 38). They were inspired by constitutional ideas of

¹⁶ For further information about Madame de Charrière and her relations with Constant see: Courtney, C. P. (1993). *Isabelle de Charrière (Belle de Zuylen): A Biography*. Voltaire Foundation.

¹⁷ The difference of opinion between Madame de Charrière and Constant on the French Revolution will be expressed in later part.

Germaine's father Jacques Necker¹⁸ (Vincent, 2009, pp. 188; 2011, pp. 38). They supported the Constitution of 1795 and opposed to the Jacobin Left (Vincent, 2009, pp. 187). Both of them espoused liberal ideas and thoughts over protection of rights, balance of powers and constitutional system. The beginning of his relations with Madame de Staël was the sign of changes in his life. For instance, from 1794 to 1802, Constant took his first steps in the French public life, wrote several texts on political theory and focused deeply on his study of religion¹⁹ (Todorov, 1999, pp. 16). Madame de Staël also introduced him to key Thermidorians²⁰, Vicomte de Barras and Abbé Sieyès²¹; therefore, Constant had a chance to discuss on the principal topic, the need for a new constitution (Rosenblatt, 2008, pp. 38; Wood, 1993, pp. 157). Along with their relationship, Constant published his first political pamphlets.²² In late 1795, his first political text, *Lettres a un député de la Convention*, which attacked the Convention and defended his republican ideal was published in Jean Baptiste Suard's journal *Nouvelles politiques* (Wood, 2009, pp. 7). K. Steven Vincent (2011, pp. 38) describes these important works as the emergence of French liberalism. These works recommended the main liberal values such as the protection of rights and liberties,

¹⁸ Necker's influential works are *Du pouvoir exécutif dans les grands Etats* (1792), which eulogized the English constitutional monarchy, and *De la Révolution française* (1796), which focused on the constitutions of 1791 and 1795 (Vincent, 2011, pp. 106).

¹⁹ In 1794, he began to work on his five volume book *De la religion considérée dans sa source, ses formes et ses développements*. Also, in 1796, his first major pamphlets *De la force du gouvernement actuel de la France et de la nécessité de s'y rallier*; *Des réactions politiques* and *Des effets de la Terreur* were published.

²⁰ Thermidorian Era is the period, began with Robespierre's downfall on 9 Thermidor Year II (July 27, 1794) and ended with the dissolution of the National Convention (October 26, 1795). Thermidorians also were politicians who defeated Robespierre and ended the Reign of Terror and took power. For further information see: Mason, L. (2015). Thermidor and the French Revolution. *French Historical Studies*, 38(1), 1-7. Doi : 10.1215/00161071-2822832. Israel, J. (2014). *Revolutionary Ideas : An Intellectual History of the French Revolution from the Rights of Man to Robespierre*. Oxford and Princeton: Princeton University Press. Furet, F. (1996). *The French Revolution , 1770-1814*. (A. Nevill, Trans.). Oxford: Blackwell Publisher.

²¹ Sieyès was a clergyman and political writer. He published the most important pamphlet *What is the Third Estate? (Qu'est-ce que le tiers-état?)* in 1789. His pamphlet was like a manifesto of the Revolution. In this book, he argued that the third estate was real nation. He was also effective in organizing the coup d'état in 1799 that brought Napoleon Bonaparte to power. The Constitution of Year VIII in 1799 was composed of the idea of Sieyès (Wood, 1993, pp. 170). For further information about Sieyès and his pamphlet, see: Swell, W. H. (1994). *A Rhetoric of Bourgeois Revolution: The Abbé Sieyès and What is the Third Estate?*. Durham and London: Duke University Press. Sieyès, E. J., Weber, F., & Lembcke, O. (2014). *Emmanuel Joseph Sieyès: The Essential Political Writings*. Leiden: Brill NV. [eBook Academic Collection/ EBSCOhost]. Retrieved from << search.ebscohost.com/login.aspx?direct=true&AuthType=ip&db=e000xww&AN=782404&site=eds-live&authtype=ip,uid>>. Kubben, R. (2014). *L'Abbé de Sieyès: Champion of National Representation, Father of Constitutions*. Oxford University Press. doi:10.1093/acprof:oso/9780198714989.003.0013

²² His first major pamphlets *De la force du gouvernement actuel de la France et de la nécessité de s'y rallier*; *Des réactions politiques* and *Des effets de la Terreur* were published. He also worked on a large manuscript, *Fragments d'un ouvrage abandonné sur la possibilité d'une constitution republicaine dans un grand pays*, which was unpublished until 1991 (Vincent, 2011, pp. 38).

constitutional order, which included the separation and balance of powers and representative system.

Benjamin Constant experienced *Ancien Regime*, the Revolution and lived under the Directory, Consulate and Empire. This background contributed to shaping of his ideas. After the French Revolution, the Directory²³ period lasted from 1795 until 1799 and in that period France was governed by a collective leadership of five directors. Benjamin Constant had a desire to be involved in new regime, the Directory, in France (Wood, 2009, pp. 7). During the Directory, he was a moderate and supported the new regime. Constant embraced and wanted to protect the principal gains of the Revolution. Otherwise, he believed that it would be possible to return to either Jacobin Terror or the old regime even though both were undesirable (Wood, 2009, pp. 7; Rosenblatt, 2008, pp. 49). For that reason, he began to write on defending the government. In 1796, he wrote a pamphlet, entitled *De la force du gouvernement actuel et de la nécessité de s'y rallier*. In this work, he defended the status quo in France (Wood, 2009, pp. 7). In 1797, he contributed to setting up a political society, the Club de Salm, as opposed to royalist club Clichy, in order to further the republican cause and to support the Directory (Wood, 1993, pp. 164-165). Also, he took on his first political role as chairman of the municipality of Luzarches in France.

In that period, Constant was not consistent in his behavior. Although he pursued a politically moderate way and expressed his fear of a return to Terror, he defended the Directory's coup d'état of 18 Fructidor²⁴ in 1797 against moderates and royalists which caused many casualties and deportations like those in the Terror period (Wood, 2009, pp. 8). On the other hand, in 1799, he defended the coup d'état of 18 Brumaire²⁵ that brought Napoleon

²³ Under the rule of Directory, France experienced, for the first time, bicameral legislative system; that is, Council of Five Hundred and Council of Elders. Executive power was vested in five Directors chosen by the Elders from a list presented by the Five Hundred. On the other hand, in this period, in France, there was a financial crisis; treasury was almost empty and France was continually at war with foreign countries. The Directory was blamed for continuing the war and for financial situation of France. The political insecurity and the desire for a strong executive brought about the rise of Napoleon Bonaparte. The Directory Era of France was destroyed by Napoleon Bonaparte. For detailed information about Directory, see: Goodwin, A. (1937). *The French Executive Directory- A Revaluation*. *History*, 22(87), 201-218. Doi: 10.1111/j.1468-229X.1937.tb00128.x. Lyons, M. (1975). *France Under The Directory*. Cambridge: Cambridge University Press. Doyle, W. (2002). *The Oxford History of The French Revolution* (2nd ed.). Oxford: Oxford University Press.

²⁴ The coup d'état of 18 Fructidor (4 September 1797) was staged against the Royalists by the Republicans in the government, because the Royalists had gained strength in last elections. For further information, see: Mignet, F. A. (2006). *History of the French Revolution from 1789 to 1814* (Soft-cover). BiblioBazaar. ISBN: 1-4264-3581-9.

²⁵ The coup d'état of 18 Brumaire (9 November 1799) was staged by Napoleon Bonaparte. This coup ended the directorial system and even the Revolution.

Bonaparte to power and overthrew the Directory by replacing it with French Consulate, but at the same time, he wrote to Emmanuel Joseph Sieyès expressing his concern that liberty would perhaps need to be defended against the successful general (as cited in Wood, 2009, pp. 8). In 1799, Constant was elected as a member of the Tribune.²⁶ In 1800, he made a speech on the need for the independent Tribune from the government. Also, during the Tribune, he supported the imposing of some legal limits on Napoleon's exercise of power and criticized draft laws. These Constant's political activities were not tolerated by Napoleon and Constant was excluded from the list of tribunes. With the First Consul's rule, all publications were controlled by Napoleon. In such circumstances, it was hard for Constant to be able to publish political works. In 1803, Napoleon exiled Germaine de Staël because of her novel *Delphine* which was about a woman who conflicted with rules and conventions of the society, because Napoleon believed that the views within this novel indirectly called into question his rules and policies (Wood, 1993, pp. 181). Constant did not leave her alone and he chose to accompany her into exile. In this period, he wrote the first volume of his important work on religion *De la religion considérée dans sa source, ses formes et ses développements* and his important novel, *Adolphe*, focused on a treatise on political theory, produced a *Journal Intime* (Diary) and left unfinished two autobiographical works, *Ma Vie* and *Cécile* (Todorov, 1999 pp.17). Also, in 1814, he wrote *De l'esprit de conquête et de l'usurpation*. In this work, he focused on the relationship between citizens and their rulers in the modern world and criticized society and general will notions and also attacked Napoleon's despotic rule, because Constant claimed that ancient times included tyrannical rule based on military conquest and enslavement and because of that reason, Napoleon's rule was a dangerous anachronism (Wood, 2009, pp. 13). He meditated on constitutional theory and in 1815 wrote *Principes de politique applicables a tous les gouvernements représentatives (Principles of Politics Applicable to All Representative Governments)* which included his political ideas. This book was the extended version of 1806 *Principes de politique applicables a tous les gouvernements (Principles of Politics Applicable to All Governments)*. From scope of political authority to action of government to fundamental rights and freedom, Constant collected his liberal ideas in this book.

²⁶ Tribune was an assembly set up with the Constitution of Year VIII in Napoleonic Era. Its members were appointed by the senators. It has 100 members whose function was to examine propose bills, to accept or reject them and to express a view on them, but not to change a bill. It acted as an advisory body (Wood, 1993, pp. 170-171).

In the Bourbon period²⁷, Constant returned to Paris (1814) and began working on the subject of freedom of the press. In 1815, Napoleon escaped from captivity and returned to France. Napoleon needed a leading representative of liberalism for the new order (Wood, 2009, pp. 14). After an interview with Napoleon, in 1815, Constant agreed to collaborate with the Emperor and was appointed as conseiller d'état (Counselor of State). During the Hundred Days, he helped to draft *Acte additionnel* to the constitution of the empire, because he wanted to prevent any return to the despotic rule (Wood, 2009, pp. 14). During the Restoration, he published many pamphlets and revived the journal *Le Mercure de France*. This journal was significant for introducing his liberal worldview to a wider audience (Wood, 2009, pp. 15). After this journal was closed down by the government, he set up the weekly *La Minerve française* and in the *Minerve*, he published the *Mémoires sur les Cent-Jours* which was his memories of Napoleon's Hundred Days in 1815 and this is indicated as one of the peak points of Constant's career as a political writer (as cited in Wood, 2009, pp.16). Constant attempted many times to obtain parliamentary seat and was finally elected to the Assembly in 1819. After he lost his seat in 1822, he refocused on works on religion and published the first volume of his work on religion, entitled *De la religion considérée dans sa source, ses formes et ses développements* in 1824. In this year, he was reelected to Parliament by Parisian electors. The revolution of July 1830 was perceived as a victory by liberals. Constant wrote a declaration in favor of Louis-Philippe²⁸ administration. It was seen as a chance for liberal reforms. Constant gave advice to the new administration and continued to defend freedom of thoughts and expression which were the corner stones of his liberal ideas.

²⁷ The Bourbon era is known as the Restoration or Bourbon Restoration (1814-1830). Bourbon monarchy regained the power with the abdication of Napoleon in 1814 and Louis XVIII became the king. In 1815, Napoleon escaped from captivity and succeeded to the throne once again, but after a while, he was forced to abdicate again and in 1816, the Second Restoration began. The Second Restoration was ended in 1830 with the July Revolution. For this brief information about the Bourbon era, see: Bourbon Restoration. (2017). In *Encyclopædia Britannica*. Retrieved from <<http://0-academic.eb.com.library.metu.edu.tr/levels/collegiate/article/Bourbon-Restoration/471895>> For detailed information about the Bourbon Restoration, see: Artz, F. Binkerd. (1963). *France under the Bourbon Restoration, 1814-1830*. New York: Russell & Russell. Alexander, R. (2003). *Re-writing the French Revolutionary Tradition: Liberal Opposition and the Fall of the Bourbon Monarchy*. Cambridge: Cambridge University Press.

²⁸ Louis-Philippe was the Duke of Orleans. Along with the abdication of Charles X who was the King of France in the Second Restoration, the Bourbon Restoration ended and under the rule of Louis Philippe, a new constitutional monarchy was established in 1830. In other words, Louis Philippe became the king of France between 1830 and 1848 after the July Revolution. For detailed information together with whole Bourbon Restoration, see: Alexander, R. (2003). *Re-writing the French Revolutionary Tradition: Liberal Opposition and the Fall of the Bourbon Monarchy*. Cambridge: Cambridge University Press. For the July Revolution and Louis Philippe, see: Beik, P. H. (1965). *Louis Philippe and the July Monarchy*. Princeton, N.J: Van Nostrand. Collingham, H. A. C., & Alexander, R. S. (1988). *The July monarchy: A political history of France, 1830-1848*. London: Longman.

After the very active, fervent and complicated life, he died in 1830 and his funeral became a state occasion. Until today, Benjamin Constant has stayed in memories and has been remembered as a founding father of liberalism in Europe (as cited in Wood, 2009, pp. 18).

1.2. Constant's Thought on the French Revolution

The French Revolution is one of the milestones of not only modern European history but also the world political history.²⁹ It lasted from 1789 until 1799. The Revolution which began with a popular insurgency towards Bastille Prison, which was the most important symbol of the Ancien Régime (Ağaoğulları, 2011, pp. 603) ended with the ascent of Napoleon. The French Revolution was influenced by Enlightenment, and also its ideological background was prepared mainly by Montesquieu, Rousseau, Voltaire and Sieyès (Ağaoğulları, 2011, pp. 597-598). That is, even though the Enlightenment itself cannot be said to have brought about the Revolution, the intellectual inheritance of the Enlightenment established a framework for political discussions of the revolutionary period³⁰ (Vincent, 2011, pp. 7).

The revolutionary period included many complicated cliques and relations. Therefore, to explain the French Revolution as the overthrow of French monarchy and the end of feudal system privileges is not adequate. With the French Revolution, the French society, old and established order and institutions of France were radically transformed; the principles or values, which would influence deeply human history, such as nation, nationalism, popular sovereignty, citizenship, civil rights, general will and nation-state arose and spread over the world. Another important point about the French Revolution is that although the Revolution had positive results and played a critical role in shaping modern nations, it brought about a bloody period- the Reign of Terror- and coups or revolts against the Terror.

The year of the Terror from 1793 to 1794 was the sign of transformation towards persecution. On the one hand, the active participation of citizens in clubs and in the referendum on the

²⁹ For the French Revolution, see: Doyle, W. (2002). *The Oxford History of the French Revolution*. Oxford: Oxford University Press. Israel, J. (2014). *Revolutionary Ideas: An Intellectual History of the French Revolution from the Rights of Man to Robespierre*. Oxford & Princeton: Princeton University Press. Kates, G. (Eds.). (1998). *The French Revolution: Recent Debates and New Controversies*. London & New York: Routledge. Davidson, I. (2016). *The French Revolution: From the Enlightenment to Tyranny*. New York: Pegasus Books.

³⁰ About the relationship between the Enlightenment and the French Revolution, see: Deane, S. (1988). *The French Revolution and Enlightenment in England, 1789–1832*. Cambridge: Harvard University Press. Martin, X. (2003). *Human Nature and the French Revolution: From the Enlightenment to the Napoleonic Code*. New York & Oxford: Berghahn.

new constitution increased, but on the other hand, the suspension of elections, the suspension of the constitution declared in 1793, increasing centralization of authority and the arrest and execution of opponents became more troubling (Vincent, 2011, pp. 8; Aĝaoĝulları, 2011, pp. 606). In this period, the sans-culottes³¹ invaded the Convention. With the popular uprising, new demands were expressed: more food, price controls, punishment of traitors and surveillance of suspects (Luca, 2009, pp. 92). These demands and violence showed that the Reign of Terror became destructive for the principles of the Revolution. When the Terror proceeded and became a system of government, its deeper meaning was revealed by the law of June 10, 1794: The Revolutionary Tribunal (Luca, 2009, pp. 93). The main aim of The Revolutionary Tribunal was to judge “enemies of the people”. This meant that judicial trials were transformed into political trials and this mechanism caused to create new enemies (Luca, 2009, pp. 93).

With the ninth of Thermidor³² (27 July 1794), a new transition began. Jacobin Club of the Reign of Terror lost its legitimacy, the power returned to the body of the Convention, Robespierre and other Jacobins were executed (Vincent, 2011, pp.12). In this period, French liberals and liberal ideas came to the fore. As Stefano De Luca (2009, pp. 94) mentioned, “Thermidorians tried to end the Revolution by translating the principles of 1789 into a stable political constitutional regime.” The Convention declared the new constitution in 1795. With the new constitution, the Directory period began and this period –in other words the Revolution- was ended with the ascent of Napoleon Bonaparte.

Experiences and observations of the French Revolution, the Reign of Terror and especially those of the Thermidor and the Directory were crucial for many scholars/ philosophers in terms of coming up with new ideas. The political-fiscal crisis of the pre-revolution and the whole revolutionary period deeply influenced the political thoughts of the early liberals like Benjamin Constant (Vincent, 2011, pp. 7). Those years played a decisive role in

³¹ The sans-culottes were militant group including the small peasants, the agricultural day-laborers, the journeymen, the artisans, the small shopkeepers of the later eighteenth century (Soboul, 1954). Also in Francois Furet’s book, the sans-culottes was defined as “revolutionaries who made a virtue of plain dress (culottes, breeches, being regarded as a mark of privilege)”, see: Furet. F. (1996). *The French Revolution, 1770-1814*. (A. Nevill, Trans.). Oxford: Blackwell Publisher.

³² The ninth of Thermidor was calculated according to Republican calendar and it refers to 27 July 1794. According to *the Encyclopedia of the French Revolutionary and Napoleonic Wars* (pp. 813), The Republican calendar was used in France from 1793 to 1806 as a secular and Revolutionary alternative to the Gregorian calendar. The word “Thermidor” means “heat”. See: Barnes, G. F. (Eds.). (2006). *The Encyclopedia of the French Revolutionary and Napoleonic Wars*. California: ABC- CLIO.

transforming and shaping Constant's political identity. During the early years of the French Revolution, from 1788 to 1794, Constant lived in Brunswick, Germany where he was appointed to the largely ceremonial post of Gentleman of the Bedchamber for the Duke of Brunswick (Wood, 2009, pp. 6). Therefore, he observed the revolutionary events in France remotely. As Vincent mentioned (2011, pp. 32), this provided him with a more neutral position than that available to those who participated directly in the Revolution.

The correspondence, Constant maintained with Isabelle de Charrière, is the principal source in order to figure out Constant's reactions to the early phases of the Revolution.³³ The letters written to Charrière reflected Constant's enthusiasm for the Revolution. Dennis Wood stated that Constant's response to political repression was as fierce as to any infringement of his own personal freedom, and it had already made him a démocrate, an opponent of monarchs and churchmen. It would make him a natural supporter of the French Revolution when it came (Wood, 1993, pp. 103). He was also shocked at, as he called it, how "the devastating torrent" of the Revolution overwhelmed peoples' lives in unforeseen and often tragic ways (as cited in Vincent, 2004, 2011). His attitude towards the Revolution- his support of the radical political transformation- alienated him from his acquaintances in the court of Brunswick (Vincent, 2011, pp. 32). In his letters to Madame Charrière, Constant mocked the misguided rulers of Europe, because they perceived the Revolution as "the result of the innate sinfulness of mankind" and also he criticized Edmund Burke's ideas in his book *Reflections on the Revolution in France* (1790) by expressing the absurdities such as defending nobility, exclusion of parties and the establishment of a dominant religion in Burke's book (as cited in Vincent, 2011).

During the early years of the Revolution, he was pleased with the collapse of the French absolute monarch, its feudal remnants, its hostility of liberty and its state religion (Vincent, 2000, pp. 611). He expressed his ideas about the Revolution by focusing on the inequities of the Old Regime rather than focusing on the new revolutionary order (Vincent, 2000, pp. 611). The letters written to Charrière reveal that by categorizing the human race, Benjamin Constant chose up sides: "The human race is born stupid and led by rogues, that is the norm but if I have to choose between one lot of rogues and another, I'll vote for the likes of

³³ Benjamin Constant and Isabelle de Charrière. *Correspondance* (1787–1805). Edited by Jean-Daniel Candaux. Paris: Desjonquères, 1996.

Mirabeau and Barnave rather than of Sartine and Breteuil.”³⁴ (as cited in Wood, 1993; in Vincent, 2000). Also, in these letters, Constant regarded himself as a “democrat” which was used as the contrary of “aristocrat” and believed that “common sense is clearly against any other system” (as cited in Rosenblatt, 2008; in Vincent, 2011). Considering Isabelle de Charrière’s position, her position toward the Revolution was different from Constant’s position in early years of the Revolution. While she welcomed the prospect of reform in France, she condemned violence and defended the rights of the individuals as against the group, whether that individual was an aristocrat or a commoner, because many innocent individuals might suffer in a violent and uncontrolled upheaval (Wood, 1993, pp. 137).

The French Revolution brought about the Reign of Terror (1793-1794) which was led by the Jacobins such as Robespierre and Mirabeau. Madame de Charrière was justified in her fear. With the Reign of Terror, the conflict between them became clear. Isabelle de Charrière always disliked abstract system and preferred moderate reform. Therefore, she became more critical of the Revolution especially after the event of August 1792 (Vincent, 2009, pp. 185). In this period, Constant’s position did not change, but he began to voice criticism against the revolutionary leaders. He had continued to defend the Revolution until 1794, but on the other hand, he worried about its excesses (Vincent, 2000, pp. 612). For instance, in 1792, he wrote: “Some of the revolutionary leaders were demagogues who betray the people. This infamous excess... inspires me with such distaste that I can no longer hear the words humanity, liberty, country, without having the desire to vomit.” (as cited in Vincent, 2011). On the other hand, Constant continued to defend Robespierre, even though Robespierre was one of the prominent leaders of the bloody era and even though many people were executed by guillotine, because the Revolution had achieved the positive accomplishments, therefore too much criticism could cause to ignore these accomplishments, and he did not want to be undermined them. Instead of this, he preferred to defer criticism and to play a waiting game what the events would take a turn (Vincent, 2000, pp. 612). For this reason, Constant referred himself as a pragmatic democrat (Vincent, 2000, pp. 612). Vincent (2011, pp. 34) claims that Jacob Mauvillon, a radical figure of the German Aufklärung who Constant befriended in Brunswick influenced Constant’s early ideas about the Revolution. Mauvillon was working with Mirabeau on a study criticizing absolutism and despotism and his radical

³⁴ Mirabeau and Barnave were early revolutionaries, but Sartine and Breteuil represented the Old Regime.

enlightenment perspective reinforced Constant's favorable attitude towards the Revolution. In a letter of 1794, he wrote Madame de Charrière about Robespierre and the Terror:

You were wrong, if you believed that I doubted the possibility of a Republic without a tyrant like Robespierre, and consequently with liberty. I believed that compression, in that moment of crisis, to be absolutely necessary. I believed it still, but I think that a time will come, a time that is not far off, when this compression will no longer be needed and when the Republic will be only liberty. [...]. I am like a man who obliged to travel on a very bad road, tired of hearing his fellow travelers complain about the rocks, the mud, the potholes, the chaos, plugs his ears and fixes his eyes on the tower of the village that is his destination (as cited in Vincent, 2000).

Isabelle de Charrière was dissatisfied with this attitude which Vincent depicted as “ends justified the means” (Vincent, 2011, pp. 35) and she responded: “It is very good not to complain of a bad road, but it is equally bad, that is to say it is a shame, for an intelligent person to take for the tower of the village that is one's destination a stick illuminated by the moon” (as cited in Vincent, 2011).

In addition, Benjamin Constant's attitude towards the Terror period became more explicit in his political writings after the Reign of Terror. For instance, in his famous speech entitled “The Liberty of the Ancients Compared with that of the Moderns” given at Athénée Royal in 1819, Constant argued that the first guides of the revolution could not recognize changes in the disposition of mankind; changes in social and economic circumstances, and this caused them to commit some errors (1988c, pp. 317). Also, Constant highlighted that they were influenced by especially two philosophers, Jean-Jacques Rousseau and Gabriel Bonnot de Mably³⁵, whose theories belonged to the ancient times and therefore, their views stemmed from the works of these philosophers (1988c, pp. 317-319). In this regard, Stephen Holmes claims that Constant backed off from the idea that the Jacobins had confused ancient and modern liberty and instead of this, he preferred that they had simply misunderstood the trade-offs involved (2009, pp. 58). Holmes is right in his claim, because the Jacobins- affected by Rousseau and Mably and educated in a way that made them to incline to the ancients- wanted to exercise public power in the way that they had learned from their guides. As Constant mentioned (1988c, pp. 320): “They believed that everything should give way before

³⁵ The revolutionary leaders were inspired by ideas of Rousseau and Mably. Especially Rousseau's ideas on general will influenced Robespierre. For further information about the influence of Rousseau and Mably on the Revolution, see: Baker, K. M. (1990). *Inventing the French Revolution: Essays on French Political Culture in the Eighteenth Century*. Oxford: Oxford University Press. McDonald, J. (2013). *Rousseau and the French Revolution, 1762-1791*. London, New Delhi, New York, Sydney: Bloomsbury.

collective will, and that all restrictions on individual rights would be amply compensated by participation in social power.” In addition, Giovanni Paoletti deduces from Constant’s this view that this effort to figure out the Jacobin’s illusion as a rational or understandable belief indicated the distinctiveness of Constant’s argument about ancient and modern liberty (as cited in Garsten, 2009a, pp. 403).

At the end of 1794, a shift was seen in Constant’s ideas. His stance was modified and his attitudes and behaviors have evolved towards a more moderate political position (Vincent, 2011, pp. 36). He reported to Isabelle:

The French political scene has mellowed to an astonishing degree [...] I see with pleasure the moderates taking a clear ascendant over Jacobins [...] I can feel myself growing more moderate, and it would need you to suggest an innocuous little counter-revolution now for me to return to the high ground of republican principle (as cited in Wood,1993).

With the Thermidorian period, the transformation in Constant’s ideas became more obvious. He became a Thermidorian intellectual in the sense that he aimed to separate the Revolution from the Terror, to save 1789 from 1793 (Luca, 2009, pp. 94). His polemical writings would start to provoke Joseph de Maistre³⁶ and Adrien de Lezay-Marnesia (Luca, 2009, pp. 94). In this regard, he conflicted with Adrien Lezay-Marnesia’s ideas on the fundamental importance of the Terror Era. Adrien de Lezay-Marnesia was one of the admirers of the Revolution and he mainly supported the idea that the Terror had saved the France, because there were financial and economic crisis and war both inside and outside had led France to choose harsh administration (Luca, 2009, pp. 100). As Lezay argued, the Committee of Public Safety had no choice and the effects of its decisions were “prodigious” (as cited in Luca, 2009, pp. 100). Lezay distinguishes all popular revolution into three phases: The first one is enthusiasm of the people, the third one is the general desire of peace, and the middle phase occurs when the popular vigor has decreased and the revolutionaries are exhausted. In this phase, the reinforcements are required to revitalize the people, and for Lezay those

³⁶ Joseph de Maistre (1753-1821) was a conservative philosopher like Edmund Burke. He was opposed to the French Revolution and he had counter-revolutionary attitude. His most important work was *Considération sur la France* (Considerations on France) (1797). For detailed information, see: Armenteros, C. (2011). *The French Idea of History: Joseph De Maistre and His Heirs, 1794-1854*. New York: Cornell University Press

reinforcements in the French Revolution corresponded to the Terror³⁷ (as cited in Luca, 2009, pp. 99-100).

Nevertheless, Constant refused to justify the Terror as well. He wrote in his new essay entitled *Des effets de la Terreur* (On the Consequences of the Terror) written in 1797 : “[...] the Terror was not necessary to save the Republic [...], the Terror did nothing but harm, and that its legacy to the Republic of today is all the perils which threaten the Republic even now.” (as cited in Wood, 1993).

This historical debate between Constant and Lezay is important, because it sets a model for all other debates on the Terror in terms of the main argumentative strategies (Luca, 2009, pp. 95). This debate maintained its significance in twentieth century especially after the Bolshevik Revolution. Scholars who justified and who refused to justify the Terror evaluated the Bolshevik Revolution according to this debate. According to scholars who justified the Terror, the Bolshevik Revolution was a historical necessity just like the Terror and the Terror was the prefiguration of this revolutionary dictatorship, because it contributed to the realization of a classless society. On the other hand, other scholars defended to distinguish the good revolution of 1789 from bad revolution of 1793 in the name of individual rights and they set the principles of 1789 against both those of 1793 and those of 1917 (Luca, 2009, pp. 95). Stefano de Luca (2009, pp. 95) clarifies the importance of this debate in the twentieth century: “The debate about the Terror carried all the weight and drama of the twentieth century political and ideological conflict between liberal democracy and totalitarianism.”

At that point, while Constant distinguished the principles of 1789 from those of 1793, it is important to ask was there any relation between the Terror and the Revolution or in other words, is it possible to distinguish 1789 from 1793? Edmund Burke gave possible answer to this question in his book *Reflections on the Revolution in France* written in 1790 before the Terror. In his famous book, Burke mainly argued that the principles of the Revolution were abstract and metaphysical, and also they did not match up with the historical and social reality of France (Burke, 2016). He foresaw that the Revolution and its abstract character would cause chaos, violence and dictatorship. Therefore, for Burke, there was no substantial difference between 1789 and 1793, between monarchiens and Feuillants, between Girondins

³⁷For detailed information, see: Marnesia, A. L. (1797). *Des causes de la Révolution et de ses résultats. The Journal d'économie publique*. His text was not translated into English. Therefore, citations are from Stefano De Luca's article in the Cambridge Companion to Benjamin Constant.

and Jacobins (Luca, 2009, pp. 96). Joseph de Maistre also argued that the Terror and the Revolution were different phases of the same process. The Terror was a necessary consequence of the Revolution. By adding theological point of view, he explained the Terror as a punishment of the French people because of their atheistic spirit. On the other hand, Constant always tried to distinguish sharply the Revolution from the Terror in order not to overlook the acquisitions of 1789. Regarding the Revolution's abstractness, Constant differed with Burke. Constant argued that the very identity of 1789 was based on the universality of individual rights that create abstractness to which Burke objected. To reach the political order based on the rule of law and the universality of individual rights constituted the main significance of 1789. However, the Terror damaged both. Therefore, Constant objected to any attempt to justify the Terror or depict it as an outgrowth of the principles of 1789 and denied any link between 1789 and 1793 (Luca, 2009, pp. 103).

In this respect, what was the reason behind this shift in Constant's behavior? Many possible reasons for this ideological shift can be listed. First of all, women who came into his life influenced Constant's attitudes and ideas. For example, Isabelle de Charrière always criticized Constant's ideas on the Reign of Terror in her letters to him. The evaluation of the Revolution was the main contradiction between them. The correspondence between Constant and Isabelle de Charrière on the Revolution and her ideas could be one of the reasons on his transformation. Another influential woman was Germaine de Staël. Constant met her in 1794 when Robespierre was executed and Thermidorian period began. She was politically moderate and Constant admired her in every respect. Madame de Staël also enabled him to meet with the key Thermidorians like Vicomte de Barras and Abbé Sieyès (Rosenblatt, 2008, pp. 38). Beside Madame de Staël, her father, Jacques Necker's constitutional ideas influenced Constant deeply (Vincent, 2009, pp. 188). Therefore, she played an important role in Constant's ideological transformation. Another possible reason was Constant's desire to play a role in French politics (Vincent, 2000, pp. 613). He believed in playing an active role in French politics. Therefore, his ambition to play a role in French politics was quite powerful. To do this, he must be a French citizen, reside in France and own property (Vincent, 2011, pp. 42). He appealed to the government of Directory for French citizenship by indicating his ancestors, Huguenots, who were exiled from France (Vincent, 2011, pp. 42). He borrowed money from Madame de Staël's father Jacques Necker and bought several properties in order to fulfil the conditions (Vincent, 2011, pp. 43). His

powerful ambitions to play a role in French politics overreached his love. Although he loved Madame de Staël, when she was forced to leave from France because of her political activities Constant was torn between being with Germain de Staël and pursuing his ambition. Therefore, he stayed in France and sometimes visited Madame de Staël in Switzerland (Vincent, 2009, pp. 188). Moreover, he did not leave Paris for an extended period until he was excluded from the Napoleonic Tribunat in 1802 (Vincent, 2011, pp. 42). He attended sittings of the Convention and became one of the important spokespersons for moderates who hoped to unify moderate republicans and constitutional monarchists into a centrist party (Vincent, 2011, pp. 42). In fact, this ambition explains also why he was referring himself as a pragmatic democrat.

Consequently, as one of the turning points of world history, the French Revolution affected ideas of many scholars. The debates and the evaluations on the French Revolution set a model for those on subsequent popular uprisings or revolutions. Like many scholars, Constant's political identity was also influenced by the Revolution. Constant monitored the early phase of the Revolution in Brunswick. While he was a fervent supporter of the Revolution at the beginning, eventually he became a moderate. In Constant's ideological transformation, firstly the women who came into his life were effective and secondly his desire to have a place in French politics. In this process, he always beware of ignoring the gains and principles of the Revolution. For this reason, he evaluated the Reign of the Terror independently of the French Revolution.

1.3. Constant's Famous Novel: Adolphe

Beside his important writings on religion and political thought, it is fair to say that his fame in the general public comes largely from his novel *Adolphe*. It was written in 1806 and rewritten in 1809 and 1810 during the Napoleonic Empire. However, the first edition of the novel was published in 1816 in both England and France. During Constant's lifetime, this novel failed to gain recognition it deserved and it took more than seventy years to become a distinguished classic (Rosenblatt, 2009, pp. 366).

Benjamin Constant's famous novel *Adolphe* is centrally about the consequences of a love affair between young Adolphe and an older woman Ellénore and the conflict between the structure and the expectations of society and Adolphe's character traits. As K. Steven Vincent mentioned (2002, pp. 264), *Adolphe* is connected with Constant's analysis of human

nature and of society. Adolphe is twenty-two years old an upper-class German. He wants to be free from every bond that binds him to society and environment. Despite this desire of independence, he feels emotionally void inside his heart. With the guidance of social convention, he decides to acquire a mistress. He meets with a beautiful Polish woman Ellénore, ten years his senior, in Count de P**'s home. She is Count de P**'s mistress and has two children from him. Adolphe writes a love letter, but gets negative response from her. Her negative response stimulates his love. He insists on his love and persuades her to become lovers. After a while, he begins to feel more dependent on Ellénore because of her excessive passion for him and he feels also discomfort because of her social position and the expectations of the society from Adolphe himself. However, every obstacle or every action aiming to their separation stimulates his desire to Ellénore. Ellénore sacrifices her lover Count de P** and her two children for Adolphe, therefore, he feels responsibility for her, but he also regrets about the postponement of his career and independence. He never forecasts the consequences of his actions. A baron, a friend of Adolphe's father wants Adolphe to write an apology letter and to promise him to separate from Ellénore. The baron sends this letter to Ellénore and she dies from a broken heart in Adolphe's arms³⁸.

There is not a consensus on whether this book is an autobiography or a literature. *Adolphe* can be read from different perspectives. For instance, it can be read as a true story connecting with Constant's real-life; that is as if it was Constant's autobiography. Many readers have believed that this book was about women with whom Benjamin Constant had intimate relationship³⁹ (Conroy, 2012, pp. 222). As Vincent asserts (2009, pp. 173), many scholars have also focused on identifying the real-life woman who was the model for the female protagonist Ellénore and many have asserted that *Adolphe* was a more or less transparent representation of Constant himself. This way of reading *Adolphe* did not contribute to Constant's fame, because this caused to focus on Constant's personal life and to combine Constant's character with protagonist of this novel *Adolphe* (Rosenblatt, 2009, pp. 366). On the other hand, Constant rejected the similarity between Adolphe's relationship with Ellénore and his own with Madame de Staël, Anna Lindsay, Juliette Récamier or Charlotte von Hardenberg (Wood, 1993, pp. 232). In the biography of Constant, Dennis Wood (1993,

³⁸ For detailed information about structure and theme of the novel, see: Hobson, M. (1971). Theme and Structure in 'Adolphe'. *The Modern Language Review*, 66(2), 306-314.

³⁹ Dennis Wood sees that Ellénore represented Anna Lindsay, the Irish royalist and mistress of Auguste de Lamignon (1993, pp. 175-176).

pp. 24) mentions the effects of the early traumas in Constant's life on his character traits. The death of his mother, his father's indifference, growing lovelessly with his relatives and many tutors caused Constant's fear of rejection, his depression, his difficulty in sustaining long-term relationships with women, a tendency to indecision and uncertainty about the future and etc. In this regard, Wood draws from Freudian critic Han Verhoeff and his book *Adolphe et Constant: une étude psychocritique*. Verhoeff explains Adolphe's ambivalent attitude towards Ellénore with the echo of the early loss of Constant's mother (Wood, 1993, pp. 24). Constant has a letter published in the *Morning Chronicle*, English newspaper, written about this similarity: "Neither Ellénore, nor Adolphe's father, nor the Count de P** have any resemblance to any person I have ever known. Not only my friends, but my acquaintance are sacred to me." (as cited in Wood, 1993, pp. 232). Even though the protagonists in the novel are fiction and even though Constant refused to any resemblance to his real personal life, as far as in every book, it is possible and natural that *Adolphe* includes some echoes from its author's character traits.

In addition, *Adolphe* can be read by focusing on character and modern society. In analyzing the protagonists in *Adolphe*, the issue of character⁴⁰ and the inconsistency of the protagonists to the social mores are the central focus. Also, while analyzing the character traits of the protagonists in *Adolphe*, it was realized that Constant focused on the significance of character for modern society. For instance, Adolphe dissents against dogmatic social and moral codes, because it makes him angry that everyone accepted these rules without questioning (Constant, 1935, pp.7). The contradiction between the character and values is depicted through the character of the protagonists. Although Ellénore cares about the family life, which was founded in compliance with social procedures and order, she is a mistress and she never married the father of her children and this contradicts with existing social mores (Constant, 1935, pp. 14). In accordance with social conventions, Adolphe should focus on his career and marry with a woman who measures up in terms of her lineage, wealth and appearance, but he rubs against the grain. K. Steven Vincent claims that *Adolphe* is not just about the failure of love; it is also about the tragic incompatibility of certain character traits and the structure, and mores of the modern society (Vincent, 2009, pp. 201). Vincent also cites Constant's statements in the unpublished preface to the second edition of *Adolphe*:

⁴⁰ For detailed information about the issue of character, see: Vincent, K. S. (2004). Benjamin Constant, the French Revolution, and the Problem of Modern Character, *History of European Ideas*, 30(1), 5-21.

I wanted to portray in *Adolphe* one of the principal moral maladies of our century, this fatigue, this uncertainty, this absence of force, this perpetual analysis, which places a mental reservation beside all sentiments, and because of that corrupts them from their birth. [. . .]. And it is not only in the intimacies of the heart that this moral weakness extends, that this impotence of durable impressions is evident; all is tied together in nature. Fidelity in love is a force as in religion, as with liberty. But we no longer have any strength. We no longer know how to love, to believe, to want. Everyone doubts that which he says, smiles with vehemence on that which he affirms, and hastens the end of that which he tries (as cited in Vincent, 2002, pp. 365-366).

In fact, this passage contains some clues about Constant's political and religious thoughts. For Constant, focusing on the issue of character was significant, because it was the beginning of moral action, emotional and spiritual fulfillment, and important for the survival of a liberal political regime (Vincent, 2009, pp. 202). While strength and consistency of a character are critical for a successful love, for religion, belief is vital, and for liberty enthusiasm is required (Vincent, 2002, pp. 366). However, in the novel, male and female protagonists are incompatible with the requirements of the modern age, and this novel shows the failure of a modern man to measure up. Benjamin Constant observed the failure of the modern man and the weakened nation in the late- eighteenth century in France. Constant put forward that modern character was deeply flawed in "a nation weakened by the excess of civilization, a nation which has become vain and frivolous due to the education of the monarchy, and in which even the enlightened have become sterile, because they make clear only the route, but do not give men the power to move ahead." (as cited in Vincent, 2002, pp. 366)⁴¹. As Constant mentioned, in such a nation love tragically failed, religion was weakened by skepticism and institutional intolerance, and political freedom was caught between absolutism and usurpation (Vincent, 2002, pp.366).

Another important concept focused on this book is independence. "Liberty" or "independence" is remarkable concept in Constant's works. Even in his novel *Adolphe*, desire for independence is depicted through the male protagonist Adolphe. It is important to highlight that this desire for independence is not equivalent to political autonomy (Todorov, 1999, pp. 142). This desire for independence is emotional independence; so, it is about individual's relation to his affections, and about escaping from the situations that he got

⁴¹ It has been drawn from secondary sources in this citation, because the primary source is French letters written by Constant for Julie Talma.

bored, therefore, it cannot be evaluated according to a citizen's relation to the state (Todorov, 1999, pp. 142).

The period when *Adolphe* was written was under Napoleonic rule, there were solid limitations on liberties and any opposition or criticism against the regime was not tolerated. Even though this novel could not correspond to theoretical political writings, Constant depicted also sociopolitical conditions and Adolphe's stance against them. Adolphe's desire for independence can be read through this perspective. Adolphe complains about the rule of aristocratic society, vanity and people's efforts for acclaiming the high level of society. He wants to escape from all these chains. After his relationship with Ellénore began, a new chain occurs. Ellénore's passion turns into a burden for Adolphe and he misses his old life of independence. However, independence is meaningful when Ellénore is a part of his life. Once his relationship with Ellénore finishes, the values represent nothing more for him (Todorov, 1999, pp. 143). Todorov asserts that an entirely independent life would be a meaningless life, and would endanger the very existence of its subject (Todorov, 1999, pp. 143). Indeed, he soon experiences, after Ellénore's death, that the other name for independence is the desert of the world, the absence of love, painful loneliness (Todorov, 1999, pp. 200). In terms of society, social bonds and sociability, the human being cannot totally escape from those. Constant was aware of ambivalence about modernity: it was an advance for individual liberty, but it had also the potential of reinforcing narrowness, egoism and privatized sterility (Vincent, 2002, pp. 377). Through Adolphe as a modern man, as Tzvetan Todorov highlighted (1999, pp. 150), Constant shows that the modern man is condemned to pay a high price for his freedom and he is not constrained to make his choice between the traditional community and egoistic loneliness. Concisely, the analysis of the character in *Adolphe* gives us this message. Even though, at the first glance, this novel is about tragic consequences of Adolphe's behaviors and love affairs between him and Ellénore, it also includes Constant's thoughts about modern society, social mores and the modern man.

CHAPTER 2

CONSTANT'S DISTINCTION OF LIBERTY: ANCIENT LIBERTY VERSUS MODERN LIBERTY

This chapter focuses on Constant's famous distinction of liberty as ancient liberty and modern liberty. It is dealt with Constant's analysis of liberty through fundamental notions chosen from his famous speech "The Liberty of the Ancients Compared with That of the Moderns", and relations of these notions with liberty. In this context, after the brief information about the background of this distinction, war-liberty relation, commerce-liberty relation, private and public sphere, individual liberty – political liberty, the analysis of Constant's liberty distinction in terms of positive liberty- negative liberty are respectively expressed.

2.1. Background of Ancient and Modern Liberty Distinction

Benjamin Constant referred predominantly to the notion of liberty in his political writings. In the preface to the *Mélanges de littérature et de politique* (1829) he reflected:

For forty years, I have defended the same principle: freedom in all things, in religion, philosophy, literature, industry and politics. And by freedom I mean the triumph of the individual both over an authority that would wish to govern by despotic means and over the masses who claim the right to make a minority subservient to a majority (as cited in Wood, 1993, pp. 4-5).

However, Benjamin Constant's most famous and substantial text that put forward straightforward approach about the concept of liberty is his lecture entitled "The Liberty of Ancients Compared with That of Moderns" and delivered this lecture at Athénée Royal of Paris in 1819. It will be meaningful to discuss Constant's ideas on liberty by referring mainly to this lecture, because this lecture is the most systematic and elucidatory work of Benjamin Constant on liberty.

In his lecture, Constant remarked an essential distinction between two sorts of liberty: The ancient liberty, which is mainly about political liberty, required the active, collective and

direct participation of all citizens in the government; the modern liberty that is based on enjoyment of private rights under a representative system. In the considerable part of the lecture, he promoted the modern liberty and individual freedom as the vital part of the modern liberty. While championing individual liberty, he did not overlook the importance of political liberty. He declared, in his text, political participation as both the protector of individual enjoyments and the expression of modern civil liberty.

When analyzing his important lecture, it is important to seek for an answer why he felt the need of this kind of distinction. The main answer is Constant's political experience. As it was mentioned in detail in the first chapter, Constant experienced the Reign of Terror, Directory and Napoleon rule and he took an active role in state affairs in France. Therefore, it is possible to see the reflections of his political experiences in his political philosophy. Especially, the Reign of Terror shaped his political thoughts. Marcel Gauchet (2009, pp. 24) asserts that the Revolution's swerve toward tyranny, which was compounded by Napoleon's despotism, a close cousin of Jacobin dictatorship, was the core of Constant's thoughts. According to Constant (1988c), the investigation on this distinction was significant from two different angles:

Firstly, the confusion of these two kinds of liberty has been amongst us, in the all too famous days of our revolution, the cause of many an evil. France was exhausted by useless experiments, the authors of which, irritated by their poor success, sought to force her to enjoy the good she did not want, and denied her the good which she did want. Secondly, called as we are by happy revolution (I called it happy, despite its excesses, because I concentrate my attention on its results) to enjoy the benefits of representative government, it is curious and interesting to discover why this form of government, the only one in the shelter of which we could find some freedom and peace today, was totally unknown to the free nations of antiquity. (pp. 309)

He also argued that the cause of the Terror was the confusion between old-style republican liberty and a new type of liberty, which satisfies the need of modern man (Holmes, 2009, pp. 56). He thought that the Jacobins pursued the ancient virtue because they were attracted by such an anachronistic vision of political liberty (Garsten, 2009a, pp. 401-402). There was an illusionary situation which the Jacobins and their followers supposed that they were free in Terror period and also Constant's argument about confusion of two kinds of liberty suggested that the Jacobins and their followers were suffering under this illusion (Garsten, 2009a, pp. 402). In this regard, why were the Jacobins affected by the ancient liberty or in general the ancient virtues? Constant also enumerated the reasons of this illusion in his lecture (1988c, pp. 317-318). Firstly, there was an admiration and longing for ancient

histories and heroic actions (Garsten, 2009a, pp. 403). In fact, the effects of nostalgia for the past have been observed in politics and daily life in every epoch. Bryan Garsten (2009a, pp. 402), in his review article of Giovanni Paoletti's book entitled *Benjamin Constant et les Anciens: Politique, Religion, Historie*, reminds that nostalgia for the ancients has neither disappeared from politics nor receded from political theory today by demonstrating "twentieth century example of fascism, which took its name from Roman fasces and many debates about neo-Roman liberty or about the relevance of Athens to deliberative democracy". Secondly, the longing for the past was very strong especially when people lived for a long time under oppression by vicious government just as French (1988c, pp. 317). Thirdly, the leaders of the revolution were impressed more by the philosophers such as Rousseau and the abbé de Mably. These modern thinkers had not noticed the differences between two kinds of liberty, and for Constant, both had followed the ancients. He claimed that the leaders of the revolution extracted their theories from the works of these two philosophers who had not noticed the changes in the dispositions of mankind that two thousand years had brought (1988c, pp. 317)⁴². Jacobins had tried to constitute modern liberty within the image of ancient liberty, demanding contemporaries to subjugate themselves to society to a degree intolerable for a modern people (Luca, 2009, pp. 112).

Constant witnessed the transformation of historical conditions or in other words, he noticed changes in circumstances and the requirements of the modern age. With the modern age, commerce has started to rise⁴³, political entities and the population of states have expanded and the needs and the dispositions of mankind have changed. In ancient times, there was no awareness about individual liberty or representative system.⁴⁴ Social conditions and organizations of the ancients were different from that of the moderns and they could not feel the need for individual liberty or representative government (1988c, pp. 310). That is, changes in social conditions and the needs brought along the changes in 'liberty' perception. Isaiah Berlin, in his famous essay entitled "Two Concepts of Liberty", explained this (2002,

⁴² Constant's objection to Rousseau's ideas will be discussed in the next chapter.

⁴³ For detailed study on rise of evolution of commerce, see: Howell, M. C. (2010). *Commerce Before Capitalism in Europe, 1300-1600*. Cambridge: Cambridge University Press. Tracy, J. D. (Eds.). (1991). *The Political Economy of Merchant Empires: State Power and World Trade 1350-1750*. Cambridge: Cambridge University Press.

⁴⁴ For detailed study on society and political philosophy in Ancient Greece, see: Pomeroy, S. B., Burstein, S. M., Donlan, W. & Roberts, J. T. (2011). *Ancient Greece: A Political, Social, and Cultural History* (3rd ed.). Oxford: Oxford University Press. Gagarin, M. & Woodroff, P. (Eds.). (1995). *Early Greek Political Thought from Homer to the Sophists*. Cambridge: Cambridge University Press.

pp. 172): “It is true that to offer political rights or safeguards against intervention by the State, to men who are half-naked, illiterate, underfed and diseased is to mock their condition; they need medical help or education before they can understand, or make use of, an increase in their freedom.” Therefore, as Constant mentioned (1988a, pp. 102), the liberty which was suited to living conditions and bellicose disposition of ancient republics was no longer fitted for modern men. In this regard, it is important to analyze profoundly the fundamental differences between these two sorts of liberty and consequently to figure out the connection between political liberty and individual liberty underscored by Constant.

2.2. War-Liberty Relations

In Constant’s thought, the perception of war of ancients and of moderns was one of the main sources from which these two kinds of liberty emanated. The disposition of the ancient republics was bellicose, because they were geographically small and they attacked or threatened each other constantly (Constant, 1988c, pp. 312). In other words, the conquest or fear of being conquered was the veracity of inhabitants of ancient republics. This compelled their entire male citizens to be trained and ready for combat (Holmes, 2009, pp. 52). Bellicosity also framed their liberty understanding.

In his analysis of ancient and modern liberty, Benjamin Constant questioned the meanings of liberty according to ancients and moderns. In ancient republics, the meaning of liberty was about “carrying out collectively but directly many parts of the over-all functions of government” and it included collectively discussing and declaring war (Constant, 1988c, pp. 310-311). In the ancient world, war was a constant occupation and peoples were constant warriors. This brought about need for slaves for the manual labor and even the business activities (Constant, 1988c, pp. 312). All ancient republics had slaves and in order not to be captured and not to be sold into slavery, citizens of ancient states should not be defeated (Holmes, 2009, pp. 52). At this juncture, Stephen Holmes, while expressing Constant’s distinction of liberty, asserts that ancient liberty was *freedom from*⁴⁵ before it was *freedom to*⁴⁶ (2009, pp. 52). Even if ancient liberty sounds positive in general, when Constant described it as freedom from enslavement, its negative facet surfaces (Holmes, 2009, pp.

⁴⁵ ‘Freedom from’ refers to negative freedom which means freedom from any external interference restriction or absence of barriers that hinder one’s acts.

⁴⁶ ‘Freedom to’ refers to positive freedom. As Isaiah Berlin (2002) explained, positive freedom is about being able to control over one’s own destiny or being one’s own master.

52). Therefore, war was important for ancients to obtain their security and independence (Constant, 1988c, pp. 312). They had to pay this price to sustain their whole existence (Constant, 2003, p. 353; 1988a, pp. 52). That is to say, surviving and being a victor in a war for ancients reflected their liberty.

On the other hand, Constant argued that the modern world was precisely the opposite of the ancient world (2003, pp. 353). In the modern world, even the smallest state was larger than the biggest state of ancient world. Whereas each people had isolated family in former times and social organization was simple, in modern times social organization has become much more complicated, and a mass of people, despite living under different names and forms, have essentially become homogenous by nature (Constant, 1988a, pp. 53; 2003, pp. 353). Modern conditions such as rise of commerce, decrease in frontiers between nations and even technological innovations have created new, but common or similar customs, habits and lifestyles; that is, these societies have homologized to each other. Their tendency also was toward peace. They knew that war required active force. Modern people did not have enough time to be always ready for any war. However, peace offered a condition which each person could freely form project; focus on his personal plans (Constant, 2003, pp. 355). In this respect, Constant put forward that modern peoples have been civilized enough to find war burdensome and strong enough to no need to fear from invasion by barbarian hordes (2003, pp. 353). He also clarified in his book *Principles of Politics Applicable to All Governments* (2003, pp. 354): “To the degree the character of ancients was warlike, ours is pacific. For them a successful war was an infallible source of wealth for individuals. For us a successful war always costs more than its worth. The outcomes of wars are no longer the same.” In modern times, war has been an anachronism and enemy to liberty (Jennings, 2009, pp. 78). Therefore, for moderns, there has been a new method of achieving the same end, possessing what is desired: Commerce.

2.3. Commerce- Liberty Relations

Benjamin Constant denoted commerce⁴⁷ as another difference between the ancients and the moderns (2003, pp. 355). He explained commerce as an attempt to get through mutual

⁴⁷ For detailed information about advantages of commerce and its contribution to civilization, see: Adam Smith, *The Wealth of Nations*, and Montesquieu's famous book *The Spirit of Law* and David Hume's thought on commerce, see: Hume, D. (1987). Of Commerce. In E. F. Miller (Eds), *Essays: Moral, Political and Literary*, (pp. 253-267). Indianapolis: Liberty Fund See also, Braudel, F. (1992). *Civilization and Capitalism fifteenth and eighteenth Century: The Weels of Commerce*. Berkeley & Los Angeles: University of California Press.

agreement, something that one has given up hope of acquiring through violence (1988c, pp. 313). Constant, in his book *Principles of Politics Applicable to All Governments* and his famous lecture “The Liberty of the Ancients Compared with that of the Moderns” enumerated some reasons about why commerce did not progress among ancients. Before this, he notably underscored that there were trading people among the ancients, but they were somehow exception from the general rule⁴⁸ (1988c, pp. 313-314). In the sense of their customs and way of trading, their commerce was also surrounded by the atmosphere of war and hostility (Constant, 1988c, pp. 314). One of the reasons that commerce did not progress among ancients was the ignorance of the compass (Constant, 2003, pp. 355). The sailors could not move away too much from the coast. Another reason was religious prejudices that were opposed to maritime trade. However, the main reason was that the war had preceded the commerce (Constant, 1988a, pp. 53; 2003, pp. 356). Constant argued that a man who was always stronger would never conceive the idea of commerce (1988c, pp. 313; 2003, pp. 356). However, commerce requires peaceful and stable environment.

In modern times, war has lost its utility, because it had not satisfied modern peoples’ desires any more. Modern nations were looking for repose and comfort. In order to acquire and secure tranquility and agreeable comfort, they have gradually embraced commerce (Lumowa, 2010, pp. 396). In terms of effect of commerce on repose and comfort, Constant’s idea is similar to Montesquieu’s idea. For Montesquieu, leading to peace was the natural effect of commerce (1989, pp. 338).

Moreover, Constant mentioned that the spirit of moderns had been essentially commercial (2003, pp. 356). Thanks to commerce, men have awakened to fascination of individual independence and without the interference of the authorities; commerce had satisfied their desires and needs (Constant, 1988c, pp. 315). In commercial nations, individuals were stronger than the governments and dependency of each citizen from his country’s lot has declined by contrast with ancient times (Constant, 2003, pp. 357). Therefore, citizens have become more open to others. Commerce has created interdependency along with mutual

Berry, J. C. (1989). Adam Smith: Commerce, Liberty and Modernity. In P. Gilmour (Eds.), *Philosophers of Enlightenment*, (pp. 113- 132). Edinburgh: Edinburgh University Press.

⁴⁸ For detailed study on history and meaning of commerce in the ancient world, see: Parkins, H. & Smith, C. (Eds.). (1998). *Trade, Traders and the Ancient City*. London and New York: Routledge. Meijer, F. & Nijf, O. (1992). *Trade, Transport and Society in the Ancient World*, (A Sourcebook). London and New York: Routledge. Casson, L. (1984). *Ancient Trade and Society*. Detroit: Wayne State University Press. Lopez, R. S. (1976). *The Commercial Revolution of the Middle Ages, 950-1350*. Cambridge: Cambridge University Press.

interests between commercial nations. The personal interest or mutual interests in commerce have prevented people from being bellicose, and even if the leaders could be enemies to each other, citizens have been compatriots (Constant, 2003, pp. 357). It can be interpreted that commerce has liberated peoples from the government; encouraged their sense of individual independence; provided private sphere to shape and maintain their own futures and led to peace and repose⁴⁹.

2.4. Private Sphere versus Political Sphere

Another difference between ancient and modern times is increase in the importance of private sphere with the modern times. In Benjamin Constant's political writings, there is a strong emphasis on protecting private sphere for modern individuals' personal improvement. Along with the changes in circumstances and tendency of human being, the word "liberty" had taken on new meanings. Modern men sought for a wider private sphere to design their own future. Therefore, for moderns, liberty meant the independence in private sphere such as liberty to choose their own religion or liberty to express opinion. On contrary to moderns, the formers could reach their aims or improve their capacities within political sphere. The significant point in Constant's diagnosis on the liberty of ancients is that the liberty of ancients had a collective and mainly political meaning such as vote on new laws, discuss and make decisions about war and peace, form alliances with foreign governments and pronounce judgments (Constant, 1988c, pp. 311). Therefore, the ancients reached greater satisfactions in their public existence and fewer in their private life (Constant, 1988c, pp. 104). In this regard, there was a complete subjection of the individual to the authority of group (Constant, 1988c, pp. 311). The ancients were completely engaged in political affairs and had slaves to deal with daily works. In addition, Constant argued that all private actions were strictly monitored and the individual was sovereign in public sphere but a slave in all his private relations (1988c, pp. 311).

On the contrary to ancients, the liberty of moderns had private meanings such as right to express opinion, disposing of property, associating with other individuals and choosing a profession and practicing it (Constant, 1988c, pp. 310-311). These mainly belonged to a private sphere. The liberty of moderns has been about private enjoyments. In modern times,

⁴⁹ The issue of commerce, especially considering Constant's thought, will be also mentioned in the third chapter.

the individual was independent in his private sphere (Constant, 1988c, pp. 312). As Vincent (2011, pp. 206) expressed, Constant thought that modern individuals were more drawn to private concerns than their ancient ancestors had been. Vincent also adds, by referring to Constant thought, that the ancients actively participated in public life, while the moderns best developed their capacities and found their greatest satisfactions in everyday private activities (2011, pp. 206). Constant also believed that in modern age, it was necessary to defend and promote the private sphere against the infringements of public institutions and public opinion (Vincent, 2011, pp. 208). That is, the moderns' tendency for liberty was towards private sphere. As Stefano de Luca (2009, pp. 112) indicated, "If ancient liberty was exclusively public and went hand in hand with subjugation of the individual, modern liberty was predominantly private, as reflected in a broad sphere of civil liberties coupled with and supported by political liberty which was exercised indirectly through representative system."

Thanks to modern age, individualism has come to the forefront. Marcel Gauchet, in his important articles "Liberalism's Lucid Illusion", points out that once the reign of the individual has begun, two spheres were indelibly marked out: a civil sphere, constituted by relations established at the initiative of individual agents when they use their freedom to own property, to forge alliances, to express themselves, or to worship; and a political sphere, constituted exclusively by certain specific requirements of collective life (2009, pp. 32). Also, Tzvetan Todorov (1999) explains the importance of private sphere in this way:

Any human being's existence is divided into two domains, one public, the other private; one in which society exerts control, the other governed by the individual himself. Freedom is the name given to the border separating these two domains, to the barrier beyond which any intervention of society is illegitimate, where the individual decides everything by himself (pp. 42).

Constant argued throughout his famous speech "The Liberty of the Ancients Compared with That of the Moderns" (1988c, pp. 308-328) that while ancients could fulfill their capacities by involving in political activities within public sphere, moderns were interested more in private activities than public activities and modern individuals could improve their capacities and get their personal satisfactions within private sphere. Therefore, private sphere must be protected from intervention of a despotic ruler or a tyrannical majority (Vincent, 2009, pp. 203).

2.5. Individual Liberty and Political Liberty

One of the key notions which was directly associated with private sphere, and which Constant frequently highlighted in his political writings, was individual liberty. Individual and his rights and the protection of individual liberty from any arbitrary power were the cornerstone of his political philosophy. His emphasis on individual derives from his background. He experienced Jacobin dictatorship and Napoleonic era and he witnessed how the individual subordinated to the society, and disappeared within society. He criticized French philosopher Abbé de Mably who impressed Jacobin leaders with his ideas on individual liberty.⁵⁰ According to Constant, Abbé de Mably had defended the authority of social body and he had detested individual liberty, because he had seen it as a personal enemy (1988c, pp. 318). For Mably, law should not only deal with action, but also it should reach thoughts and the most fleeting impressions; therefore, the individual could find no place to escape from its power (1988c, pp. 318). As a result, while analyzing ancient liberty and modern liberty, Constant endeavored to indicate the place of individual in ancient world and modern world as a primary distinction.

In ancients, collective structure was at the forefront vis-à-vis individual. Individual existence was subjugated to the collective body. Benjamin Constant, in his text “The Liberty of Ancients Compared with that of the Moderns” gave the Roman republic as an example. He discussed that in the great centuries of the Roman republic, the individual was lost in the nation and the citizen lost in the city (1988c, pp. 312). Nominately, men looked like a machines whose tools were regulated by the law (Constant, 2003, pp. 351). He also cited Condercet’s statement “the ancients had no notion of individual rights” (2003, pp. 351). For ancients, liberty meant political liberty covered collective freedom and the complete subjection of the individual to the authority of the group (Constant, 1988c, pp. 311). Briefly, in ancient age, the individual referred to a component of the collective body that could be deprived of his status and privileges, banished and put to death by the discretionary will of the whole to which he belonged (Constant, 1988c, pp. 312). That is to say, in the ancient times there was an emphasis on collectivity.

⁵⁰ For further information about Mably’s political thought, see: Wright, J. K. (1997). *A Classical Republican in Eighteenth- Century France: The Political Thought of Mably*. Stanford, California: Stanford University Press.

Benjamin Constant considered also the place of the individual-just like liberty notion- in historical context. Namely, changes or transformations in social structure and other circumstances such as the rise of commerce, the expansion of states' territory and population have made the individual visible. In Constant's view, the modern world was characterized by commerce and the production of goods, activities which need peace among nations and the maximum personal liberty to be carried out successfully, therefore the rights of individuals to self-expression, to property and to privacy have therefore become essential in modern societies (Wood, 1993, pp. 219). Gerald Izenberg also comments about historical context from which the individual liberty had come that the historical developments in economic and social institutions of modern commerce such as international trade, entrepreneurship, the emergence of the middling ranks of society, complex division of labor and rise of public opinion had given rise intellectually to the idea of fundamental individual rights and to urge to codify and protect them (2009, pp. 212). In modern age, liberty and rights have begun to be defined on an individual basis. Tzvetan Todorov (1999, pp. 49) cites that Constant spontaneously found a name adapted to modern times: "the era of the individual" and he believed that instead of the individual being controlled by the family and it blended into the State, each individual wanted to live his own life and claim his freedom. In this regard, how did the place of the individual echo to the understanding of liberty in these two ages?

In his famous speech at Athénée Royal in Paris, Benjamin Constant questioned the meaning of the word liberty considering the moderns such as an Englishman, a Frenchman and ancients such as Sparta, Rome or Gaul. Some of the meanings of liberty for moderns were the right of each person to express his opinion, choose his profession and the right to be subjected only to the laws. On the other hand, for ancients some of the meanings of liberty were to discuss and decide about war and peace, make laws and to pronounce judgments (Constant, 1988c, pp. 310-311). Considering these definitions, in the ancients, there was a correlation between political rights and the liberty. They got their liberty by conducting many parts of the government functions directly and collectively. Because of the size of territory and low population, each will for any political decision had great value. The exercise of that will provided a vivid and repeated pleasure (Constant, 1988a, pp. 102). On the other hand, the moderns have defined liberty in terms of the individual rights and private pleasures. While the ancients gained personal importance by exercising political rights,

because their personal suffrages had a great importance to make important changes, moderns could hardly see the influence of their votes or in general, their will, therefore political rights could no longer sufficiently compensate their personal pleasures and they has begun to identify themselves with private benefits (Constant, 1988c, pp. 316). As Benjamin Constant mentioned, that is why the ancients were ready to make many sacrifices to preserve their political rights and their share in the administration of the state while the aim of the moderns was the enjoyment of security in private pleasures (1988c, pp. 316-317). Therefore, the moderns have been far more attached than the ancients to individual liberty. In other words, their first need was the individual independence and, as Constant pointed out, they should have never been asked to make sacrifice in order to establish political liberty (1988c, pp. 321). In short, for ancients, the more time and energy man dedicated to the exercise of political rights, the freer he thought himself; on the other hand, for moderns, the more exercise of political rights has left them time for their private interests, the more precious liberty would be (Constant, 1988c, pp. 325).

Constant touched on two ancient institutions to emphasize the importance of individual liberty in modern age: Athenian ostracism and Roman censorship (1988c, pp. 321-322). Ostracism was one of the ancient institutions that showed the superiority of social body over the individual. In Athens, according to this political procedure, any citizens could be exiled and banished from his home city for a period of ten years by popular vote, but he lost neither his citizenship, nor his private property (Kristensen, 2012).⁵¹ Also, Roman censorship, like Athenian ostracism, was an ancient institution incompatible with the modern age. In ancient Rome, this institution had highest place in the state. Two officials, censors, were elected for a period of five years. They were charged with two main tasks: to register those who must pay taxes and to keep under surveillance public moral and therefore as a keeper of the tax rolls, censors determined who was and who was not a citizen; they were the gateway between those who belonged and those who did not belong to the administrative unit called Rome; as arbiter of morals, they were the portal standing between those who were and those who were not members of the community of values called Rome (Holquist, 1994, pp. 14). Constant asserted that both institutions were inapplicable and intolerable. (1988c, pp. 321-322; 2003, pp. 364-370). Especially in the matter of ostracism, he closely knew a lot about exile and

⁵¹ For detailed information about ostracism, see: Kagan, D. (1961). The Origin and Purposes of Ostracism. *Hesperia: The Journal of the American School of Classical Studies at Athens*, 30(4), 393-401. Retrieved from <http://www.jstor.org/stable/147043>

expatriation because of his family background and personal experience and according to Stephen Holmes, this might be one of the reasons why he particularly underscored ostracism to symbolize the superiority of social body over the individual (2009, pp. 54). With reference to Constant's own words, the institutions like ostracism or censorship were moral institutions conducted discretionary jurisdiction in reference not to legal and judicial principles but to vaguely conceived ideas of certain people (Constant, 2003, pp. 364). However, in the modern age, individuals have had rights which society must respect and no one is exiled unless he is guilty before law and convicted to the penalty of exile by the court (Constant, 1988c, pp. 321). Constant defended the individual against the whole collective body by declaring: "No-one has the right to tear the citizen from his country, the owner away from his possessions, the merchants away from his trade, the husband from his wife, the father from his children, the writer from his studious meditations, the old man from his accustomed way of life" (1988c, pp. 322).

2.6. Constant's Distinction of Liberty in terms of Negative Liberty and Positive Liberty

The meaning, context and limit of liberty are one of the contemporary and polemical topics of the political philosophy.⁵² There can be found many different approaches about the notion of "liberty". However, the main discussion is on negative and positive sides of the liberty. Although Isaiah Berlin⁵³ conceptualized the distinction of liberty as positive and negative, the cores of this distinction trace back to Kant and also it was discussed in the works of many philosophers such as Hume, Hobbes, Mill, Locke, Rousseau and Tocqueville. Isaiah Berlin (2002, pp. 169) sought the answers of two questions in his conceptualization of liberty: For negative sense of liberty, "What is the area within which the subject- a person or group of persons- is or should be left to do or be what he is able to do or be, without interference by other persons?"; for positive sense of liberty, "What, or who, is the source of control or interference that can determine someone to do, or be, this rather than that?". In other words, the difference between these two sorts of liberty derived from the questions "Who governs

⁵² For detailed study on liberty, see: Mill, J. S. (2002). *On Liberty*. USA: Dover Publication. Roshwald, M. (2000). *Liberty: Its Meaning and Scope*. Westport: Greenwood Press. Parry, G. & Raymond, J. (Eds.). (2002). *Milton and the Terms of Liberty*. New York: D. S. Brewer.

⁵³ See Isaiah Berlin's essay Two Concept of Liberty. (2002, pp. 166-217). Oxford: Oxford University Press. Also, see: Crowder, G. (1988). Negative and Positive Liberty. *Political Science*, 40(2), 57-73. Baum, B. & Nichols, R. (Eds.). (2013). *Isaiah Berlin and the Politics of Freedom. "Two Concepts of Liberty" 50 Years Later*. London: Routledge. Crowder, G. & Hardy, H. (Eds.). (2007). *The One and the Many. Reading Isaiah Berlin*. Amherst NY: Prometheus Books.

me?” and “How far does government interfere with me?” (Berlin, 2002, pp. 177). In this regard, negative liberty referred to the liberty of individual from any interference by the state or other individuals; that is to say simply, “liberty from or absence of interference”. (Berlin, 2002, pp. 169-178). On the other hand, as Berlin mentioned, positive liberty was about the wish of the individual to be his own master; the wish to be subject; the wish to be self-directed; that is to say, positive liberty was simply equal to “liberty to” (2002, pp. 178). Moreover, positive liberty (liberty to/ liberty for) requires a power, a specific status, an ability, a determined truth or moral and so forth. In other words, in positive sense of liberty, to be free is defined with having some qualifications and means. For instance, if a person wants to buy a car, but he does not have enough money to buy it, can it be said that he is free? The answer on this question is the main critical point in negative-positive liberty distinction. In terms of positive liberty, the answer is no, he is not free to buy a car. He needs financial support to purchase it. In terms of negative liberty, if there is no pressure or interference preventing the purchase of a car, he is free. The most important thing in being free in negative sense is absence of interference, not having financial ability. In addition, Matt Zwolinski explains negative-positive dimensions of liberty with different example (2009): “Imagine a man- call him Jim- too sick to get out of bed and leave the house. What should we say about Jim’s freedom? Does he have the liberty to leave or not?” (pp. 275-276). According to this example, there is no one stopping him or there are no laws, penalties or externally imposed obstacles to prevent him from leaving home, therefore he has liberty in the negative sense. However, Jim has not positive liberty; because he is not able to in accordance with his autonomous or rational desires due to his illness (Zwolinski, 2009, pp. 275-276). This indicates that for positive liberty, absence of external obstacles is not enough; it requires something more such as autonomy, power or self-mastery. In this context, how can Benjamin Constant’s distinction of liberty be considered?

Isaiah Berlin was impressed by Constant’s ideas. He qualified Constant along with John Stuart Mill, John Locke, and Tocqueville as one of “the fathers of liberalism” and claimed “no-one saw the conflict between two types of liberty better, or expressed it more clearly than Benjamin Constant.” (2002, pp. 207-209; Lee, 2003, pp. 4; Jennings, 2009, pp. 69). He also evaluated Constant among Tocqueville and John Stuart Mill who prized negative liberty beyond any modern writer and he also pointed that Constant supported the idea of “a maximum degree of non-interference compatible with the minimum demands of social life”

(2002, pp. 207; Jennings, 2009, pp. 69). From this view, Benjamin Constant's distinction of liberty as modern ancient corresponded to that of Isaiah Berlin as negative and positive liberty. However, is it literally sufficient to explain Constant's modern liberty only as negative liberty? Alternatively, is Constant's analysis of liberty more comprehensive than positive-negative liberty categorization? In this regard, it is significant to underline that while distinguishing the notion- liberty- first of all, Constant drew a historical frame, and towards the end of his analysis, he focused on individual liberty and political liberty and evaluated modern liberty in terms of conceptual framework. If Constant's whole analysis and categorization of liberty are defined as positive and negative liberty or as advocating of negative liberty, this causes oversimplification of his categorization of liberty. Therefore, as James Mitchell Lee argues in his Ph.D. dissertation (2003, pp. 4-10), it will be more comprehensible and accurate to analyze Constant's distinction of liberty separately as modern – ancient and individual- political.

In general, the difference between modern liberty and ancient liberty rooted in changes in social-economic needs and circumstances of moderns such as transition from bellicose society to pacific and commercial society, from enslavement to free labor and from small city-states to large modern nation-states. Ancient understanding of liberty could not cater to needs and desires of modern people. With the rise of commerce, individualism and individual interest have gained importance and therefore moderns have demanded individual liberty especially in the areas of religion, profession, property, opinion and private relations. That is to say, they have desired private sphere which is free from any interference or any arbitrary authority. In this sense, Constant's individual liberty corresponded to Berlin's negative liberty (Lee, 2003, pp. 8). Nevertheless, did Constant's modern liberty consist of only individual liberty? Or did Constant's ancient liberty which was defined as "carrying out collectively individual rights" has only positive nature of liberty?

First of all, considering the liberty of ancients, ancients situated liberty on political rights. In other words, exercising political rights directly and collectively framed their understanding of liberty. Therefore, political liberty was purposeful and satisfactory for ancients. Nonetheless, in ancient times, private actions of the individuals were under surveillance; religion was determined; *mœurs*⁵⁴ were regulated by law (Constant, 1988c, pp. 311). In terms

⁵⁴ The word *mœurs* covers customs, morality, way of life, habits etc. See Jonathan Bennett's explanation in translation of Benjamin Constant's lecture "The Liberty of the Ancients Compared with That of the Moderns"

of positive and negative dimension of liberty, Stephen Holmes asks (2009, pp. 51): “What sort of freedom was desired, according to Constant, by the inhabitants of ancient republics?” Although commentators’ respond is positive liberty, Holmes, by indicating enslavement, remarks the negative nature of ancient liberty which was generally overlooked. In order to be free from enslavement ancients had to fight each other and they had to be the victors of the war. As Holmes stressed, ancient liberty had positive and negative sides of liberty. Its positive side can be seen when ancient liberty was described as exercising power collectively and directly (Constant, 1988c, pp. 311) and also its negative dimension surfaced when ancient liberty involved freedom from enslavement (Holmes, 2009, pp. 51-52). On the other hand, James Mitchell Lee (2003, pp. 8) argues that Constant limited the term political liberty in general to the participation in sovereignty or political power and therefore it did not indicate “self-mastery” contained in Berlin’s positive liberty.

Secondly, considering the liberty of modern, changes in circumstances necessitated new liberty understanding compatible with modern people’s desires. In this sense, what did Benjamin Constant mean by liberty of modern? Due to the fact that the individual, individual interests and private sphere have taken precedence of society and collective desires in modern age, liberty understanding of modern people has turned into individual liberty. Also, in his many works, Benjamin Constant principally emphasized preventing arbitrary power to protect the individual. Hence, it was perceived by commentators that Benjamin Constant’s modern liberty corresponded to individual liberty and thereby negative liberty, yet his analysis of modern liberty referred to a broader and deep conceptual category. In other words, his analysis included both individual liberty and political liberty.

For Constant, individual liberty was the indispensable part of modern liberty and was the first need of the moderns (1988c, pp. 321). He privileged individual liberty by labeling as “true modern liberty” (1988c, pp. 323; Lee, 2003, pp. 139). Nonetheless, he never underestimated or ignored the role of political liberty. He accepted that political liberty was the guarantee of individual liberty and was indispensable too (1988c, pp. 323). Therefore, Constant tried to find a middle way and compromise and combine individual liberty with political liberty. What was the reason of combining individual and political liberty together

(pp.2). Retrieved from << <https://www.nationallibertyalliance.org/files/docs/Books/Constant%20-%20The%20Liberty%20of%20the%20Ancients%20Compared%20with%20that%20of%20the%20Moderns.pdf> >>

for Constant? The main reason was that ancient liberty did not satisfy the needs of modern people because of including only political liberty, yet individual liberty alone was inadequate as well.

Benjamin Constant stressed the possible danger with which modern people could face: The rise of political apathy. As he experienced the absolutism of Napoleon and the Bourbon Restoration, he was aware of the critical danger inherent in the modern fascination for individual liberty and individual welfare (Lumowa, 2010, pp. 408). According to Constant, the dangers threatened ancient and modern liberty differed from each other. While the danger of ancient liberty was despotism and attaching too little value to individual rights and enjoyments, that of modern liberty has been absorption in the enjoyment of private independence, and in the pursuit of particular personal interests so that modern people might surrender easily their rights to share in political power (Constant, 1988c, pp. 326; Jennings, 2009, pp.70; Lee, 2003, pp. 146). James Mitchel Lee (2003, pp. 146) expounds that despotism was still a danger in modern societies where private interests could be so easily purchased. Moreover, Constant cautioned that the holders of authority were eager to encourage people to give their interests and to exploit the depoliticized world of modern people (1988c, pp. 326; Lee, 2003, pp. 146). He pointed out how the holders of authority would convince the depoliticized modern society: “They will say to us: what, in the end, is the aim of your efforts, the motive of your labors, the object of all your hopes? Is it not happiness? Well, leave this happiness to us and we shall give it to you.” (1988c, pp. 326). That is to say, by encouraging charm of individual interests and liberty and promising to provide happiness of modern individuals, the holders of authority would consolidate the political power needed to serve their despotic desire. If modern individual is captured by the pursuit of private enjoyment, political involvement will become unimportant and dispensable, therefore in turn, this regime will create hazard for individual liberty (Lumowa, 2010, pp. 408-409). In this sense, is happiness sole aim of humankind? Constant (1988c, pp. 327) believed: “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 us.” Constant defended political liberty for modern individuals as an instrument promoting the good of the self (Izenberg, 2009, pp. 206). In other words, political liberty could serve both happiness and self-development of modern individuals. As Benjamin Constant (1988c, pp. 327) expressed, political liberty had capacity to “enlarge the

individuals' spirits, ennoble their thoughts and establish among them a kind of intellectual equality which formed the glory and power of a people". What should political liberty be in modern sense? What should the roles of government toward the individuals be in the modern world? Constant's political works offer answers to such questions.

While Benjamin Constant upheld that the individual liberty should not be sacrificed to political freedom and its scope should be extended, he never renounced political liberty. However, it is significant to express that he demanded the forms of political liberty different from any of the ancient ones (Constant, 1988c, pp. 324). He identified the position of governments and the positions of individuals (1988c):

Governments, no more than they did before, have the right to arrogate to themselves an illegitimate power. But the governments which emanate from a legitimate source have even less right than before to exercise an arbitrary supremacy over individuals. We still possess today the rights we have always had, those eternal rights to assent to the laws, to deliberate on our interests, to be integral part of the social body of which we are members. But governments have new duties; the progress of civilization, the changes brought by the centuries require from the authorities greater respect for customs, for affections, for independence of individuals. (pp. 324).

Constant defended representative government as a system suited with the modern age. James Mitchell Lee argues that in his famous speech given at the Athénée Royal, Constant used his discussion of political liberty to justify the representative government, because it both allowed for political participation and gave citizens leisure time to enjoy their private affairs (Lee, 2003, pp. 141). Constant never overlooked the role of government. Rather, he acknowledged that government had been created by the needs of society and it was necessary for liberty as long as it was restricted; therefore, he identified the function of a government as purely negative (Jennings, 2009, pp. 77-78). He illustrated this: "needing the authorities only to give us the general means of instruction which they can supply, as travelers accept from them the main roads without being told by them which route to take."(1988c, pp. 323). Moreover, Benjamin Constant laid some responsibilities on the individuals about the representative government. In order to prevent political corruption in representative system, citizens should "exercise an active and constant surveillance over their representatives" (Constant, 1988c, pp. 326). Constant used the steward analogy to explain the individuals' responsibilities. Just as rich men who employ stewards must check stewards whether they were doing their duty; and landowners must keep themselves well-informed about the affairs which the stewards have been entrusted to exercise, the individuals must also keep a close

eye on their representatives; criticize them; discard them if they betray their trusts; revoke the powers which they have abused (Constant, 1988c, pp. 326; Lee, 2003, pp. 142). The best means to be aware of what the representatives did and to control them are freedom of expression/ public opinion and freedom of press which was considered integral parts of political liberty (Jennings, 2009, pp. 84; Lee, 2003, pp. 142). Constant expressed their importance by indicating despotic government: Despotic government did not want to allow freedom of the press, therefore governors and governed kept equally quiet (2003, pp. 110). He also affirmed that freedom of the press, as the sole means of publicity, was the unique safeguard of the individuals' rights and all defenses-civil, political or judicial- became illusory without it (2003, pp. 110- 111; Jennings, 2009, pp. 84). Freedom of the press along with political rights has provided all communication between governors and governed and if it is suppressed, this communication will be broken (Constant, 2003, pp. 112). As Jeremy Jennings (2009, pp. 84) points out, with the help of freedom of the press, any arbitrary power and abuse of government could be brought into public attention and therefore this could educate government and public opinion at the same time.

Consequently, in Constant's analysis, modern liberty covered both political and individual liberty. Even if his modern liberty was perceived as negative liberty, it included in something more. And the following conclusion can be expressed that only individual liberty can correspond to negative liberty. Moreover, in modern sense, political liberty has been different from that of ancients. Modern have exercised political liberty indirectly and personally via representatives while ancient exercised it directly and collectively. In modern world, to protect their rights Constant cautioned people to keep an eye out for corruption of their representatives and to keep a close watch on them. For this, the strong public opinion and protected freedom of the press have played crucial role.

CHAPTER 3

BENJAMIN CONSTANT'S POLITICAL PHILOSOPHY

In this chapter, Constant's political philosophy is analyzed. In this context, the prominent concepts in his political philosophy are sovereignty, scope of political authority, the doctrine of separation of powers, constitutional monarchy, government, federalism and commercialism. While analyzing these concepts, it is referred to some important philosophers: Rousseau, Montesquieu and Godwin. These three philosophers are important in understanding clearly Constant's political philosophy. There are the main reasons why it is referred especially to these three philosophers: The first reason is that Constant criticized Rousseau's ideas in his political works. In order to understand his criticism, it is significant to analyze the main spots of Rousseau's ideas, and then to compare them with Constant's ideas. Second one is that Montesquieu had a critical place in the development of the doctrine of separation of power. Therefore, it is meaningful to express his ideas about this concept before analyzing Constant's philosophy. Also, Constant's political thought can be seen as a synthesis and transformation of the political philosophies of Montesquieu and Rousseau⁵⁵. Third reason is that Benjamin Constant read and decided to translate Godwin's book *Political Justice*. However, he found Godwin's ideas specifically on the necessity of government radical. Therefore, as an influential name in Constant's ideas, Godwin's ideas is compared with those of Constant. Together with these subjects, this chapter also touches upon Constant's ideas on federalism and the importance of commerce.

3.1. Jean- Jacques Rousseau and The Social Contract

Jean-Jacques Rousseau⁵⁶ is one of the prominent figures in the history of political thought. He contributed to political philosophy and influenced on later philosophers. Specifically, his

⁵⁵ Tzvetan Todorov supports this idea. He mentions this synthesis in his book *A Passion for Democracy: Benjamin Constant* (1999, pp.35-46).

⁵⁶ Jean-Jacques Rousseau was born in Geneva (1712-1778). His principal works: *Un Discours sur les Sciences et les Arts* (*Discourse on the Sciences and the Arts; First Discourse, 1750*); *Un Discours sur l'Origine et les*

ideas on general will and sovereignty in his famous book *The Social Contract* (1762) provided an inspiration for the leaders of the French Revolution. In this regard, it is significant to review the key points of his book *The Social Contract* before analyzing Benjamin Constant's political philosophy and his criticisms towards Rousseau's ideas especially on sovereignty and general will.

Rousseau's social contract theory is mainly about the matter of freedom in new social order. In other words, in *The Social Contract* he seeks an answer to how the reconciliation of the freedom of the individuals with the authority will be ensured in transition of individuals from the state of nature to social order. Each individual has different self-interests. In the state of nature⁵⁷, they could act in accordance with their self-interests. However, they could no longer furnish their needs- especially protection- on themselves only. In this condition, the social contract gives an answer to form an association which will defend and protect each member who unites himself to all, and under which each member remains as free as before (Rousseau, 1994, pp. 54-55). Within the new social order, each individual accepts to renounce some rights and self-interests for common good and therefore "none has any

*Fondements de l'Inégalité parmi les Hommes (A Discourse on the Origin of Inequality; Second Discourse, 1755); Essai sur l'Origine de Langues (Essay on the Origin of Languages, 1781); De l'économie politique (A Discourse on Political Economy, 1755); Lettre sur la Musique Française (Letter on French Music, 1753); Lettre à M. d'Alembert sur les Spectacles (Letter to d'Alembert on the Theater, 1758); Émile, ou de l'Éducation (Emile, or On Education, 1762); Du Contrat Social (The Social Contract, 1762); Projet de Constitution pour la Corse (Project for a Constitution for Corsica, 1765); Les Confessions (The Confessions, 1789); Considérations sur le Gouvernement de Pologne (Considerations on the Government of Poland, 1782); Rousseau Juge de Jean-Jacques: Dialogues (Rousseau Judge of Jean-Jacques: Dialogues, 1776); Les Réveries du Promeneur Solitaire (The Reveries of the Solitary Walker, 1782). Also for Rousseau's biography see: Damrosch, L. (2007). *Jean-Jacques Rousseau: Restless Genius*. Houghton Mifflin, Reprint edition; for a comprehensive study about Rousseau see: Riley, P. (Ed. 2007). *The Cambridge Companion to Rousseau*. Cambridge: Cambridge University Press.*

⁵⁷ The concept of 'state of nature' defines the situation in which there is no state. The philosophers of social contract, Hobbes, Locke and Rousseau used this concept in order to answer why individuals accept to obey the law of state. For Hobbes, state of nature is state of war, chaos and anarchy. In state of nature, individuals act with motive of survival instinct and they try to satisfy their own desires, because they live with continual fear and danger of death. In Hobbes' words: "[...] during the time men live without a common power to keep them all in awe, they are in that condition which is called war; and such a war as is of every man, against every man (Leviathan, Chp XIII, pp. 84). Unlike Hobbes, for Locke, state of nature is the situation of perfect freedom and equality. In other words, state of nature does not always mean to state of war or chaos. Most of the people act morally and rationally according to law of nature. However, the state of nature has a risk to turn into state of war and the thing that turned state of nature to the state of war is coercion or oppression. For Rousseau, state of nature means primitive condition. He was not pessimistic about state of nature, unlike Hobbes. In state of nature, men faced with some obstacles which they could not handle personally and they decided to unite their power. For further information about state of nature in Thomas Hobbes's thought, see: Hobbes, T. (1998). *Leviathan*, (J. C. A. Gaskin, Eds.). Oxford & New York: Oxford University Press. For John Locke, see his book *Two Treaties of Government*, especially chp. II and III (1988, pp. 278-282). For Rousseau, see his book *The Social Contract* (1994). Also, see: Simmons, A. J. (1989). Locke's State of Nature. *Political Theory*, 17(3), 449-470. Kronman, A. (1985). Contract Law and the State of Nature. *Journal of Law, Economics, & Organization*, 1(1), 5-32. Retrieved from <http://www.jstor.org/stable/764905>

interest in making it burdensome to the others” (Rousseau, 1994, pp. 55). In this body politics, the key which maintain the relationship between the citizens and the state and the direct power of the state in accordance with the common good is general will⁵⁸.

Rousseau acts with the presupposition that general will does not err, and tends to public welfare and he claims (1994):

There is often a difference between the will of everyone and the general will; the latter is concerned only with the common interest, while the former is concerned with private interests, and is the sum total of individual wants: but if you take away from these desires their excesses and insufficiencies, the common element remaining from the different desires is the general (pp. 66).

In addition, general will must be issued from all in order to apply to all; that is, it must not deal with specific, personal issues in order not to lose its natural rightfulness (Rousseau, 1994, pp. 68). In this regard, it is important to note that in general will, the word ‘general’ does not cover all humanity; rather it refers to all of the citizens in a state (Orhan, 2012, pp. 4-5). Briefly stated, general will provides reconciliation of self-interests with the public interests.

There is a strong relation between the general will and sovereignty. With the social contract, body politic emerges. This social pact gives this body an absolute power over its members, and this power is under the directorship and control of the general will and is named sovereignty; that is, sovereignty is basically the exercise of general will (Rousseau, 1994). In the final analysis, the relation among sovereignty, general will and the people can be described as follows: sovereignty derives from the general will, and the general will arises from the citizens who embraced common good, and also acts of the general will are laws.

According to Rousseau, even if the power can be delegated, sovereignty cannot be transferred and divided, because sovereignty refers to the exercise of general will (1994, pp. 63-64). He mentions that sovereignty is an engagement between the whole and each of its parts and because each citizen accepts this engagement of his own free will, he is essentially subject to his own will. Therefore, in new social order- body politics, the citizens remain free as before. However, if sovereignty is transferred or divided, it damages the freedom of

⁵⁸Rousseau used the concept of general will (volonté générale) firstly in his article “ECONOMIE ou ŒCONOMIE, (Morale & Politique.)” in 1755. See. Orhan, Ö (2012). J.J. Rousseau’da Genel Irade Kavramı (The Concept of General Will in Rousseau), *Felsefe ve Sosyal Bilimler Dergisi*, Volume: 14, pp. 1-25.

the people. Regarding the limits of the sovereign power, first of all, Rousseau believes that it is impossible that the sovereign authority does anything that harms the citizens, because the individual persons- the people- form it (1994, pp. 57-58). Whenever the sovereign authority wants, each citizen owes to the state all services that he can offer to it, however Rousseau adds that the sovereign authority cannot impose on its subjects anything which is useless to the community (1994, pp. 68). Even though Rousseau mentions that the sovereign power is absolute, sacred and inviolable, he expresses that it cannot exceed the limits of the general agreements (1994, pp.70).

Rousseau divides force and will within body politics: Will is named legislative power and force is named executive power. Legislative force belongs to the people and executive power belongs to the government, which is the only mean of the sovereign and an intermediate body between sovereign and its subject. Rousseau explains the importance of legislative power and its relation with executive power with the help of a heart-mind metaphor. In this metaphor, legislative power is the heart of the state and executive power is its mind. In Rousseau's words (1994, pp. 121): "The mind may be unable to function yet the individual can still be alive. A man can be mindless and live, but as soon as the heart ceases to work the animal is dead." For Rousseau, the people must be regularly assembled and prescribed by law so that the sovereign can maintain its power. He argues that deputies or representatives damage the sovereignty and therefore the state, because sovereignty is based on the general will and general will cannot be represented. Choosing deputies discomforts Rousseau, because for him, liberty is directly related to the political liberty and the people who choose representatives are condemned to be slaves. The government has to be subject to the legislative power and the executive power- the government- is only the officers of the people. However, it can have a tendency to usurp sovereign authority once it obtains the public force. In this regard, the periodical assemblies of the people are significant means of preventing or delaying this usurpation of the government (Rousseau, 1994). In other words, the main aim of subjugation of executive power to legislative power and the periodical assemblies of the people is to hinder the executive from usurping the legislative. This is why Rousseau objects to the representative system which paves the way for this usurpation.

Consequently, Rousseau's ideas⁵⁹ on general will and absolute authority of the sovereign; his rejection of representative system and his emphasis on priority of common good and society and political liberty were singled out for criticism especially by liberal thinkers and commentators. In this regard, Benjamin Constant's criticisms towards Rousseau's ideas are remarkable and enlightening.

3.2. Benjamin Constant's Criticisms towards Rousseau's Ideas

Benjamin Constant is one of the most prominent thinkers who voiced criticism toward Rousseau's ideas. In general, Constant's criticisms are based on Rousseau's thoughts on the place of individual, his understanding of liberty, the scope of political authority and absolute sovereignty⁶⁰. His books *Principles of Politics Applicable to All Representative Governments* (*Principes de politique applicables à tous les gouvernements*) and *The Spirit of Conquest and Usurpation And Their Relation to European Civilization* (*De l'esprit de conquête et de l'usurpation, dans leurs rapports avec la civilisation européenne*) and his important speech "The Liberty of Ancients Compared with That of the Moderns (*De la Liberté des Anciens Comparée à celle des Modernes*) contain comprehensive criticism towards Rousseau's political ideas. Constant's main criticism is that Rousseau's ideas pertained to the ancient times and influenced the Jacobins.

First of all, it is significant to note that Benjamin Constant established his own political philosophy on the priority of the individual and the necessity of limiting all kinds of power, because he experienced the dangers of unlimited power in the Reign of Terror and in Napoleon's arbitrary rule. He believed Rousseau's theory belonged to the ancient times; that means, outmoded. Therefore, his criticism was based on this question: What would happen if Rousseau's theory was applied to modern times? (Constant, 1988b; Brint, 1985).

⁵⁹ For further information about Rousseau's political philosophy see: Cobban, A. (1934). *Rousseau and the Modern State*. London: Allen & Unwin. Kateb, G. (1961). Aspects of Rousseau's Political Thought. *Political Science Quarterly*. 76(4), 519-543. McDonald, C., & Hoffman, S. (Eds.). (2010). *Rousseau and Freedom*. Cambridge: Cambridge University Press.

⁶⁰ Constant also criticized Hobbes's understanding of sovereignty. According to Constant, Hobbes endowed absolute character to the political authority. While Hobbes concluded that the sovereign had an absolute right to punish, to wage war and he was absolute in legislative power, Constant rehabilitated these prerogatives as: "The sovereign does have right to punish, but only for culpable actions. He does have the right to wage war, but only when society is attacked. He does have the right to make laws, but only when they are necessary and insofar as they are just."(Constant, 2003, pp. 21-22). For further information about the rights of sovereigns according to Thomas Hobbes, see his book *Leviathan*, Chapter XVIII.

Considering Benjamin Constant's political thoughts and those of J. J. Rousseau, the first disagreement stems from the place of the individual. While Rousseau prioritized the society-the body politic- which was established by social contract, for Constant, the individual, the individual rights and liberty preceded the collective body. In his book *The Social Contract*, Rousseau argued that each member of the community devoted himself together with all his resources to the community (1994, pp. 60). Also, he repeated constantly that each member of the community together with his rights was subject to the whole community. The social contract, Rousseau designed, in some way requires the subordination of the individual to the body politic for common good. However, Rousseau believed that this did not cause any harm to any individual within society, because this condition was the same for each associate and no one tried to make it burdensome to the others. That is to say, for Rousseau there was no loss of rights and liberty to the detriment of the members. On the contrary, in Constant's philosophy, the significance of the individual and individual rights and liberties stand out. He (2003, pp. 384) clearly stated: "Where the individual is nothing, the people are nothing." Neither individual nor whole nation makes a profit from individual sacrifices in the last instance (Constant, 2003, pp. 384). Rousseau's theory would obscure the place of individual. As M. E. Brint clearly stated (1985, pp. 329-330), with the social contract, Rousseau aimed at social uniformity that individuals gave themselves, without any reservations, to the community, but in the conditions of the modern world, Rousseau's theory, which made each individual dependent on the institutions of the authority for his own self-conception, indicated "the spirit of the Empire, unquestioning obedience of Napoleon's ministers, the well-oiled machinery of this centralized bureaucracy, and the dull conformity of the people at his command". On the contrary, Constant was opposed to the vagueness of the existence of individuals within society. He asserted that a part of the human existence, by necessity, remains individual and independence, and, by right, outside of any social competence; therefore the jurisdiction of sovereignty ends at the point where individual existence begins (1988b, pp. 177).

Another sign about the place of individual in Rousseau's theory is seen in the chapter titled 'The Right of Life and Death' within *The Social Contract*. Rousseau (1994, pp. 71) declared that if a person wanted to protect his own life at the expense of the others, when necessary, he must devote his life for the sake of others. In other words, regarding Rousseau's social contract, the individual must surrender his private interests, property and life to the common

good, because while social contract provides a protection for the members, the members accept the means of the social contract which includes some risk and loss. Benjamin Constant remarked the risks of total surrender of individual to the body politic. According to Constant (2003, pp. 15-16), considering the unconditional subordination of each individual along with his rights and properties to the body politic, the conditions would not be the same for all members and their loss and gains would also not be the same as Rousseau claimed; rather, some people profited exclusively from the sacrifice of others. Rousseau believed that because every person handed over himself to the society, no one would wish to harm the others and no one would subject to another person (1994, pp. 54-55). However, Constant expressed that Rousseau missed the consequences of this sacrifice of individuals. Within the body politic, after the political authority was founded, the sovereign would have to delegate the power to be exercised by some people and in reality individuals would surrender themselves to those who would act in the name of all (Constant, 2003, pp.16). In other words, no equal conditions, no equal gains and no equal losses had existed.

Another contradiction between Rousseau and Constant comes from the understanding of liberty. In the modern world, along with progress of civilization, especially the rise of commerce, self-interest has preceded common interest. Individuals have demanded more private sphere to pursue their own interests and personal jobs. Therefore, individual rights and liberties have come into prominence. Constant noticed this change of understanding of liberty in the modern world. In his famous speech “The Liberty of Ancients Compared with That of the Moderns” (1988c), Constant focused on these changes and he claimed that Rousseau did not realize this difference and he transposed understanding of liberty in the ancient times to the modern age. In *Social Contract*, considering liberty, as it was realized Rousseau focused on political liberty. In Rousseau’s theory, the individuals, as a whole, compose the general will and have an equal voice in the making of the laws. Within body politic as a citizen, the individual hands over some parts of his personal liberty and property determined by the sovereign for common good. As McAdam mentioned (1963, pp. 42), Rousseau had a thought that the sovereignty of the general will might require considerable sacrifice of personal rights and liberties. However, for Rousseau, in terms of individual, there was no such a thing as abdication of rights; instead, there was a beneficial exchange between the state and individuals. He believed (1994):

Instead of abandoning anything, they have simply made a beneficial transfer, exchanging an uncertain and precarious mode of existence for a better and more secure one, natural independence for liberty, the power of hurting others for their own safety, and reliance on their own strength, which others might overcome, for a position of right that social unity makes invincible (pp.70).

Rousseau, while explaining the state of nature, added moral meaning to the word liberty. In the state of nature, man had unlimited rights and liberties on whatever he wanted. However, through the social contract, even if he lost this privilege which come from the state of nature, he gained more than his loss. Liberty gained moral status and for Rousseau, while a man was a slave in the state of nature that he was driven by his desires alone, he gained freedom when obeyed to law that he have imposed on himself. In other words, the acquisition of moral liberty made a man the master of himself (Rousseau, 1994, pp. 59-60). In a sense, there is a correlation between self-government and individual liberty (Brint, 1985).

Indeed, it should be pointed out that Constant did not totally refuse political liberty; that is, political liberty was not ipso facto invalid in modern world. In Constant's theory, historical changes and social conditions put the limit on political choices and ethical standards, therefore ideas and choices appropriate to a particular historical epoch could be dangerous for another epoch (Brint, 1985, pp. 325-326). In his book *The Social Contract*, Rousseau referred to the ancient republics while designing his theory. However, from the ancient republics to the modern states, as Constant argued, social conditions and the perception of the concepts such as liberty, rights, and government changed. If Rousseau's ancient conception of political liberty would have been applied in the modern social conditions, this might bring politically and ethically dangerous outcomes like despotism (Brint, 1985, pp. 333). In addition, Constant (1988c) believed that the exercise of political liberty could not offer modern people adequate benefit from which the ancients obtained, because modern people were more attached than the ancients to the individual liberty, therefore when they sacrificed individual liberty they would obtain less. In this regard, considering Rousseau's theory, the abstract recognition of the sovereignty of the people would not provide a maximization of liberty given to individuals (Constant, 1988b, pp. 175; Brint, 1985). Accordingly, even if Constant accepted the importance of political liberties and rights in terms of guaranteeing the individual liberties and rights, and providing self-development, he refused the idea of sacrificing entire individual liberty to political liberty. Constant strictly asserted that the citizens had individual rights independent from all social and political

authority and if any authority violated these rights it would become illegitimate (1988b, pp. 180).

The third contradiction between Rousseau and Constant is about the scope of political authority. As it was mentioned before, Constant's political philosophy is based upon opposition to every kind of unlimited power, and the protection of individual liberty. For instance, he clearly rejected the unlimited power in his text "Des effets de la Terreur"⁶¹:

There is a degree of arbitrariness that suffices to turn heads, corrupt hearts, and twist all emotions. Men and bodies invested with unlimited power become drunk with that power. In no circumstances is unlimited power acceptable, and in reality it is never necessary (as cited in Luca, 2009, pp. 103).

In fact, Constant accepted general will, and his expressed general will was the legitimate kind of power; that was, any authority which was not derived from the general will was illegitimate (Constant, 2003). In this sense, it is seen that Constant agreed with Rousseau. However, the contradiction begins with their ideas on the scope of power. With Constant's words (2003, pp. 6): "The objection we may arise against this will, bear either on the difficulty of recognizing or expressing it or on the degree of power granted to the authority emanating from it." Constant (2003, pp. 31) claimed that for Rousseau the only condition which determined legitimacy of the authority was whether it is issued from the general will or not; but there were also different factors which determined the legitimacy of the authority: the extent of the authority and the objects which it was exercised over.

Rousseau (1994) acknowledged that personal will could err, but the general will could not err. With the social contract, each member handed over himself as a whole to the supreme direction of the general will (Rousseau, 1994, pp. 55). For Constant, this indicated that the general will exercised unlimited authority over individual existence (2003, pp. 8). He found this false and dangerous, because absolute character of political authority would threaten liberties and individuals. On the contrary, in Rousseau's theory, the sovereign gets his power from the general will; therefore, the sovereign cannot damage the collectivity as a whole or its members. However, Constant was never optimistic about absolute power of the sovereign. He believed that when sovereignty was unlimited, there would be no way to protect individuals from governments (1988b, pp. 179).

⁶¹ Benjamin Constant published this text in 1797. Because translated version of this text could not be found, it was cited from Stefano De Luca's article.

In addition, Rousseau distinguished the legislative power and the executive power. Legislative authority belonged to the society and the executive belonged to the government. In this sense, the prerogatives of society were distinguished from those of governments, and for Constant this was admissible only when the word government was defined in a very restrictive sense (2003, pp. 17). In Rousseau's theory, the government uses the power in the name of the sovereign (1994, pp. 91-92). Constant (2003, pp. 17) claimed that because society could not exercise itself the prerogatives, it delegated them and the government began to exercise them. From this point of view, as Constant expressed (2003, pp. 17), any distinction between the prerogatives of society and those of government is an illusion. Two consequences can be reached from Benjamin Constant's point of view: If the prerogatives of society become those of government; that is, there is no distinction between them; the government will exercise absolute and unlimited power. In this situation, it is clear that political power should be limited in order to protect individuals from the government. On the other hand, when distinguishing the prerogatives of society from those of government, the general will is represented or exercised by the will of the governors. There is risk that these governors⁶² by some easy maneuver seek to seize or enlarge the political power. These governors can legitimate their all actions by claiming to rule in the name of the will of the sovereign people. In other words, as Marcel Gauchet exemplified (2009, pp. 24-25), an assembly may identify with the people who elected it and substitute itself for the people, or it may be an individual declaring himself to be unique safeguard or means of the general will, and also claiming that the people needs to his assistance to govern in its own name⁶³. On the other hand, even if the sovereignty belongs to the people, the exercise of popular sovereignty remains in the hands of a few and Rousseau's theory provided the basis for not only the absolute domination of the people over individual but also the absolute domination of a few (governors) over society and its members (Luca, 2009, pp. 112-113). In other words, delegating absolute power to a few could provide justification for the usurpation of the modern state power (Brint, 1985, pp. 328). As a result, Rousseau's doctrine did not offer a clear control system or check and balance system over the political authority, because he believed that the people obeyed the laws that they created and they did not act in a way that they would harm both citizens individually and society as a whole. However, Rousseau's

⁶² Governors, officers or kings refer to the members of government. As Rousseau expressed (1994, pp.92), "What I call government, then, or supreme administration, is the legitimate exercise of the executive power, and I call ruler or principal officer the man or body of men entrusted with this administration."

⁶³ Marcel Gauchet summarizes this (2009, pp. 25): "Everything for the people, nothing by the people."

understanding of unlimited popular sovereignty offered politicians a way to legitimize their particular actions by clothing them in the language of the general will (Garsten, 2009a, pp. 407).

Another point that Constant underlined in Rousseau's theory is the puzzling position of the people. In Rousseau's theory, the people refer to both sovereign in one respect and subject in another⁶⁴, and this entails confusion and danger in practice (Constant, 2003, pp. 18). Constant clarified this danger (1988b, pp. 179): "It is easy for the authority to oppress the people as subject, in order to force it to express, as sovereign, the will which the authority prescribes for it."

Constant's all reservations about unlimited popular sovereignty and devotion of individual as a whole to collective body came from his experience of the Reign of Terror and Napoleon's rule. The Reign of Terror (1793-1794), in short, is the period from seizure of the Convention by Jacobins under the leadership of Robespierre with the supports of *the sans-culottes*, militant group including the small peasants, the agricultural day-laborers, the journeymen, the artisans, the small shopkeepers of the later eighteenth century (Soboul, 1954) to execution of Robespierre. In this period, Jacobins claimed to act in the name of sovereignty of the people (Holmes, 2009, pp. 58). They established the Revolutionary Tribunal to judge individuals stigmatized as enemies of the people by Jacobins and this enabled the Committee of Public Safety to oppress and execute the people (Luca, 2009, pp. 92-93; Holmes, 2009, pp. 58). Robespierre was influenced by Rousseau. Rousseau's ideas shaped Robespierre's political and social ideals and his sensibility (Soboul, 1954, pp. 54). Constant realized the powerful influence of Rousseau's ideas over Jacobins' implementation and he mentioned this effect in his book *Principles of Politics Applicable to All Representative Government* and his famous speech "The Liberty of the Ancients Compared with That of the Moderns". He argued that Rousseau's theory "furnished deadly pretexts for more than one kind of tyranny" (1988c, pp. 318). Also, in his book *The Spirit of Conquest and Usurpation and Their Relation to European Civilization*, he criticized Napoleon's warlike regime and arbitrary rule. As Marcel Gauchet expressed (2009, pp. 24), for Constant, the Revolution's swerve toward tyranny was exacerbated by Napoleon's despotism, a close

⁶⁴ In *The Social Contract* Rousseau explained (1994, pp. 56-57): "[...]each individual enters on a contract with himself, so to speak, and becomes bound in a double capacity, namely, towards other individuals in as much as he is a member of the sovereign, and towards the sovereign in as much as he is a member of the state."

cousin of Jacobin dictatorship. Constant expressed (1988a, pp.130): “Napoleon’s government is despotism⁶⁵, and we must acknowledge that Robespierre’s was also nothing but despotism.” Also, he described Napoleonic usurpation as a new form of tyranny (Vincent, 2011, pp. 182). Therefore, the fundamental matter in Constant’s criticisms towards Rousseau’s theory is the danger of tyranny emanated from unlimited authority.

Rousseau acknowledged the possibility of abuse of the government or its tendency to degenerate⁶⁶. He expressed that every government in the world sooner or later would usurp sovereign authority (1994, pp. 133). However, the people have a right, as it please, to confer office on them or dismiss them from it with the help of periodical assemblies, means of averting and delaying this danger (Rousseau, 1994, pp. 132-133). In these assemblies, two questions set the agenda: “Whether the sovereign sees fit to maintain the present form of government and whether the people sees fit to leave the administration of government in the hands of those to whom it is now entrusted” (Rousseau, 1994, pp. 133). In this regard, Constant’s criticism became meaningful and important. Constant criticized Rousseau and the writers who are the greatest friends of freedom as (2003):

They have seen in history a small number of men or even one alone, in possession of immense power which did a lot of harm. But their wrath has been directed against the wielders of power and not the power itself. Instead of destroying it, they have dreamed only of relocating it (pp. 21).

For Constant, accusing monarchy, aristocracy, democracy or mixed government and changing the holders of power were not solutions for despotism or tyranny; instead, the important thing was to focus on the power itself- degree of power- and then to regulate the system by limiting the power. He believed that unless political authority is limited, the people’s leaders are not defenders of liberty, but they aim to assume limitless power which presses on the citizens, therefore, the governors delegated by the people must be held in check (2003, pp. 19-20).

⁶⁵ Constant claimed (1988a, pp. 96-7): “Despotism, in a word, rules by means of silence, and leaves man the right to be silent; usurpation condemns him to speak, it pursues him into the most intimate sanctuary of his thoughts, and, by forcing him to lie to his own conscience, deprives the oppressed of his last remaining consolation.”

⁶⁶ “Just as a particular will constantly acts against the general will, so too the government exerts itself continually against the sovereign. The greater its efforts, the more the constitution deteriorates; and since there is no other corporate will to resist the ruling will, it must sooner or later come about that the ruler will dominate the sovereign authority and break the social contract.” (Rousseau, 1994, pp. 118).

Considering representative system, Constant disagreed with Rousseau. Rousseau asserted that the sovereignty could be neither transferred, nor represented, nor delegated (1994, pp. 63-65). Therefore, deputies could not represent the people. According to Rousseau, as soon as the people chose the representatives, they lose their freedom destroys their existence (1994, pp. 128-129). On contrary, Constant argued that in the modern world if Rousseau's idea was applied, the sovereignty could not be exercised (2003, pp. 24). Even if Constant defended representative system for the modern world, he warned people to keep representatives under surveillance, because the tendency of power was to corrupt. In his speech given at The Athénée Royal in Paris, he underlined both representative system appropriate for moderns and the importance of keeping watch on the representatives (1988c):

But, unless they are idiots, rich men who employ stewards keep a close watch on whether these stewards are doing their duty, lest they should prove negligent, corruptible, or incapable; and in order to judge the management of these proxies, the landowners, if they are prudent, keep themselves well-informed about affairs, the management of which they entrust to them. Similarly, the people who, in order to enjoy the liberty which suits them, resort to the representative system, must exercise an active and constant surveillance over their representatives, and reserve for themselves, at times which should not be separated by too lengthy intervals, the right to discard them if they betray their trust, and to revoke the powers which they might have abused (pp. 326).

As a result, Constant did not claim that Rousseau supported despotic form of government; rather, he indicated the consequences of Rousseau's theory by referring to Jacobins and Napoleon. The main reason of his criticism was that Rousseau's ideas about unlimited power, absolute sovereignty gave the way to all kinds of despotism. Therefore, sovereignty, for Constant, must have only a limited and relative existence. He believed that the limitation of sovereignty was real and possible with the help of public opinion and the distribution and balance of power (1988b, pp. 183).

3.3. The Doctrine of Separation of Powers and Montesquieu's Contribution

One of the significant issues of political philosophy is envision of polity and the relationship among constituents within that polity. In other words, the question of how and by whom the power within state be carried out has still kept up-to-date. Many theories on power relations within polity have developed. In this regard, the separation of powers is one of the significant doctrines which identify the power relations and institutional structures in a state. It is also important for constitutionalism.

The doctrine of separation of powers is not a simple and unambiguous concept. Although its basic aim is to divide the government power into different branches or departments to prevent accumulation of the power into single hands to protect liberties, it has failed to ensure an effectual basis for effective and stable political system and it has required to evolve by amalgamate with extra formulations such as mixed government and the concept of checks and balances (Vile, 1998). Considering its historical background, the doctrine of separation of powers traces back to the ancient times. For instance, Aristotle expressed in his book *Politics* (1998, pp. 125) that there were three parts of constitution: “One of the three parts deliberates about public affairs; the second concerns the offices, that is to say, which offices there should be, with authority over what things, and in what way officials should be chosen; and the third is what decides law suits.”

During the Middle Ages the mixed government philosophy continued to be discussed.⁶⁷ As a coherent theory, the separation of powers occurred for the first time in seventeenth century England with the battle between the King and the Parliament (Vile, 1998, pp. 3). Afterwards, it became an important principle of constitutionalism in America and France. In its earliest version, there was a twofold separation which was the legislative power and the judicial execution of power which was used synonymously with the executive power, but in eighteenth century the threefold separation was accepted for a constitutional government (Vile, 1998, pp. 16). In its most basic definition, the separation of powers means that the government is divided into three branches- legislative, executive and judicial-, and suitable functions of the government are attended to each branch, and finally each branch must be confined to maintain its own function and not be allowed to encroach upon the functions of the others so that each branch will be a check to the others and a single power will not be able to control the whole state (Vile, 1998, pp. 14). In this system there is a strict separation that does not allow any individual to be a member of more than one branch at the same time. Maurice Vile calls this definition “pure doctrine of the separation of powers”, and later this pure doctrine has developed with the theory of mixed government in England, checks and balances system in America (Vile, 1998; Bellamy, 1996, pp. 437). In particular, four benefits of this doctrine are mentioned: Firstly, it prevents arbitrary use of power; secondly, it provides secure and predictable environment which promotes individual liberty; thirdly,

⁶⁷ As a competent work on medieval mixed government debates see: Blythe, J. M. (2014). *Ideal Government and the Mixed Constitution in the Middle Ages*, Princeton:Princeton University Press.

separating functions of government brings the efficiency; lastly, it protects the mutual accountability of powers (Bellamy, 1996, pp. 437-438). On the other hand, Vile argues that there is one missing aspect about the pure doctrine of separation of power. This doctrine undermines how a branch or a group of people who use their authority is to be prevented when they attempt to exercise power by encroaching upon the functions of another branch (Vile, 1998, pp. 19). Thus, it has evolved by amalgamating with the theory of mixed government and the system of checks and balances (Vile, 1998). That is to say, although the separation of power gives each branch to check one another, it is inadequate in terms of control mechanism. With its amalgamation with other systems mentioned above, each branch has gained the power to exercise a degree of direct control over others such as veto power of the executive branch over legislation and the power of impeachment of legislative branch over the executive (Vile, 1998, pp. 19-20). The separation of power with checks and balances system formed the main basis of United States Constitution and the separation of power combining with the mixed government became the basis of 18th English constitutionalism (Vile, 1998).

Considering the history of English constitutionalism, three distinct power of the government matured during English Civil War under the impact of the struggle between the King and the Parliament (Vile, 1998, pp. 36). The doctrine of separation of power emanated with the theory of mixed government⁶⁸ in England. The parts of a mixed government were the King, aristocratic assembly and popular assembly- or Crown, Lords and Commons. Vile (1998, pp. 41) argues that Sir John Fortescue had mentioned three kinds of government- absolute monarchy (*dominium regale*), republican government (*dominium politicum*) and mixed government (*dominium politicum et regale*) in fifteenth century and this mixed government had become the pattern of English government. The theory of mixed government became the main political theory in the seventeenth century in England. With the theory of mixed government, the King should have acknowledged the supremacy of the law, therefore of the legislature although he still had important prerogatives and he was an important part of the legislature (Vile, 1998, pp. 58). The theory of mixed government aimed at the prevention of

⁶⁸ Mixed government was a system in which the major interests in society took part in the functions of the government so that any interest was not be able to impose its own will upon other; that is, it was kind of a blending of monarchy, aristocracy and democracy (Vile, 1998, pp. 37). In other words, mixed government combines elements of rule by one, the few, and the many. As Richard Bellamy expressed (1996, pp.440), in this theory, “the virtues of each form of government, namely a strong executive, the involvement of the better elements of society, and popular legitimacy could be obtained without the corresponding vices.”. Its roots are found in the ancient world in the work of Aristotle, Plato and Polybius.

the concentration of power in one department of the state so that it opposed to absolutism and the doctrine of separation of power aimed at the same thing (Vile, 1998, pp. 40)⁶⁹. That is to say, the idea that the functions of the government must be placed in distinct hands has sprung from the theory of mixed government (Vile, 1998, pp. 36). The theory of mixed government formed the basis of the doctrine of separation of powers by providing such suggestive ideas (Vile, 1998, pp. 38).

Beside English constitutionalism, the doctrine of separation of powers is involved in The American Constitution. It was associated with the system of checks and balances. The first sections of each Article 1-2-3 identify respectively legislative power, executive power and judicial power. In American Constitutionalism, the separation of powers was a central theme in the discussion between Federalists and Antifederalists⁷⁰ (Bellamy, 1996, pp. 447). While the Antifederalists claimed that the lines of accountability between the people and the different branches of government were not explicit enough and there was no strict demarcation of functions between distinct branches, the Federalist argued that both conceptually and practically impossibility of total separation of functions and therefore their first move was to moderate the importance of a complete functional separation (Bellamy, 1996, pp. 447-448)⁷¹. Madison argued that to draw the boundaries of several departments in the Constitution was not sufficient to prevent encroachments which lead to a tyrannical concentration of all the powers of government in the same hands; therefore more efficient mechanisms were required (Bellamy, 1996, pp. 449; Kurland, 1986, pp. 597)⁷². The system of checks and balances offered an answer to this problem. In this system each agency has a mutual check such as the veto power of the executive and the power of impeachment of legislature and judicial checks on other two branches through judicial review.

The endeavors on government and its functions are found in the works of many philosophers, especially Plato, Aristotle, John Locke and Montesquieu (Akgül, 2010; Vile,

⁶⁹ For more detailed information on English constitutionalism see (Vile, 1998); Weston, C. C. (1960), "English Constitutional Doctrines from the Fifteenth Century to the Seventeenth: II. The Theory of Mixed Monarchy under Charles I and after", *The English Historical Review*, 75(296), 426-443. Retrieved from <http://www.jstor.org/stable/557624>;

⁷⁰ It can be reached complete Federalist Papers and Antifederalist Papers and also US Constitution from this website: <<http://www.let.rug.nl/usa/documents/1786-1800/>> For a detailed analysis of the federalists see: Epstein, D. F. (2007). *The Political Theory of The Federalist*. Chicago and London:University of Chicago Press; for anti-federalist perspective see: Storing, H. J. (1981). *What the Anti-Federalists Were For*. Chicago and London: The University of Chicago Press.

⁷¹ See The Federalist Papers no: 37 and 47

⁷² See The Federalist Papers no: 48

1998). For instance, Aristotle mentioned three parts of all constitutions by reference to which the good legislator must consider⁷³: First one was the deliberative part about public affairs; the second was the offices; that is to say, which offices there should be, with authority over what things, and in what way officials should be chosen; and the third is the judicial part which decides lawsuits (Aristotle, 1998, pp. 124-133; Akgül, 2010, pp. 82; Vile, 1998, pp. 24-26). Also, John Locke (1988, pp. 364-374) mentioned, in his book *Two Treatises of Government*, a tripartite division of functions of the government as legislative, executive and federative (Kurland, 1986, pp. 595). Federative power referred to foreign affairs which dealt with outwards or relations with other communities; however, it was the same hands as that of executive (Locke, 1988, pp. 365-366; Kurland, 1986, pp. 595). Apart from the contribution of other philosophers to division of government functions, in this work, it is focused on Montesquieu's contribution to the doctrine of separation of powers through his book *The Spirit of the Laws (De L'Esprit des Loix)*.

Although Montesquieu is associated with the doctrine of separation of powers, he did not create this doctrine or he was not the first philosopher who mentioned about it. It is true that he contributed new ideas to this doctrine with his book *The Spirit of the Laws*⁷⁴ and his ideas affected America and France.

Montesquieu described three types of government: republican where the people have sovereign power; monarchical where the prince has sovereign power and exercises it according to established laws; despotic government where a single person rules according to his own wills and caprices (1989, pp. 10; Vile, 1998, pp. 86). In an aristocratic government-one of the subdivision of republican government, the legislative and the executive power are in the same hand, and in monarchical government, even if it was expressed the monarch must not himself be a judge and power is exercised within the established laws, there is no separation of power, and in despotic government, there are no established laws and limitations, no check upon the power of despot, therefore the idea of separation of powers cannot be found in despotic governments (Vile, 1998, pp. 86-90).

The institutional checks to power are found in his discussion of monarchy and of the English Constitution (Vile, 1998, pp. 87) On the basis of political liberty, Montesquieu mentioned

⁷³ For further information see Politics, Book IV Chapter 14-15-16 (Aristotle, 1998).

⁷⁴ *The Spirit of the Laws* was published in 1748.

the limitation of power. In other words, Montesquieu believed that any man who had the power tended to abuse it, therefore all power must be kept within limits by framing constitution in which power checks the power in order to protect political liberty (Montesquieu, 1989, pp. 155-156; Bellamy, 1996, pp. 443). Montesquieu's separation of powers is parallel with Lockean distinction between legislative and executive which is also subdivided into internal and external affairs (Bellamy, 1996, pp. 444). However, he also introduced, as a third power, power of judging which refers to today's judicial power (Bellamy, 1996, pp. 444; Vile, 1998, pp. 95). That is to say, Montesquieu divided powers as legislative power which would deal with making laws, executive power which would make peace or war, send or receive embassies, establish security, and prevent invasion, and executive power called as power of judging which would punish crimes or judge disputes between individuals (1989, pp. 156-157). In this sense, he highlighted that these three power must not be merged with each other. For Montesquieu, if legislative power is united with executive power in the single hands, this endangers liberty, because the same monarch or senate that makes tyrannical laws will execute them in a tyrannical way (1989, pp. 157; Bellamy, 1996, pp. 444). On the other hand, in the case of uniting the power of judging with legislative power, or executive power, respectively, the judge will be the legislator and he will have the force of an oppressor and this will cause arbitrary rule (Montesquieu, 1989, pp. 157).

In addition, considering these three powers, according to Montesquieu, the executive power should be in the hands of a monarch, because the executive power can require immediate action or quick decision and this is ensured better by a single person (1989, pp. 161; Vile, 1998, pp. 91). On the other hand, when the executive power was entrusted to a certain number of people drawn from the legislative power, two powers would be united and this would endanger the liberty (Montesquieu, 1989, pp. 161; Bellamy, 1996, pp. 444; Vile, 1998, pp. 101). Montesquieu envisaged dividing the legislative body into two assemblies: One of the assemblies would compose of the nobles; other would compose of the representative of the people (1989, pp. 160; Bellamy, 1996, p. 444). This was important, because in Montesquieu's words (1989, pp. 160), "In a state there are always some people who are distinguished by birth, wealth, or honors; but if they were mixed among the people and if they had only one voice like the others, the common liberty would be their enslavement and they would have no interest in defending it." This bicameral system also

operated as a checking mechanism (Bellamy, 1996, pp. 444). Also, in Montesquieu's envisagement, the executive had the power of veto over the legislative body and the legislative power had the power of impeachment over executive (Bellamy, 1996, pp. 445). In terms of judicial power or power of judging, as Vile mentioned (1998, pp. 96), Montesquieu's greatest contribution lies in here. Although many earlier writers classified judicial power under the duties of executive power or as mentioned before, judicial power and executive power were used synonymously, Montesquieu found it dangerous to unite power of judging with either of the other two, or worse to unite all three powers in the same hands (Montesquieu, 1989, pp. 157; Bellamy, 1996, pp. 446). In this sense, Vile (1998, pp. 96) argues that even though Montesquieu intended the judiciary to be independent from the other two, he did not give the judicial branch an equal status with the legislative and executive branches.

On Montesquieu's ideas, there are two main interpretations. One of them emanates largely from Europe. In this interpretation, Montesquieu's thought is associated with the pure doctrine of the separation of powers included separation of branches, functions and people. On the other hand, the other point of view represented by the Founding Fathers of the American Constitution, Benjamin Constant and some English commentators of 18th and 19th centuries, reflects a partial separation of powers that covers the amalgamation of the pure doctrine of separation of powers and the system of check and balances or mixed government (Vile, 1998, pp. 94). Consequently, Montesquieu's contributions to the doctrine of separation of power affected constitutional process of many states especially France and America. As Vile mentioned (1998, pp. 106), this doctrine has become a universal criterion of a constitutional government and still maintains its importance.

3.4. Benjamin Constant's Arguments on the Separation of Powers and Neutral Power

Primacy of individual, and limited government underlie in Benjamin Constant's political thoughts. For protection of rights and the exercise of personal freedom Constant believed in the importance of the constitutional order. His constitutional ideas mainly took form during the Directory. He desired the constitutional system to be established in France. This system would protect liberty and prevent concentration of authority in the single hands (Vincent, 2011, pp. 188).

He was a moderate republican and while developing his constitutional point of view, he was influenced by the English Constitution and Montesquieu's ideas. He was also affected by Jacques Necker's ideas. Necker published in 1792 *Du pouvoir exécutif dans les grands Etats* which focused on English constitutional monarchy (Vincent, 2011, pp. 106). Necker supported English style monarchy and considered the separation of powers and balance among the branches of government (Vincent, 2011, pp. 106). He published also *De la Révolution française* which analyzed the constitutions of 1791 and 1795 and he mentioned the importance of taking into consideration the extent of territory, the history of a country and the general spirit of the people⁷⁵ for the appropriate constitutional arrangements (Vincent, 2011, pp. 106).

Considering Constant's tendency about the government system, a shift from his harsh criticism of monarchy to his endorsement of constitutional monarchy is observed. Kalyvas and Katznelson (2008) explain this shift:

As his thought matured, he moved from a primarily republican position, first to a purely liberal orientation and then, most interestingly, to a more synthetic hybrid we call immanent liberalism, encompassing three apparently opposed principles of legitimacy: democratic, liberal, and traditional (pp. 148).

In his earlier political writings, like *Fragments d'un ouvrage abandonné sur la possibilité d'une constitution républicaine dans un grand pays*⁷⁶ Benjamin Constant supported republican form of government for France (Vincent, 2011, pp. 188). He rejected the hereditary privilege and supported the representative system. He believed that the privilege and inequality caused artificial conflicts and cleavages within society and the monarch could no longer satisfy its historical role of neutrality and no longer represent the unity of republican state (Kalyvas & Katznelson, 1999, pp. 518). But in the same book he also mentioned about the advantages of hereditary monarchy and balance between the monarch and nobility (Vincent, 2011, pp. 110; Gauchet, 2009, pp. 27). He explained this balance:

Without doubt, where there is a nobility, it is better that there is a king, because it is better that there is a man who had some interest in defending the people against the nobles. Where there is a king, it is good that there is a nobility, because where a sole

⁷⁵ These principles are included in Montesquieu's book *The Spirit of the Laws*. For further information see (Montesquieu, 1989).

⁷⁶ This book was not published in Constant's lifetime, rather, it was published only in 1991 and it was not translated into English. Therefore, it is benefited from secondary resources.

individual governs, it is desirable that there are other powerful men to stand up to him (as cited in Vincent, 2011).

Although Constant praised English-type constitutional monarchy in terms of qualities of stability, impartiality and neutrality, he believed that this option was inappropriate to the particular needs, and historically and geographically it could not be applied to post-revolutionary France (Vincent, 2011, pp. 112; Kalyvas & Katznelson, 1999, pp. 518). He rejected the idea that for demographically and geographically large countries like France, a republican constitution was impossible (Gauchet, 2009, pp. 27). Quite the contrary, he defended that a historically and geographically applicable system for France was a republic under which the separation of power was the main requirement to protect liberty and to prevent concentration of powers in one place (Vincent, 2011, pp. 112).

In this regard, considering organization of the republic, the legislature was the most important branch whose duty was to make laws and to express the national will (as cited in Vincent, 2011, pp. 113). Constant supported that the legislators must be chosen directly by citizens so that the citizens would adhere more closely to the republic and also this electoral process would keep representatives close to their constituents (as cited in Vincent, 2011, pp. 113). The legislature body would be composed from two assemblies like bicameral system and they would be responsible for electing the member of executives⁷⁷ (as cited in Vincent, 2011, pp. 114). In order to prevent potential encroachments of the legislature, Constant offered that it should be limited by three other institutions – the executive, the judiciary, and *the pouvoir préservateur* (preserving power/ lifetime council) (Vincent, 2011, pp. 114). In terms of separation of functions of each branch, the effects of Montesquieu's ideas on Constant's system are seen, but Constant added one more branch- *pouvoir préservateur* to Montesquieu's threefold separation. Constant described the preservative power in his work *Fragments d'un ouvrage abandonné sur la possibilité d'une constitution républicaine dans un grand pays*:

⁷⁷ Some features of the executive power such as election of the members (5 or 7 personnel) of the executive by the legislative power, to be elected the members of the executive power not at the same time but via series election would encourage the expression of multiple points of view; prevent one person to impose his will and prevent the government to be prone to pursuing military glory (as cited in Vincent, 2011, pp. 114). This was also a kind of check mechanism and it was for providing balance between the executive and the legislative branches. The details of the organization of the republican constitution designed by Benjamin Constant take part in his book *Fragments d'un ouvrage abandonné sur la possibilité d'une constitution républicaine dans un grand pays*.

The purpose of the preservative power is to defend government against division among the governing and to defend the governed against oppression by the government... To that end, two powers are essential: the power to dissolve legislative assemblies, and the power to remove from office those in whom executive power has been vested. (as cited in Gauchet, 2009, pp. 39)

In addition, Vincent explains the relations among separate branches of the government (2011, pp. 114): Firstly, the legislative power would not have authority over foreign affairs, but it would be informed about developments. Secondly, the executive power would act as an autonomous body, have veto power over the legislature and be able to dissolve the legislature and call for new elections. However, the executive's decisions would be checked by *the pouvoir préservateur*. Lastly, the judiciary power would protect the life and liberty of citizens against executive actions; judges would be independent and permanent. In this regard, Constant criticized Constitution of 1795⁷⁸ because of absence of proper balance or check system such as veto power of the executive over the legislative, dissolution authority of the executive over the Councils (Vincent, 2011, pp. 115).

Constant sought to discover a neutral power as a third power in order to both balance the relationship between the executive and the legislative, and to intervene in any deadlock, and to act as the defender of constitution. In the monarchy, this locus had belonged to the king. As Kalyvas & Katznelson mentioned (1999, pp. 520-521; 2008, pp. 156-157), in his critique of monarchy, Constant intended to avoid vacillation which could cause dissolution as well as arbitrariness which endangered liberty by substituting a new collective institution for the monarch. Since the king was dethroned or he lost his supreme authority, an institutional entity was required to decide in extraordinary circumstances for which the constitution made no provision, to do so it would have right (Kalyvas & Katznelson, 1999, pp. 521). For this reason, Constant designed this power as neutral and impartial. This neutral and impartial power would speak the name of the public interest and protect the constitution by deciding how a crisis among the ordinary branches of government should be resolved and it would also be in the service of French citizens (as cited in Kalyvas & Katznelson, 2008, pp. 158). Why did not Constant grant this third power to the judicial branch instead of discovering a new branch? This third power- Constant called *pouvoir neutre* or *pouvoir préservateur*- would be free from existing norms and located above existing constitutional arrangements

⁷⁸ Constitution of 1795 gave the executive branch more power; divided affairs of church and those of state. Also, the Councils had exclusive authority over legislation and the legislative role of the Directors was confined to the execution of laws (Vincent, 2011, pp. 46-47).

and outside of formal legal restrictions (Kalyvas & Katznelson, 1999, pp. 521; 2008, pp. 158).

Constant designed this third power or neutral power as firstly lifetime council elected by the people, secondly a neutral state based on the rule of law and finally constitutional monarchy (Kalyvas & Katznelson, 1999; 2008; Vincent, 2011). As a lifetime council, third power was to be entirely independent branch and to protect citizens from any abuse of other two branches (Vincent, 2011, pp. 116). It had also right to intervene only when there was a political crisis or when it detected deficiencies emanating from discord between the legislative and the executive (Gauchet, 2009, pp. 40). How could it intervene in a political crisis? It could dismiss the executive; call for new legislative elections; temporarily take control of the government during the crisis; commute sentences or grant judicial pardons (Vincent, 2011, pp. 116). It seems this third power had a great authority, but it could not have any direct political authority. Its power was also limited by prohibiting from proposing legislation or influencing elections or shaping public opinion and its member were also prohibited from being members of other two branches (Vincent, 2011, pp. 116; Gauchet, 2009, pp. 40). Also, citizens could submit petition to this third power about potential violations of liberties. That is to say, the *pouvoir préservateur* must act as "the supreme judge of the other powers" in times of chaos or deadlock in politics (as cited in Vincent, 2011, pp. 116).

Benjamin Constant never gave up seeking for neutrality, but he modified his earlier ideas about discretionary power, *pouvoir préservateur*. After experiencing Napoleon period, he began to support that there was no higher authority than the rule of law and discretionary powers, even in times of extraordinary situations, could cause to create arbitrary power (Kalyvas & Katznelson, 1999, pp. 524). Therefore, he proposed a neutral state as a new solution for the issue of neutrality. This neutrality was not symbolized by any particular person and it did not put forward a specific value or represent a specific norm which should govern the society (Kalyvas & Katznelson, 1999, pp. 525). This liberal neutrality, Constant emphasized, was an exterior instrument or a force outside politics (Kalyvas & Katznelson, 1999, pp. 525). In this regard, individual rights and liberties were the center of Constant's liberal constitutional design.

It is seen in *Principles of Politics Applicable to All Representative Governments* that Constant mentioned constitutional monarchy. While Constant defended the primacy of

individual liberty, and representative system for modern world, he acknowledged the potential danger of depoliticisation and extreme individualism. With the representative system, unless the citizens keep the representatives under surveillance, they can act not on the behalf of common good but on the behalf of their own will, and they can separate themselves from the citizens as an elite power and therefore, this violates the neutrality (Kalyvas & Katznelson, 1999, pp. 527-528). In this sense, he warned in his famous speech “The Liberty of Ancients Compared with That of the Moderns” (1988c):

The danger of modern liberty is that, absorbed in the enjoyment of our private independence, and in the pursuit of our particular interests, we should surrender our right to share in political power too easily. The holders of authority are only too anxious to encourage us to do so. They are so ready to spare us all sort of troubles, except those of obeying and paying! (pp. 326)

Kalyvas and Katznelson (2008) explain the reason of Constant's reevaluation of monarch as a neutral power:

Although he was confident that his constitutional theory offered a bulwark against arbitrary power, his continuing republican sensibilities directed him to the possibility that privatization, self-interest, the pursuit of economic profit, and the “corruption of the superior classes” might generate new forms of oligarchy. Further, formal political rights might generate political passivity, permitting a minority to seize power for its own benefit, thus violating political autonomy and the principle of democratic legitimacy. (pp. 164)

Also, Marcel Gauchet (2009, pp. 28) argues that Constant endeavored systematically to unite elements of old monarchical vision of power with a system based on representation. Constant, in spite of his republican preferences, actually was not disturbed by the idea of monarchy unduly so long as the constitutional prerogatives of the monarch were strictly limited to the exercise of the neutral power (Gauchet, 2009, pp. 42). Also, Constant turned to English style monarch as an example. He was impressed by the British King, because he acted as a moderator above political turmoil just like Constant's design of the neutral power (Constant, 1988b, pp. 185, 188; Vincent, 2011, pp. 201). Constant also identified the fundamental guarantees of liberty within constitutional monarchy from English- style monarchy. These were the separation of powers, freedom of press, decrease in the role of the army and finally the independence of municipal and local authorities (Jennings, 2009, pp. 88; pp. 358). In his design of constitutional monarchy, Constant did not separate power into three branches like Montesquieu’s threefold separation, but he separated power into five branches: the royal power (the neutral power), the executive power of the ministers, the

hereditary assembly (the representative power for long duration), the elected assembly (the representative power of public opinion), and the judicial power of the courts (Constant, 1988b, pp. 184-185; Jennings, 2009, pp. 87; 2011, pp. 358; Lumowa, 2010, pp. 401; Geenens & Sottiaux, 2015, pp. 313; Vincent, 2015, pp. 36). In this design, the royal power was a neutral power and the executive power was an active power (Jennings, 2009, pp. 87; Constant, 1988b, pp. 184). According to Constant, the royal power was intermediate authority and it was responsible to maintain the balance among the branches and each branch was able to check the others (1988b, pp. 185).

3.5. Government as an evil or as a necessary evil: Benjamin Constant versus William Godwin

One of the interesting points in Benjamin Constant's life is his interest in William Godwin, the prominent English political philosopher and one of the proponents of philosophical anarchism. It is known that Benjamin Constant had read Godwin's works *Caleb Williams* and *Enquiry Concerning Political Justice* (Vincent, 2011, pp. 95-96). Also, he was interested in translating Godwin's book *Enquiry Concerning Political Justice* into French. He began translation of Godwin's book in 1798 and finished the translation at the end of 1799 or beginning of 1800 (Vincent, 2011, pp. 96; Wood, 1993, pp. 168; Rosenblatt, 2008, pp. 67). However, this translation was not published during his lifetime (Vincent, 2011, pp. 96; Wood, 1993, pp. 168). Constant, in an unpublished essay written in 1810, explained the reason behind his translation of Godwin's book:

In bringing myself to this work, I had a goal that I believed useful. At a time when some men [. . .] were throwing disfavor on the principles of liberty, exercising in the name of these principles many vexations of tyranny, I wanted to prove that it was not liberty that caused this tyranny, but its pretended defenders. I had, consequently, chosen a writer very exaggerated in his opinions, but an enemy nonetheless of all systems of violence and of all measures of persecution (as cited in Vincent, 2011, pp. 96).

Vincent (2011) evaluates Benjamin Constant's interest in Godwin as Constant's effort to conceptualize how to defend liberty against the Jacobins and monarchists; that is to say, while there were many divergences between Godwin and Constant especially on the role of government, his translation was related to his tendency to defend the principles of the Revolution and to recover his political reputation against those who accused him in being a closet monarchist.

In this regard, the main divergence between Constant and Godwin was on the place of government. Constant acknowledged the need for a government. In other words, as Gauchet emphasized (2009, pp. 37), he was not one of those who believed that society was sufficient unto itself and could, in case of need, do without government. Although he believed that Godwin had better demonstrated the hazardous effects of the government having extreme power for both individuals and society at large, he did not accept Godwin's central ideas against law, government and property (Jennings, 2009, pp. 76-77; Vincent, 2011, pp. 98). Godwin argued that the state was the single most dangerous institution to the liberty of individuals and saw government as an absolute evil (Jennings, 2009, pp. 77; Vincent, 2011, pp. 99). On the other hand, Constant found the belief that elimination of state would bring the necessary conditions for the preservation of liberty, naive and he asserted that government had been created by the needs of society (Jennings, 2009, pp. 77; Vincent, 2011, pp. 99). Also, Constant characterized the government as not an absolute evil, but a necessary evil in Thomas Paine's famous word (Vincent, 2011, pp. 99; Jennings, 2009, pp. 77). That is to say, for Constant, government was evil only when it exceeded its limited sphere. Therefore, as Constant expressed (2015, pp. 28), the proper functions of government "purely negative" and it should repress disorder and let individual to find the good; that is, "the motto of government out to be: *Laissez faire et laissez passer*" (2015, pp. 261).

3.6. Constant's Thought on Federalism

The most common definition of federalism is division of powers between central authority and regional authorities prescribed in a constitution and enforced by an independent judiciary (Aroney, 2009, pp. 33; Simeon & Swinton, 1995, pp.3). Unlike in a unitary state, in federal order, authority is decentralized. In other words, federalism includes "divided sovereignty, multiple loyalties and identities, and governance through multi-level institutions" (Simeon & Swinton, 1995, pp. 3). Considering the term "federal", it is derived from Latin word *foedus* which means an agreement or covenant (Aroney, 2009, pp. 33; Riker, 2007, pp. 612; Elazar, 1991, pp. 6). From this perspective, federal arrangement or federal system of government is closely related with a covenant or an agreement between central authority and its constituents. Elazar (1991) explains:

In essence, a federal arrangement is one of partnership, established and regulated by a covenant, whose internal relationship reflect the special kind of sharing that must prevail

among the partners, based on a mutual recognition or integrity of each partner and the attempt to foster a special unity among them. (pp. 6)

The first usage of the federal idea has theological root⁷⁹. It was first formulated to define the relationship between God and human beings. God and human beings were tied by covenant that “make them jointly responsible for the world’s welfare” (Elazar, 1991, pp. 115). In sixteenth and seventeenth century Protestant reformation, theologians used the term “federal” to describe the system of holy covenants between God and humanity (Elazar, 1991, pp. 115). In the late seventeenth and eighteenth centuries, the term “federal” turned into secular modern political form with the contributions of some philosophers such as Johannes Althusius⁸⁰, Montesquieu and John Stuart Mill and Madison (Elazar, 1991, pp. 115). The emergence of modern federalism is closely linked with the emergence of the modern nation-state. Modern federalism provided an alternative against weaknesses of centralized nation-state.

In France, as a centralized nation-state, federal idea was rejected, but Constant argued decentralization as a new type of federalism. Benjamin Constant supported the idea that political authority must be limited even if its legitimacy came from the people. Therefore, an appropriate constitutional order, more specifically the separation of powers, the balance between powers and strong public opinion and public surveillance over representatives were required to limit the government. In this regard, his understanding of federalism was closely related to the separation of powers and the balance of powers. In order to figure out the federalism which Constant proposed, it is important to explain the image of federalism in terms of France.

France embodied the model of a unitary state. In the French tradition, the idea of federalism was viewed as a means that would pave the way for the dissolution of national unity, because state was defined with sovereignty and with the effects of Rousseau’s ideas, sovereign had

⁷⁹ For further information about theologico-political root of federalism, see, Freitas, S., & Raath, A. (2009). The Reformational Legacy of Theologico-political Federalism. In A. Ward & L. Ward (Eds.), *The Ashgate Research Companion to Federalism* (pp. 49-68). Farnham & Burlington: Ashgate Publishing.

⁸⁰ Johannes Althusius systemized modern federal thought. In his book *Politica Methodice Digesta*, he introduced federal commonwealth and argued autonomy of his city of Emden. He presented also a comprehensive theory of polity established by the consent of its citizens. See, Althusius, J. (1995). *Politica Methodice Digesta*. Indianapolis: Liberty Fund. Retrieved from << http://if-oll.s3.amazonaws.com/titles/692/0002_Bk.pdf >> For further study on Althusius’ theory, see, Koch, B. (2009). Johannes Althusius: Between Secular Federalism and the Religious State. In A. Ward & L. Ward (Eds.), *The Ashgate Research Companion to Federalism* (pp. 75-90). Farnham & Burlington: Ashgate Publishing.

indivisible supreme power (Barrera, 2009, pp. 283-284). Therefore, federalism, decentralization, dual sovereignty and multiple levels of government were perceived negatively (Barrera, 2009, pp. 283). On the other hand, Constant was opposed to the idea of indivisible general will or absolute sovereignty and supported the establishing the form of power that would equally avoid both despotism and anarchy through an administrative decentralization. Therefore, in contrast to the dissolution of national unity, decentralization of power or decentralized representation would contribute to lasting patriotism (Fontana, 2009).

In addition, Constant, unlike Montesquieu⁸¹, believed that a republic was possible in a large country (Vincent, 2011, pp. 108). His discussion of federalism was a possible response to the difficulties in the governance of the large states (Fontana, 2009, pp. 170). His idea of federalism reflected this belief; that is, large and populated states could be run by representative institutions of a republican government (Fontana, 2009, pp. 171).

Constant's ideas on federalism appeared firstly in a chapter- *pouvoir administratif*- of his unpublished book *Fragments* (Fontana, 2009, pp. 170-171). Also, he dedicated a small chapter in his book *Principles of Politics Applicable to All Representative Governments*. In the *Fragments*, Constant mentioned the main problem of governance of large states. The strength of governments of large states could easily be corrupted and they could turn into despotism (Fontana, 2009, pp. 171). Therefore, federalism was a solution to combine central regime with the freedom of local administrations (Fontana, 2009, pp. 171). For Constant, the good form of federalism was ensured by the federalist ideal of a balanced combination of local and central power; that is, in his words:

Each partial society, each group must consequently be in a state of greater or lesser dependence, even for its internal organization, on the general associations. But at the same time the internal arrangements of the particular groups, since they have no influence upon the general association must remain in a state of perfect independence, and just as in individual life that part which in no way threatens the social interest must remain free, similarly in the life of groups, all that does not damage the whole collectivity must enjoy the same liberty. (1988b, pp. 254).

⁸¹ Montesquieu believed that the nature of a republic was suitable for only a small territory. He (1989, pp. 124) explained the reason why the nature of republic was suitable for only a small territory: "In a large republic, the common good is sacrificed to a thousand considerations; it is subordinated to exceptions; it depends upon accidents. In a small one, the public good is better felt, better known, lies nearer to each citizen; abuses are less extensive there and consequently less protected."

Vincent (2011, pp. 118) cites that Constant was sensitive to the danger of centralization. In general, the local administration was perceived as an arm of the national government; that is, while it was responsible for applying national laws, it could not make decisions (Vincent, 2011, pp. 118). Constant criticized the constitutions of 1791 and 1795, because the competences of central authority and local powers were not clearly articulated and he also argued that the constitution of 1799 made local powers the blind instrument of the executive power (Fontana, 2009, pp. 172). Regarding to the constitutions of 1791 and 1795, Constant argued (1988b, pp. 252): “The truth is that in the first of these constitutions there were, in the local administrations, no officials actually subject to the executive power; while in the second these administrations were so dependent, that the result was apathy and discouragement.” Therefore, he proposed a distinction between the executive power and the administrative institutions for large nations. He acknowledged that administrative institutions were parts of the executive, but the executive could function adequately only if these administrative institutions were decentralized and autonomous (Fontana, 2009, pp. 172). Constant believed that local problems could be understood and dealt with easily by local administrations or affairs of local interests could be better represented by local administrations. He (2003, pp. 325) pointed out: “The management of the affairs of everybody belongs to everybody, that is, to the government instituted by everybody. What touches only a minority should be decided by that minority. What relates only to the individual must be referred only to the individual.”

Constant articulated internal administration- a great deal of federalism in his book *Principles of Politics Applicable to All Representative Governments* (1988b, pp. 253): “We must introduce into internal administration a great deal of federalism, but a federalism different from the one known up to now.” Constant mentioned that if federalism was defined as external association of independent states, like Holland and Switzerland, the institution was pernicious⁸² because of its potential which could cause internal despotism and external anarchy (1988b, pp. 253-254; Fontana, 2009, pp. 171). On the other hand, he defended a new kind of federalism which would ensure balance between central power and local administrative as a means to achieve a peaceful and lasting patriotism (Constant, 1988b, pp.

⁸² Constant (1988b, pp. 253) argued: “The name of federalism has been given to an association of governments which preserved their mutual independence, and were kept together merely by external political links.” Constant also found the American model unsatisfactory, because the authority of its central government was insufficient and it required reinforcement (Fontana, 2009, pp. 171). In this regard also see (Constant, 1988, pp. 253).

254; Fontana, 2009, pp. 173). In this new kind of federalism, while decisions about matters of local concern must be taken by locally elected authorities, at the same time national decisions which affect local interests must be checked by local power (Fontana, 2009, pp. 174). Consequently, while Constant supported the representative system, he also underlined that representatives must be close to their constituents and to the local issues that were their concern (Vincent, 2011, pp. 113). Therefore decentralized administration could reduce the distance between the state and the people; between representatives and their constituent. It could also ensure that local issues and local interests are identified and are dealt with.

3.7. Constant's Thought on Commerce

Benjamin Constant whose all ideas were based on priority of individual and limiting political power evaluated commerce as the means of contributing to liberty and peace, and decreasing dependency of individuals to the authority. In general, he analyzed this concept through comparison of the modern world and the ancient world. In his books *Principles of Politics Applicable to All Representative Government* and *The Spirit of Conquest and Usurpation and Their Relation to European Civilization* and in his famous speech "The Liberty of the Ancients Compared with That of the Moderns", he underlined the importance of commerce which replaced the war; changed bellicose spirit of the states; could override the influences of arbitrary power, usurpation and despotism. That is to say, in his works, Constant drew attention to the pacifying effects of commerce on the people and the states.

Constant adopted *doux commerce*⁸³ like Montesquieu, Adam Smith, David Hume and John Millar (Lee, 2003, pp.15). As James Mitchel Lee mentioned (2003, pp. 15), for *doux commerce* thinkers, it included "the promise of wealth, softer manners, and a civil society thriving separately from politics." In his book *The Spirit of Laws*, Montesquieu (1989, pp. 338) stated: "Commerce cures destructive prejudices, and it is an almost general rule that everywhere there are gentle mores, there is commerce and that everywhere there is commerce, there are gentle mores." He also argued that commerce softened barbarous mores

⁸³ Albert O. Hirschman mentioned *doux commerce* as the most influential political economic doctrine and he attributed this doctrine to Montesquieu. *Doux commerce* can be translated as soft commerce or gentle commerce which softens manners of the people and pacifies relations between nations. Hirschman explains: "The origin of the epithet *doux* is probably to be found in the "noncommercial" meaning of commerce: besides trade the word long denoted animated and repeated conversation and other forms of polite social intercourse and dealings among persons (frequently between two persons of the opposite sex). For further information see (Hirschman, 2013).

(1989, pp. 338). In this regard, within the scope of *doux commerce*, Constant argued about the effects of commercial relations in terms of peace, repose, comfort and individual liberty.

In his comparison of moderns and ancients, Constant focused on commercial relations as one of the determining factors. He identified modern age as the age of commerce where personal interests and individual liberty were at the forefront. When he defined the character of the modern nations, he mentioned that modern society was sufficiently civilized and, unlike ancient society, perceived the war as a burden⁸⁴: “We finally reached the age of commerce, an age which must necessarily replace that of war, as the age of war was bound to precede it.” (Constant, 1988a, pp. 53; 1988c, pp. 313; 2015, pp. 8). However, ancient societies had bellicose spirit by nature, therefore they were built on war and they obtained what they desired through war (Constant, 1988a; Lee, 2003, pp. 79). Modern societies were inclined to peace, repose and comfort and for them, commerce could provide this comfort and also it became the means of obtaining what they desired. In Constant’s words⁸⁵ (1988a; pp. 53; 1988c, pp. 313):

War and commerce are only two different means to achieve the same end, that of possessing what is desired. Commerce is simply a tribute paid to the strength of the possessor by the aspirant to possession. It is attempts to obtain by mutual agreement what one can no longer hope to obtain through violence.

Along with the rise of commerce, utility and charm of the war have decreased. Modern societies realized its damages such as destroying every social guarantee, every form of liberty and every interest without compensation (Constant, 1988a, pp. 81). While war divided the people, commerce created new channels or connections and via these channels it linked one society to other societies. Good communication, soft manners and peace between nations are the fundamental requirements for commerce⁸⁶, therefore as Constant mentioned (1988a, pp. 53; 2015, pp. 15), “the more the commercial tendency prevails, the weaker must the tendency to war become”. Like Constant, other *doux commerce* thinkers thought that the society engaged in trade was inclined more to peace than to war (Dickey, 2001, pp. 273). For instance, Montesquieu (1989, pp. 338) claimed: “The natural effect of commerce is to lead to peace. Two nations that trade with each other become reciprocally

⁸⁴ Constant’s political works *Principles of Politics Applicable to All Representative Government* and *The Spirit of Conquest and Usurpation and Their Relation to European Civilization* and “The Liberty of the Ancients Compared with That of the Moderns” contain many of the same passages.

⁸⁵ Also, See (Constant, 2015, pp. 16)

⁸⁶ “Commerce rests on a good understanding of nations between themselves. It is sustained only by justice. It rests on equality. It prospers in peace” (Constant, 2003, pp. 281).

dependent; if one has an interest in buying, the other has an interest in selling, and all unions are founded on mutual needs.”

In commercial relations, mutual interests, mutual needs and mutual agreements are at stake. Therefore, because of the capacity of the war which jeopardizes mutual needs and interests and especially wealth gained through commerce, modern nations do not easily become parties in a war. In this regard, Constant claimed that commerce changed the nature of the war, because in the age of commerce, nations could find support even among their enemies to defeat or resist other enemies (1988a, pp.54)⁸⁷. He tied this up by mutual interests between nations (1988a, pp. 54): “The infinite and complex ramifications of commerce have placed the interests of societies beyond the frontiers of their own territory; the spirit of the age triumphs over the narrow and hostile spirit that men seek to dignify with the name of patriotism.”

For Constant, another important acquisition of commerce was that it changed the nature of the property and added a new quality. Also, this change decreased and even overrode the influence of arbitrary power and made despotism and usurpation particularly impossible. The new quality which made the property more difficult to seize was the circulation of money (Constant, 1988a, pp. 140; 1988c, pp. 324). Without the circulation, property was only a usufruct which was more open to abuses of authority and also usurpation of arbitrary power, but the circulation of money prevented this exercise of power by creating an invisible and invincible block (Constant, 1988a, pp. 141; 1988c, pp. 325; 2003, pp. 356; Lee, 2003, pp. 80). Considering the influence of arbitrary power on individuals and dependency of individuals to the authority, commerce changed this situation also by creating the credit. Through the institution of public credit, authority became dependent while commerce emancipated individuals from the authority, because individuals have been stronger even richer than political powers in modern world, unlike ancient times (Constant, 1988a, pp. 141; 1988c, pp. 325; 2003, pp. 356; Lee, 2003, pp. 80). That is to say, commerce had contributed to creating a system independent from the authority (Lee, 2003, pp. 80). In the modern world, individual existence has been less bound to political existence. As Constant pointed out (1988c, pp. 315), commerce furnished the needs of individuals and satisfied their desires without the intervention of the authorities. Expatriation was no longer effective

⁸⁷ See also (Lee,2003, pp. 80)

punishment⁸⁸, because individuals could take their treasures with them far away (Constant, 1988a, pp. 141; 1988c, pp. 325)⁸⁹. All these effects of commerce contributed to individual liberty and changed dependency situation between the authority and the individuals⁹⁰. That is to say, while in ancient times, individuals were dependent to authority, in modern times, individuals could undermine the social authority and the authority became dependent to individuals. In Constant's words (2003, pp. 357):

In antiquity each citizen saw not only his affections but his interests and his fate bound up in his country's lot. His patrimony was ravaged if the enemy won a battle. A public reversal removed him from the rank of free man, condemning him to slavery. No one had the means of moving his wealth. In modern nations, tanks to trade, individuals shape their own futures, despite events. They move their assets far away; governments cannot penetrate their transactions; they take along with them all the comforts of private life.

Benjamin Constant drew attention also to the effect of commerce that homologized and unified nations and blurred the frontiers. In the modern world, nations have shared similar tastes, interests, habits and mores. For Constant, commerce has created these similarities. He evaluates this similarity in the framework of ancient- modern dichotomy. In antiquity, wars created isolated nations; sharpened the frontiers and decreased peaceful interactions between nations. Therefore, nations had different mores and habits. On the other hand, as Constant (2003, pp.357) mentioned: "Trade has brought nations together, giving them almost the same mores and habits." Fontana pointed out that Constant identified this similarity of tastes and interests as the main reason why modern European nations- unlike their pre-modern counterparts- had nothing to gain from being at the war and rejected to identify themselves with Napoleon Bonaparte's ambitions of conquest (2009, pp. 197).

⁸⁸ As Biancamaria Fontana mentioned (2009, pp. 167): "Exile no longer represented the kind of moral death sentence that the ancients had regarded as the most severe of punishments to be inflicted upon a citizen. This mobility of individuals mirrored the freedom commerce created through the circulation of property."

⁸⁹ Holmes (2009, pp. 55) explains: " The chance for the wealthy to transfer considerable liquid assets abroad and out of reach of the banishing authority cushioned to some extent the experience of exile, at least for certain social classes."

⁹⁰ In this regard, Adam Smith, in his book the *Wealth of Nation*, explained (1981, pp. 412): "Thirdly, and lastly, commerce and manufactures gradually introduced order and good government, and with them, the liberty and security of individuals, among the inhabitants of the country, who had before lived almost in a continual state of war with their neighbors, and of servile dependency upon their superiors." Also, James Mitchell Lee (2003, pp. 97-98) argues that Smith showed to how modern commercial nations could achieve justice, security, and individual liberty through their commercial activities. James Mitchell Lee also cites John Millar's ideas on commercial nations which is similar to Smith's ideas. For Millar, commerce has on the one hand altered the distribution of property and on the other hand increased the communication among members of society and while these changes increased standards of living, they also decreased the dependency between laborers and feudal lords (Lee, 2003, pp. 99).

Benjamin Constant finally emphasized how to protect all these acquirements of commerce. The main protection that Constant proposed was to limit government intervention in relation of economic activities. That is to say, Constant opposed to all attempts of governments either to protect industry or to prevent competition (Jennings, 2009, pp. 82). He also rejected to fix the wealth by government. He (2015, pp. 27) argued:

Legislation should not try to “fix wealth” in the state and to “distribute it equitably.” Wealth is fixed in a state when there is freedom and security, and in order for there to be these two things, it is enough to repress crime. Wealth is distributed and divided by itself in perfect equilibrium, when the division of property is not limited and the exercise of industry does not encounter any hindrances.

Consequently, for Constant, commerce should be free from government intervention and the government should intervene only in unusual situations such as a sudden and general famine or protecting small territory’s economic independence if need arises (Vincent, 2011, pp. 203)⁹¹. In short, His motto was (2015, pp. 261): “For thought, for education, for industry, the motto of governments ought to be: *Laissez- faire et laissez- passer.*”

3.8. Benjamin Constant and Romanticism

Benjamin Constant was one of the important thinkers who contributed to romanticism in France together with Germaine de Staël. His personality and works were featured with romantic elements. In other words, his perception of individual and liberty, his attitude towards sentiments, enthusiasm, and religion, and his inclination to melancholy in his private life reflect romanticism. In this regard, before analyzing the relation between Constant and romanticism, it will be beneficial to speak about romanticism briefly.

Romanticism does not have a specific or an exact definition⁹². The most explicit thing in romanticism is that it is a movement associated with love, enthusiasm, melancholy and other passionate emotions. Imagination, spontaneity, individualism and freedom are also some

⁹¹ For further information see (Constant, 2015).

⁹² In the sixth edition of *The Oxford Companion to English Literature* (2000), it is written: “To define the general character or basic principle of this momentous shift, which later historians have called romanticism, though, is notoriously difficult, partly because the Romantic temperament itself resisted the very impulse of definition, favoring the indefinite and the boundless.” (pp. 872). Also, Isaiah Berlin abstained from giving an exact definition of romanticism or from any generalization, but he stated its importance (1999): “The importance of romanticism is that it is the largest recent movement to transform the lives and the thought of the Western world. It seems to me to be the greatest single shift in the consciousness of the West that has occurred, and all the other shifts which have occurred in the course of the nineteenth and twentieth centuries appear to me in comparison less important, and at any rate deeply influenced by it.” (pp. 1-2). See further information about romanticism Day, A. (1996). *Romanticism*. London: Routledge; Brookner, A. (2000). *Romanticism and Its Discontents*. New York: Farrar, Straus and Giroux.

focal points of romanticism. According to Isaiah Berlin (1999), the pursuit of novelty, desire to live in the moment, melancholy, chaos and peace, love of life and death, harmony with the nature, mystery and nostalgia are some of the characteristics of romanticism (pp.16-18). Also, along with accepting the complexity of defining romanticism or the risk of oversimplification of its context, John Morrow asserts three issues shared by arrange of prominent exponents of political romanticism: the epistemological and moral importance of feeling and imagination; a distinctive notion of individual; idea of community (2011, pp. 39). In the sixth edition of *The Oxford Companion to English Literature* (2000), there is a general definition of romanticism which includes its focal points:

In the most abstract terms, Romanticism maybe regarded as the triumph of the values of imaginative spontaneity, visionary, originality, wonder, and emotional self-expression over the classical standards of balance, order, restraint, proportion, and objectivity. Its name derives from romance, the literary form in which desires and dreams prevail over every day realities (pp. 872).

Romanticism was kind of reaction or challenge against the Enlightenment and reason glorified by the Enlightenment⁹³. For romantics, human beings were infinite and they had moral and religious potentialities which could not be seized by enlightened rationalism (Morrow, 2011, pp. 39). Romanticism was not only influential in literature⁹⁴, but also in many areas such as visual art⁹⁵, music⁹⁶, and philosophy⁹⁷. This movement began in Germany and continued in England and France in eighteenth century (Berlin, 1999). Like its abstract structure, its period is vague and varies through countries. It is acknowledged that for English romanticism, 1789 (French Revolution) and 1798 (Wordsworth and Coleridge's *Lyrical Ballads*) were starting dates, and 1837 (Queen Victoria's ascension to the throne) and 1850 (the death of Wordsworth) were end-dates; German romanticism was approximately contemporary with English romanticism; French Romanticism came after

⁹³ In Inger S. B. Brodey's words (2005, pp.10): "The transition in Europe from Enlightenment Classicism to Romanticism has frequently been described in dichotomous terms – opposing, for example, Enlightenment or classical preference for rational order and symmetry with Romantic preference for spontaneity, fragmentation, and organicism."

⁹⁴ For example, German writer Goethe, *The Sorrows of Young Werther*; English poets William Wordsworth and Samuel Taylor Coleridge, *Lyrical Ballads*; French writer Victor Hugo *Notre- Dame de Paris*

⁹⁵ For instance, French painter Eugène Delacroix's famous painting *Liberty Leading the People (La Liberté guidant le peuple)*

⁹⁶ For instance, Ludwig van Beethoven, *Fifth Symphony*

⁹⁷ Schelling, Schlegel, Herder, Fichte, *Sturm and Drang*. It is important to note that while Immanuel Kant is regarded as one of the fathers of romanticism, he hated romanticism and detested every form of extravagance and any form of exaggeration, mysticism and confusion. His romantic side was specifically in his moral philosophy (Berlin, 1999, pp. 68-69).

English romanticism, as late as 1830 (Faflak & Wright, 2012, pp. 3; Ferber, 2005, pp. 8). Also Michael Ferber (2005, pp.7) states: “It is usually harmless enough to refer to the years 1789 to 1832, or 1820 to 1850, depending on the country, as the ‘Age of Romanticism’ or ‘The Romantic Period’.

In France, romanticism emerged as a reaction against a firmly entrenched classicism⁹⁸ (Havens, 1940, pp. 10; Beers, 1901, pp. 174). Though romanticism focused on sentiments and enthusiasm, in French romanticism classic order and reason or logic did not lose their effects completely; rather there was a kind of balanced form and composition in French romanticism (Havens, 1940, pp. 18). Moreover, French romantic writers were opposed to attitude of the Enlightenment toward religion. As John Morrow emphasized (2011, pp. 69-70), they chafed at the ‘practical atheism’ of the Enlightenment, because it hindered the liberating and progressive tendencies which were the characteristic of the modern age. The French Revolution and Napoleonic Era influenced the early period of the romantic era, particularly early French Romanticism, because human beings had experienced the rapid succession of historical breakups: the collapse of monarchy with the Revolution; changing of the Revolution into the Terror; the rise and the downfall of Napoleon (Moore, 2005, pp. 177-178). These historical ruptures brought about future expectations, nostalgia, disappointment, hope and elation which contributed to the infrastructure of romanticism. Fabienne Moore asserts (2005):

Denied freedom of expression by the Terror, then by Napoleon’s regime, the early Romantic generation had to continue the political fight of the ancient regime’s philosophes, sharing with their forebears the pain of censorship and exile. On the other hand, they gained a renewed appreciation of religious expression when Napoleon reversed the Revolution’s religious ban, leading the spiritual dimension to resurface in literature (pp. 178).

In this regard, along with Germaine de Staël⁹⁹ and François-René Chateaubriand Benjamin Constant came into prominence as a romantic thinker. Benjamin Constant was regarded as

⁹⁸Henry A. Beers (1901, pp. 174-175) explained the effects of classicism in France: “The Revolution even intensified the reigning classicism by giving it a republican turn. The Jacobin orators appealed constantly to the examples of the Greek and Roman democracies. The Goddess of Reason was enthroned in place of God. Sunday was abolished, and the names of the months and of the days of the week were changed. Dress under the Directory was patterned on antique modes - the liberty cap was Phrygian - and children born under the Republic were named after Roman patriots, Brutus, Cassius, etc.

⁹⁹ Germaine de Stael’s book named *De l’Allemagne* (1813) was important work for romanticism. It was about ideas on Napoleon, Idéologie and religion (Rosenblatt, 2008, pp. 145). Rosenblatt (2008, pp. 145) wrote: “...she showcases German literature and philosophy in order to expose the deficiencies of France”. Also, John Claiborne Isbell (1994, pp.4) pointed out: “Stael took the German term 'Romantic' as a perfect label for her

a romantic writer in terms of his personality and works. Considering his personality, he tended to melancholy. Dennis Wood (1993, pp. 23) stated: “Now in Constant’s life chronic anxiety, depressive episodes and examples of his proneness to dejection and melancholia are too numerous to mention and well documented.” His deprivation of mother and father figure; his unfortunate relationships with women and his habit of gambling¹⁰⁰ were both signs and reasons for his proneness to melancholy.

In his works on religion and politics, and in his novel *Adolphe*, the triumph or superiority of the individual and liberty is observed, as well as the emphasis on enthusiasm and perfection which was also focal points of romanticism. In his novel *Adolphe*, while Adolphe, as an individual, pursued his own desires or passionate love toward Ellénore, even if social norms did not approve this love, he tried to free himself from the Ellénore’s excessive possessiveness, because he began to feel that he was dependent to her. In addition, in his book *Adolphe*, Constant conveyed emotional shifts and confrontation between sentiment and reason through the protagonist, Adolphe. In other words, at the beginning, Adolphe fell in passionate love with Ellénore, and then he turned into a man who fell out of love, but could not end this relationship because of his fear of hurting Ellénore. Also, Adolphe opposed to dogmatic social norms and he inquired constantly social morality. In this moral inquiry, Adolphe stated that the thing which corrupted the morality was not the nature or emotions, but the calculation and judgement of society¹⁰¹. Shortly, Constant’s book *Adolphe* contains strong emotions, expectations, desire of freedom and melancholy. In this respect, it is important to note that Constant did not distinguish literature from his other works; rather he believed there was a connection:

own global agenda, and sold this private agenda to Europe’s half-formed anti-Classical reactions. She thereby invented a European Romanticism, flying her colours or reacting to them.” For detailed information about Germaine de Stael in terms of romanticism, see, Isbell, J. C. (1994). *The Birth of European Romanticism: Truth and propaganda in Stael’s ‘De l’Allemagne’, 1810-1813*. New York: Cambridge University Press; (Moore, 2005, pp. 179-183).

¹⁰⁰ Dennis Wood (1993, pp. 65) claimed: “Gambling was perhaps both an opportunity to act out such anxious expectation (which of course also included an element of pleasure, albeit somewhat masochistic), and an opportunity to obtain his revenge on destiny. In the ebb and flow of winning and losing, Constant experienced a sense of freedom and power over his own fortunes that had been denied him as a child and continued to elude him in his subservience to his father as an adolescent. The game of cards was, then, a real as well as a symbolic way of playing with his life, and also a form of therapy, since through it he could express his (usually ambivalent) feelings towards his predicament” Also, Steven Vincent echoes Wood and interprets that Constant’s habit of gambling was a “flirtation with fate, or alternately driven by hope for a miracle” (2009, pp. 198).

¹⁰¹ Steven Vincent (2009, pp. 202) interprets the protagonist, Adolphe: “Character is not equal to the requirements of the modern age; the all-important values of love, belief, and enthusiasm are being lost because men’s emotions and energy are damaged, weak and vacillating.”

Literature is linked to everything else. It cannot be separated from politics, religion or morality. It is the expression of people's opinions on each of those matters. Like everything in nature it is at once both cause and effect. To describe literature as an isolated phenomenon is not to describe it at all (as cited in Wood, 1993, pp. 5).

In Constant's other works on politics and religion, individual, liberty, sentiments, enthusiasm, self-fulfillment were fundamental aspects. As an example for the importance of individual and liberty, in the preface to the *Mélanges de littérature et de politique* published in 1829, he asserted:

For forty years I have defended the same principle: freedom in all things, in religion, philosophy, literature, industry, and politics. And by freedom I mean the triumph of the individual both over an authority that would wish to govern by despotic means and the masses who claim the right to make a minority subservient to a majority (as cited in Wood, 1993, pp. 4-5).

Although Constant made much of individual liberty, happiness and self-interest, he stated the importance of self-fulfillment for individual. Therefore, he highlighted the power of self-sacrifice and political liberty as a remedy for refraining from egoism and providing self-development¹⁰². Considering self-interest, Constant and Germaine de Staël shared the same ideas. Rosenblatt pointed out that like Constant she introduced the religious concept of soul, conscience, duty and enthusiasm as antidote to self-interest which could cause egoism (2008, pp. 145). In addition, she agreed with Constant that the destination of human being was not only material well-being and happiness, but also his moral improvement or moral perfectibility which required self-sacrifice (Rosenblatt, 2008, pp. 145). For Constant, there was a link between individuality and enthusiasm. Gerald Izenberg (2009, pp. 213) asserts that Constant's view of self was a romantic view, because he believed that the self was a quest for the infinity and transcendence, and the fulfillment of the self had to be simultaneously compatible with individual autonomy. Izenberg also adds that for Benjamin Constant individuality referred to romantic self and the most important part of individuality was enthusiasm (2009, pp. 214). In his book *The Spirit of Conquest and Usurpation and Their Relation to European Civilization*, Constant (1988a) wrote about enthusiasm:

[...] we are always dragging behind us some sort of afterthought, which is born from experience, and which defeats enthusiasm. The first condition for enthusiasm is not to observe oneself too acutely. Yet we are so afraid of being fools, and above all of looking like fools, that we are always watching ourselves even in our most violent

¹⁰² While Benjamin Constant compared the ancient liberty and the modern liberty, he particularly mentioned that the aim of individual was not only happiness but also self-development and political liberty was one of the best means to provide self-development (1988c, pp.327).

thoughts. The ancients had complete conviction in all matters; we have only a weak and fluctuating conviction about almost everything, to the inadequacy of which we seek in vain to make ourselves blind (pp. 104-105).

In addition, Constant saw enthusiasm as an antidote for narrowness (Vincent, 2000, pp. 628). He also rejected the theory, supported by Montesquieu, Rousseau and Robespierre, that the population should be animated by virtue not by private personal gain (Vincent, 2011, pp. 145). Rather, he argued that modern societies must be animated by interest (Vincent, 2000, pp. 628; 2011, pp. 145). However, he acknowledged that interest alone could bring about narrowness, egoism and isolation; therefore interest should be stimulated by enthusiasm (Vincent, 2000, pp. 628; 2011, pp. 145). Enthusiasm which was tolerant, delicate and ardent, and also benevolent emotions that made connection among individuals were useful for both self-development and political stability which required refraining from narrowness and egoism (Vincent, 2011, pp. 143).

In his understanding of religion, Constant evaluated religion as a sentiment independent from doctrinal content, dogmas and authority. He also rejected the belief, advocated by Enlightenment, that religion was an obstacle to progress and civilization and he underlined the self-improvement by declaring that God wants individual to perfect himself by his own effort and his own free will (Rosenblatt, 2008, pp. 211). He mentioned three religious passions, which are enthusiasm, fanaticism and superstition and preferred enthusiasm (Vincent, 2000, pp. 631; 2011, pp. 143). Enthusiasm helped people to avoid fanaticism and self-absorbed isolation (Vincent, 2011, pp. 143).

Benjamin Constant's important contribution is that he rehabilitated the meaning or usage of enthusiasm (Vincent, 2011, pp. 145). In seventeenth and eighteenth centuries, enthusiasm had held negative meaning. As Vincent (2000, pp. 628; 2011, pp. 145) explained, enthusiasm was viewed as a mark of unreasonable religious belief. For instance, Locke and Voltaire used enthusiasm while defining some religious sects as the fanaticism and intolerance of "enthusiastic" religious sects (Vincent, 2011, pp. 145; 2000, pp. 628-629). However, Constant distinguished it from other passions like fanaticism which was the misguided attempt to reduce everything to one idea and he recommended enthusiasm as a remedy to narrowness and egoism, and as a positive element in religion (Vincent, 2011, pp. 143; 2000, pp. 632). Vincent regarded this usage of enthusiasm as romantic (2000, pp. 632).

Consequently, romantic aspect of Constant's thoughts is not separated from his political liberalism, especially in terms of the view of individual and the importance of emotions. As Vincent mentioned, his liberal politics was inseparably engaged with his belief in the significance of emotions and sentiments and his liberalism embraced enthusiasm in terms of issues of religion, morals and life (Vincent, 2000, pp. 626)¹⁰³. For all these reasons just mentioned above, Constant was both liberal and romantic, because on the one hand, he advocated constitutional structure which would protect individual rights and liberties, limit political authorities and provide people with the wider private sphere, and on the other hand he acknowledged the significance of enthusiasm and sentiments in order to provide self-fulfillment and to prevent fanatical excess, egoism and indifference (Vincent, 2000, pp. 637).

¹⁰³ Bryan Garsten (2009b, pp. 303) wrote, referring to Nancy Rosenblum and Stephen Holmes, that "romanticism gave Constant a special reason" to value liberal rights and also romantic sentimentalism was a means for both enjoying private liberty and making religion compatible with liberty. For further information, see Rosenblum, N. L. (1987). *Another Liberalism, Romanticism and the Reconstruction of Liberal Thought*. Cambridge, Massachusetts and London,: Harvard University Press.

CHAPTER 4

BENJAMIN CONSTANT'S THOUGHT ON RELIGION

In this chapter, the roots of Constant's interest in religion, and the main themes of his religious thought by mainly referring to his significant book on religion *De la religion considérée dans sa source, ses formes et ses développements*¹⁰⁴ is touched. In this regard, the prominent themes of his religious ideas, which is explained respectively are religious sentiment and religious form dynamic, the distinction of sacerdotal and independent religions, the relationship between the religion and the morality and finally the proliferation of sects.

4.1. Constant's Interest in Religion

Benjamin Constant was interested in religion, beside political theory and literature. His interest in religion began in Edinburgh. There was a friendly and non-hostile relation between the Enlightenment and religion, and a special kind of Protestantism, which was the Presbyterianism¹⁰⁵, was influential in the intellectual environment of Scotland and especially in Edinburgh (Rosenblatt, 2008, pp. 9). Also, in Edinburgh, the church and the university were controlled by the Moderates¹⁰⁶ and they had liberal views in terms of intellectual freedom and religious tolerance¹⁰⁷ (Rosenblatt, 2008, pp. 9). For instance, William Robertson was both Presbyterian clergyman, respected historian, Principal of the University of Edinburgh (1762-1793) and the leader of the Church of Scotland (Brown & Tackett, 2006, pp. 5). He supported that the Enlightenment was not about eradicating religion; rather it was

¹⁰⁴ This book was not translated into English, therefore, it will be benefited from secondary sources.

¹⁰⁵ For further information about Prebyterians and Presbyterianism see: Stephen, J. (2007). *Scottish Presbyterians and the act of Union 1707*. Edinburgh: Edinburgh University Press.

¹⁰⁶ For a detailed study of the relationship between churches and universities in Scotland and the place of Moderates within it see: Sher, R. B. (1985). *Church and University in the Scottish Enlightenment The Moderate Literati of Edinburgh*, Edinburgh: Edinburgh University Press

¹⁰⁷ For religious toleration in Scotland, see: Frace, R. K. (2008). Religious Toleration in the Wake of Revolution: Scotland on the Eve of Enlightenment (1688–1710s). *History*, 93(311), 355–375. doi:10.1111/j.1468-229X.2008.00429.x

about refreshing and redefining religion (Rosenblatt, 2006, pp. 283). Constant joined the Speculative Society¹⁰⁸ and he followed actively the debates on religion. He also gave a speech on “The Influence of Pagan Mythology on Manners and Characters” (Wood, 1993, pp. 50)¹⁰⁹. After he left Edinburgh in 1785, he began to do a research for a book on religion when he was eighteen years old and he pursued this work throughout his life. He worked on this project constantly. He even was editing his manuscript in 1830, a month before his death (Todorov, 2009, pp. 275). Finally, he completed his five-volume book *De la religion considérée dans sa source, ses formes et ses développements* (Garsten, 2009b, pp. 290). The first volume of this book which Constant focused on the religious form and religious sentiment appeared in 1824; the second volume which was about dependent and independent forms of religion appeared in 1825; the third volume was published in 1827 and the last, volumes four and five were published in 1831, shortly after his death (Rosenblatt, 2008; Todorov, 2009). Also, the last three volumes reaffirmed the subjects of the first two volumes (Rosenblatt, 2008, pp. 230).

Benjamin Constant characterized his book *De la religion considérée dans sa source, ses formes et ses développements* as his most important undertaking and achievement (Rosenblatt, 2008, pp. 2). In other respects, it is important to mention that this five volume book was not the only work which he focused on religion. Apart from this book, he wrote newspaper articles, essays, chapters¹¹⁰ on religion and he made speeches and gave lectures on religion. Despite of his endeavor and works on religion, Constant’s reputation comes mainly from his book *Adolphe* and his speech “The Liberty of the Ancients Compared with That of the Moderns” and his book *De la religion considérée dans sa source, ses formes et ses développements* has been neglected by the scholars of liberalism (Rosenblatt, 2004, pp. 35). Todorov (2009, pp. 275) states that this book, “the work of a life time”, raised little debate and was quickly forgotten, and there is no even other editions of the complete work published until 1999. Todorov (2009, pp. 275-276) also explains some reasons why this book could not get sufficient attention from the people: Firstly, the book’s timing was not proper, because in nineteenth century France the anticlerical battled against religion and by the

¹⁰⁸ The Speculative Society was one of the debating clubs in Edinburgh and its activities included lectures and discussions of interrelated historical, political, moral and religious themes (Rosenblatt, 2008, pp. 12).

¹⁰⁹ Dennis Wood (1993, pp. 50) also adds that this discourse was not preserved, like all other discourses.

¹¹⁰ For instance, his books *The Spirit of Conquest and Usurpation and Their Relation to European Civilization* and *Principles of Politics Applicable to All Representative Governments*- include chapters on religion.

twentieth century, this work seemed anachronistic. Secondly, this book included only polytheistic religions and mentioned monotheism only indirectly.

During his research and writing process, the context in which he worked and factors which impress his perspective are important to understand Constant's ideas on religion. At the beginning, Constant's perspective on religion was akin to agnosticism, rather than atheism. He noted: "I have my own little touch of religion. But it all takes the form of feelings, of vague emotions: it cannot be reduced to a system." (as cited in Todorov, 1999, pp. 168). He also stated "I am too much a skeptic to be a non-believer." (as cited in Todorov, 1999, pp. 168). Vincent (2011) also mentioned that Constant was firstly known as atheist while he studied in Edinburgh, but while writing a book about religion, he recommended paganism over Christianity; while in Brunswick, he was impressed by German Protestant theology that "discarded the whole dogmatic and miraculous part of Christianity" (pp. 148). Helena Rosenblatt (2008, pp. 192) explains Constant's perspective during writing process of his book: "While writing it, his perspective had evolved from one inspired by the French Enlightenment and hostile to religion, to one inspired by the German Enlightenment and favorable to religious sentiments, if and when left free."

Considering Constant's perspective while writing on religion, first of all, it is important to mention about the condition of France. When he began to conduct a research on his project, in France religion was under attack of *philosophes* like Voltaire and Helvétius; that is, the Enlightenment in France had anti-Christian or anticlerical character, unlike that in Edinburgh (Rosenblatt, 2008, pp. 14). After 1789, churches and Christianity were profaned, but under the Empire and the Restoration the priests regained their power (Todorov, 2009, pp. 276).

Regarding the brief history of status of religion in France, in the early Bourbon Monarchy in seventeenth century, the Roman Catholic Church was powerful. There were three main religious minorities¹¹¹ (Tackett, 2006, pp. 537): the first ones were Huguenots who were Protestant affiliated with Calvinism. They were under pressure of Catholic Church¹¹² and monarchy and most of them were forced to emigrate and with the revocation of the Edict of

¹¹¹ For detailed information about religious minorities in seventeenth and eighteenth centuries, see, John McManners' book, *Church and Society in Eighteenth-Century France: The Religion of the People and the Politics of Religion*. (1998).

¹¹² The Church depicted the Huguenots as foreign body, internal threat and enemies of Christ with which had to be done away (Barnett, 2003, pp. 133).

Nantes in 1685, they lost their religious liberties and recognition¹¹³. The second ones were French Lutherans who were protected from discrimination by the Treaty of Westphalia. The last one was Jewish population. In this period, another important movement was Jansenist movement at the end of the seventeenth century. The word “Jansen” came from Cornelius Jansen, Jansenius, bishop of Ypres, inspired by Augustinian theology (Kselman, 2006; McManners, 1998). The Jansenists included those who were inspired by the Enlightenment and those inspired by the Protestant Awakening, and they criticized the established church and state, and valued the extension of education (Tackett & Brown, 2006, pp. 8). In his book *The Enlightenment and Religion*, Barnett (2003, pp. 136) states the Jansenists’ aims which were to return the Church to Augustinian purity; to emancipate the Church from its medieval corruption, and to reform it. Also, they believed that they could maintain the God’s work without official sanction, and they were opposed to the hierarchy of the Church and the state (Barnett, 2003, pp. 136). Jansenist movement also encouraged the individual study of the Bible which was deterred by orthodox Catholics, the Jesuits (Barnett, 2003, pp.139-140). They conflicted with the Roman orthodoxy, the Jesuits. Jansenists were perceived as a threat like Huguenots by the state and the church. When they were suppressed by the established Catholic Church and Bourbon monarchy, they became politicized and started intensely advocate anticlerical rhetoric and opposition to the absolute monarchy (Tackett & Brown, 2006, pp. 7). Even if in this period, there were some schisms in religion, Catholic Church, or Catholicism maintained its powerful position in France.

Considering the eve of the Revolution¹¹⁴, it should be firstly mentioned about the effect of the Enlightenment¹¹⁵. On the eve of the Revolution, Tackett (2006, pp. 539-540) mentions four group that attacked the Catholic clergy: the magistrates of the various French

¹¹³ The Edict of Nantes, promulgated by Henry IV in 1598, gave religious liberties to Huguenots and was revoked by Louis XIV in 1685. For further study on the history of Huguenots and on the Edict of Nantes, see: Bergin, J. (2014). *The Politics of Religion in Early Modern France*. New Haven and London: Yale University Press. Alcock, A. (2000). *A History of the Protection of Regional Cultural Minorities in Europe: From the Edict of Nantes to the Present Day*. London: Palgrave Macmillan. Golden, R. M. (Eds.). (1988). *The Huguenot Connection: The Edict of Nantes, Its Revocation, and Early French Migration to South Carolina*. Dordrecht, Boston and Lancaster: Kluwer Academic Publishers.

¹¹⁴ For further study on status of religion during the Revolution, see: Kley, D. V. (2013). The Ancien Régime, Catholic Europe, and the Revolution’s Religious Schism. In P. McPhee (Eds.), *A Companion to the French Revolution* (pp. 123-144). UK: Wiley- Blackwell Publishing. Woell, E. J. (2013). The Origins and Outcomes of Religious Schism, 1790–99. In P. McPhee (Eds.), *A Companion to the French Revolution* (pp. 145- 160). UK: Wiley- Blackwell Publishing.

¹¹⁵ For further information about French Enlightenment, see: Gay, P. (1977). *The Enlightenment: An Interpretation*. New York: W. W. Norton and Co. Craston, M. (1986). *Philosophers and Pamphleteers: Political Theorists of the Enlightenment*. Oxford: Oxford University Press.

parlements or sovereign courts who chafed at the privileges of the clergy; Jansenists who struggled with Jesuits; a lot of French priests (*curés*) who complained about the division of the church's wealth; the French *philosophes* whose attack was the most visible one. In this period, the Enlightenment *philosophes* like Voltaire¹¹⁶ adopted an anticlerical, especially anti-Catholic character (Rosenblatt, 2006, pp. 289). While the *philosophes* accused the clergy in being corrupted, and in exploiting ignorance of the people, the Church accused the *philosophes* in the destroying of all the religion, the morality, and the society (Rosenblatt, 2008, pp. 14). In this regard, Barnett (2003, pp. 134) asserts that the *philosophes* regarded the sixteenth - seventeenth century Wars of Religion as the height of Christian barbarity and they used the religious pretext of those wars in order to attack the established churches and the governments.

In the early Revolution, together with the proliferation of anti-religious writings, deism and atheism began to grow (Rosenblatt, 2006; Tackett, 2006). The deputies of the Third Estate, influenced by Jansenism and the Enlightenment, had anticlerical sentiments and they were close to deism (Tackett, 2006, pp. 541-542). The significant turning point for the situation of clergy on the night of 4th of August in 1789 was the adoption of series of decrees which included the total prevention of the tithes and the seigniorial rights that were under the control of the church (Tackett, 2006, pp. 542). Along with these decrees, because of the bankruptcy or fiscal problems with which the Revolution faced, the church property and all clerical landholdings were confiscated and sold for the benefits of nation (Tackett, 2006, pp. 542). In 1789, Declaration of the Rights of Man and of the Citizen which included an article related with religious liberty¹¹⁷ was accepted. In 1790, the Civil Constitution of Clergy, which proposed reorganization of Roman Catholic Church, and subordinated the Church to the government, was adopted by the National Assembly (Tackett, 2006, pp. 544-547). In the Reign of Terror, the movement of de-Christianization became more visible. The radical revolutionaries attacked the existing religious symbols and rituals by closing down the churches, compelling priests to resign or migrate, and replacing religious symbols and practices with the new republican cults (Tackett, 2006; Desan, 2006). In the Directory era (1795-1799), with the Constitution of 1795, the Church and the state were separated from

¹¹⁶ Rosenblatt (2008, pp. 14; 2006, pp. 289) cites Voltaire's Word as summary of thought of *philosophes*: "écrase (r) l'infâme" which means 'crush this infamous thing [the church]!'

¹¹⁷ Article 10: No one may be disturbed on account of his opinions, even religious ones, as long as the manifestation of such opinions does not interfere with the established Law and Order. Retrieved from << http://www.conseil-constitutionnel.fr/conseil-constitutionnel/root/bank_mm/anglais/cst2.pdf>>

each other; that is, the state would no longer intervene in any religion by funding or recognizing it, but it would give permission to religious assemblies in private sphere, but these novelties did not end anticlerical tendency and de-Christianization (Desan, 2006, pp. 556-558). With the Napoleonic era, even if the Catholic Church regained its power and was acknowledged as ‘the religion of the majority of the French’, and even if Napoleon also instituted religious toleration in order to ensure social stability, state surveillance over religion increased and church lands were nationalized (Desan, 2006). In the Restoration era, the Catholic Church continued to increase its power and influence.

Within the context of unstable status of religion in France, on the one hand, Constant was accused in being indifferent by anticlericals; on the other hand, he was accused in being an atheist by religious zealots (Todorov, 2009, pp. 276-277). However, his aim was only to understand religion. Also, for a brief period during the late 1790s in the Directory period, he participated in Theophilanthropy, a state-sponsored institution influenced by Freemasonry and designed to alienate the French people from Catholicism (Rosenblatt, 2008; Vincent, 2011). According to Rosenblatt who regard it as a new religion, Theophilanthropy was an institutionalized form of Deism (2008, pp. 64). Moreover, members of this institution such as the economist Dupont de Nemours, the writer Bernardin de Saint-Pierre and the poet Chénier hoped that Theophilanthropy¹¹⁸ would replace Catholicism (Rosenblatt, 2008; Vincent, 2011). They arranged national festivals and civil ceremonies and believed that common people should be directed in terms of religion in order not to be drawn into the superstitions peddled by charlatans (Rosenblatt, 2008; Vincent, 2011). Although Constant participated in this group, he finally opposed all government support of civic festivals or in general, all government interventions in religion.

Moreover, after Constant started to live in Brunswick, he was influenced by Jakob Mauvillon¹¹⁹ and the German Enlightenment¹²⁰. Jakob Mauvillon contributed to Constant’s

¹¹⁸ Theophilanthropy had sixteen places of worship in Paris by the end of 1798, but it failed to establish itself as a successful alternative religion. Finally, Napoleon formally closed its remaining churches (Rosenblatt, 2008, pp. 64-67).

¹¹⁹ Jakob Mauvillon came from French Protestant family that had immigrated to Germany. He was inspired by Kant and interested deeply in religion, especially Protestant Enlightenment. Also he was known as together with Johann Saloma Semler Neologists (Rosenblatt, 2008; Lee, 2003).

¹²⁰ My information on Jakob Mauvillon and the German Enlightenment or Protestant Enlightenment of Germany come from Helena Rosenblatt’s book *Liberal Values: Benjamin Constant and The Politics of Religion*” and James Mitchell Lee’s unpublished Ph.D. dissertation *Benjamin Constant: The Moralization of Modern Liberty*. See further information (Rosenblatt, 2008; Lee, 2003). Also, for the German Enlightenment, see: Reill, P. H. (1975). *The German Enlightenment and the Rise of Historicism*. California, USA: University

evolution as a religious thinker by introducing him to important thinkers of the German Enlightenment (Rosenblatt, 2008, pp. 27). The German Enlightenment thinkers, like Semler¹²¹, did not conflict with Christianity; rather, they aimed at reforming their religion by reconciling the Enlightenment with Christianity (Rosenblatt, 2008, pp. 27-28). Also, Semler and his followers described a perfectible Christianity which was an evolving religion aiming to serve as an agent to the progress of humanity. He also articulated the theory of progressive revelation. Rosenblatt (2008) explains this theory:

The theory of progressive revelation held that God, in his infinite wisdom, did not dispense his revelation to man all at once. Rather, he dispensed it in stages, in effect accommodating his teaching so as to accord with man's evolving capacity to understand it (pp. 28).

Shortly, the Protestant theology of Germany redressed the balance between the Enlightenment and religion by proposing a reformation in the Christianity instead of conflicting with religion. In other words, the German Enlightenment, unlike the French Enlightenment, did not battle with religion.

Constant admired German theologians, because they discarded all dogmatic parts of the Christianity and purified the religion (Rosenblatt, 2008, pp. 31). He was also impressed by the theory of progressive revelation. Like the liberal German theologians, Constant advocated that revelation should not be perceived as something timeless; rather, it should allow marching along with Enlightenment by purifying miracles, mysteries, prophecies, superstitions (Rosenblatt, 2008, pp. 31). In sum, the German Enlightenment or German Protestant theology impressed Constant's thinking about religion and thus, he adopted Protestant perspective while writing his book *De la religion considérée dans sa source, ses formes et ses développements* and thanks to the German theologians, this book would be for religious liberty (Rosenblatt, 2008).

In this chapter Constant's thoughts on religion is analyzed through four fundamental topics which form a general framework of Constant's works on religion: Religious sentiment-

of California Press; Ahnert, T. (2006). *Religion and the Origins of the German Enlightenment: Faith and the Reform of Learning in the Thought of Christian Thomasius*, Rochester: University of Rochester Press; Schmidt, J. (Eds.) (1996). *What is Enlightenment: Eighteenth-Century Answers and Twentieth-Century Questions*, Berkeley and Los Angeles: University of California Press.

¹²¹ Semler was the most important German theologian of eighteenth century who developed historical method for religion and aimed to separate true Christianity from the accumulation of false dogma and interpretation (Lee, 2003, pp. 234-235).

religious form dynamic, sacerdotal religions versus free religions, the relation between morality and religion, and the proliferation of sects.

4.2. Religious Sentiment-Religious Form Dynamic

The center of Constant's perspective on religion is the concept of religious sentiment. He designed his ideas on religion through religious sentiment. At the beginning of his study, he observed that there was no society without some kind of religious practices and these practices were unique to human species (Todorov, 2009, pp. 277). The emergence of religious practices was most commonly explained as the effect of an external cause such as fear, need, divine intervention or revelation for the former, circumstances for the latter and searching for consolation (Todorov, 2009, pp. 277). As Vincent mentioned (2011, pp. 152), for Constant, religious belief was not the result of intervention by a transcendent being; rather, it was a natural consequence of innate aspiration to communicate with the infinite, and give meaning to life and the world. In other words, Constant stated (1988b):

When we see our dearest hopes, justice, liberty, our country vanish, we have the illusion that somewhere a being exists who will reward us for having been faithful, in spite of age we live in, to justice, to liberty, to our country. When we mourn a beloved being, we throw a bridge across the abyss, and traverse it with our thought. Finally when life deserts us, we launch ourselves towards another life (pp. 277).

On the other hand, Constant thought that beyond this external cause, religion was at the same time "the most natural of all emotions" (2003, pp. 131). That is to say, in Constant's point of view, the idea of immensity, such as the sight of the sky, the silence of the night, the vast extent of the seas, and the action which led the people to pity or enthusiasm such as a generous sacrifice and a virtuous action nourished religious sentiment of human (2003, pp. 131-132). Therefore, he put the concept of religious sentiment in the center of religions and defined religion as a composition of both sentiment and form (Rosenblatt, 2008, pp. 195). In this regard, how did Constant explain religious sentiment and religious form?

Religious sentiment was inherent in human and strongly related with morality and the progress of civilization and therefore it was timeless; that is, it would not disappear (Lee, 2003; Todorov, 2009, pp. 277-279). Constant defined religious sentiment (as cited in Lee, 2003, pp. 218): "Religious sentiment is born of the need man feels to put himself in communication with the invisible powers." Considering religious form, religious sentiment and religious form depended on each other; that is, one could not exist without the other

(Rosenblatt, 2008, pp. 195). As mentioned above, religious sentiment was about the need of communicating with the invisible power. It took different forms in different historical periods (Vincent, 2011, pp. 153). Therefore, religious form made religious sentiment visible and regular. In Constant's words (as cited in Dickey, 2009, pp. 333): "The tendency of religious sentiment is to clothe itself in more and more perfect forms." In other words, Rosenblatt (2008, pp. 195) cites that it stemmed from the need to give this communication regularity and permanence. It is important to note that while the religious sentiment was timeless and immutable, the religious form was flexible and it could change according to the need of a new epoch. When it refused to adapt to the evolution of the human intelligence and turned into a dogmatic character, the religious sentiment would start to search for new religious form which harmonized better to the need of a new period (Rosenblatt, 2008, pp. 195). Rosenblatt also mentions two contributions of Constant's religious form/sentiment dynamic (2008, pp. 195-196): Firstly, thanks to this dynamic, Constant argued that religions could march with the progress of civilization and evolve with times. Secondly, this dynamic allowed him to make sense of increasing in skepticism and anticlericalism that France was experiencing. That is to say, skepticism and anticlericalism escalated, because religious form¹²² was no longer in harmony with that epoch and religious sentiment chafed at this situation.

Moreover, Constant's definition of religion as a religious sentiment is also significant in terms of its contribution to toleration between different religious forms. Considering toleration, it was asserted, by many Enlightenment thinkers, that ancient polytheism had been superior to Christianity (Garsten, 2009b, pp. 294). For instance, David Hume (1889) claimed that tolerance of polytheism or idolatrous derived from its multiple sources of divinity:

At the same time, idolatry is attended with this evident advantage, that, by limiting the powers and functions of its deities, it naturally admits the Gods of other sects and nations to a share of divinity, and renders all the various deities, as well as rites, ceremonies, or traditions, compatible with each other (pp. 36).

Hume believed that monotheism was intolerant toward worshiping of other deities, because monotheistic religions acknowledged the one sole object of devotion and worshiping of other

¹²² Religious form in that period referred to Catholicism (Rosenblatt, 2008).

deities were regarded as profane (1889, pp. 36)¹²³. Even though Constant's evaluation was in a similar point of view, he regarded that attitude of pagans toward other religions as an indifference rather than a tolerance which included respect and appreciation, because he asserted that toleration rose with the development of the religious sentiment (Garsten, 2009b, pp. 296). In this sense, Constant's definition of religion as a religious sentiment can be understood as a formula which would eliminate the unique and true divine knowledge which every religion claimed to possess only by themselves. Together with disappearing of such claim of possession of divine knowledge, religions are able to tolerate different worship without stigmatizing each other as profane.

4.3. Sacerdotal/ Dependent Religions versus Free/ Independent Religions

The first volume of *De la religion considérée dans sa source, ses formes et ses développements* focused on the religious sentiment and the religious form. In the second volume, Constant put forth another distinction, two religious forms: the dependent or sacerdotal religions and the independent/ free religions.¹²⁴ These concepts were strongly related to the religious form and the religious sentiment, because while the former form imposed restrictions on the religious sentiment and manipulated it, the latter form liberated the religious sentiment. According to Constant what did these two forms refer to? Why did Constant resort to such a division?

Firstly, the dependent religious form referred to religions, which was dominated by a priestly caste. This caste determined and controlled dogmas and rituals; imposed order and claimed authority (Vincent, 2011, pp. 153; Rosenblatt, 2008, pp. 209; Todorov, 2009, pp. 281). Constant argued that sacerdotal religions controlled by the priesthood did great harm to a

¹²³ "While one sole object of devotion is acknowledged, the worship of other deities is regarded as absurd and impious. Nay, this unity of object seems naturally to require the unity of faith and ceremonies, and furnishes designing men with a pretence for representing their adversaries as profane, and the objects of divine as well as human vengeance." (Hume, 1889, pp. 36). Also, Garsten mentions that historian Edward Gibbon praised the universal toleration of polytheism (2009b, pp. 295). Gibbon, like Hume, regarded that the roots of intolerance were in monotheism and this was because of dependence on one source of value (Garsten, 2009b, pp. 295). For further information see Gibbon, E. (1906). *The History of the Decline and Fall of the Roman Empire*, vol2. New York: Fred de Fau and Company Publishers. Retrieved from <<http://oll.libertyfund.org/titles/1366>>

¹²⁴ Examples of sacerdotal religious form were the religions of Egyptians, Hindus and Persians and the example of independent religious form was that of Greeks and also for Constant, within monotheism Catholicism represented dependent form while Protestantism typified independent form (Todorov, 2009, pp. 281). Constant indicated the religion of the ancient Greeks as a model to all modern men, because the Greek religion had been able to progress according to the "natural march of religious ideas". In other words, it had renewed itself with "the progress of Enlightenment and of the natural developments of thought" (as cited in Rosenblatt, 2008, pp. 209).

man, because the priestly caste or the clergy tended to foster ties with political authorities or to seek a limitless power or to become a part of state political apparatus¹²⁵ and resisted to change (Vincent, 2011, pp. 153; Rosenblatt, 2008, pp. 209; Todorov, 2009, pp. 281-282). Also, in this form of religions the priestly caste claimed a monopoly on religious knowledge, blurred people's mind, tried to keep the people in ignorance and set up the "privileged intermediaries" between the people and God (Rosenblatt, 2008, pp. 209-210; Lee, 2003, pp. 271). Constant emphasized that this sacerdotal spirit was the "enemy" of the "prosperity and progress of the people" which would lead to independence (as cited in Rosenblatt, 2008, pp. 210). From this point of view, sacerdotal form did not suit human nature, because mankind was condemned to change and progress. As Constant underlined (as cited in Lee, 2003, pp. 272), it also spoiled natural evolution and development of the religious forms and ideas. In other words, as the priestly power¹²⁶ increased, the bond between the religious form and the religious sentiment decreased and the religious form no longer satisfied the needs of the soul (Lee, 2003, pp. 272).

Independent religious form, on the other hand, was the opposite of sacerdotal form. Independent religions were not static; rather, they were open to change and progress (Vincent, 2011, pp. 153). Their rituals were not under control of the priesthood and they were based on an individual inspiration (Vincent, 2011, pp. 153; Rosenblatt, 2008, pp. 209). Also, while in sacerdotal form the priesthoods sought a limitless power, and along with the religious power they tended to become politically dominant as well, in the independent form, there was no such kind of caste which dominated religion and thus the independent religions dissociated themselves from the political power and embraced a progress. For these reasons, Constant acknowledged that independent religions were inherently superior to sacerdotal religions (Vincent, 2011, pp. 153; Todorov, 2009, pp. 281).

¹²⁵ In the other volumes of the book, Constant especially underlined that priesthoods tended to prevent the progress and to "falsify morality" by turning religion into a political tool and together with political authorities, they exploited people's religious sentiments as a "means of power" (as cited in Rosenblatt, 2008, pp. 230).

¹²⁶ Constant mentioned the origin of the priestly power. It stemmed from a class of individuals in nomadic tribes entrusted with observation of the stars for navigation and survival (Garsten, 2009b, pp. 292-293). This class had interpreted not only the stars, but also the importance of celestial signs for human events by using astronomy and astrology; therefore, they had been regarded as the holders of science and knowledge (Garsten, 2009b, pp. 293). Constant explained: "All the cults founded on astrology gave the priests an immense empire, while all those that took their origin from fetishism gave to them only a small amount of power." (as cited in Garsten, 2009b, pp. 293)

The distinction of dependent- independent form allowed Constant to analyze the history of religion by distinguishing the essence of religion which embraced a progress from distorted religion which obstructed evolution. He also answered to question why religion was so often perceived as an obstacle for the Enlightenment and was attacked especially by Enlightenment thinkers¹²⁷. In this sense, how could this distinction serve to distill the essence of religion from the distorted religion?

While Constant argued that religion, as a religious sentiment, was inherent to man, he also acknowledged that throughout history, religion had served to numerous vices and crimes (Rosenblatt, 2008, pp. 180). For Constant, the reason for this situation was that religion was distorted by the priesthood and authority. In other words, religion served many crimes or vices when it metamorphosed into a political apparatus of the monopoly and the privilege of a small group like the priestly caste¹²⁸ (Rosenblatt, 2008, pp. 180; Garsten, 2009b, pp. 292). Therefore, unlike Enlightenment thinkers in France, he did not accuse religion in general and Christianity in particular as a whole; rather, he accused the dependent form of Christianity or religion dominated by priestly authority. Sacerdotal religions were open to corruption and distortion because the priestly caste claimed to be the holder of religious knowledge, and in order to consolidate its power, it designed religion or interpreted dogmas according to its own interest. Rosenblatt (2008, pp. 180) cites that Constant denounced that the priests invented a language unintelligible to the people and devised somber and lugubrious ceremonies for their own devilish purposes. In addition, the priests had tendency to become effective in political authority. Therefore, the difference between the theological authority and the political authority disappeared and they aspired to become a single category, and this caused confusion (Todorov, 2009, pp. 282). Even political authority tried to redesign religion as a political apparatus. All these confusions ruined the religious sentiment. Constant, thus, called for separation of the spiritual power from the temporal power and the legal separation of the church and the state (Todorov, 2009, pp. 282). He noted (as cited in Rosenblatt, 2008, pp. 135): “Religion and the state are two quite distinct and separate things, which, when brought together can only distort both one and the other.” He also advocated to liberate and to purify the religion from sacerdotal institutions or the

¹²⁷Also, in his book *Principle of Politics Applicable to All Representative Governments*, Constant asked: “Why has it been the most enlightened the most independent and the most learned class that has almost always been its sworn enemy? It is because religion has been distorted” (1988b, pp. 279).

¹²⁸ In his book *Principle of Politics Applicable to All Representative Governments*, Constant (1988b, pp. 279) wrote: “Religion has been transformed, in the hands of authority, into an institution of intimidation.”

dominant priestly caste, because religious sentiment had tendency to look for a newer and purer form of religion which better suited to the current stage of civilization. In the transition to a better form, the authorities should “remain neutral”, because man’s God-given intelligence would “take care of the rest” (as cited in Rosenblatt, 2008, pp. 196). As Todorov mentions (2009, pp. 282), Constant suggested that the religion of the future should stay out of politics and in turn politics should keep its hands off religion.

Constant also thought that the priestly authority was not the outgrowth of religion; rather, it was something external from it (Garsten, 2009b, pp. 292). That is to say, the dependent form did not befit to the essence of religion or to religious sentiment. On the other hand, independent form did not include the priestly caste which dominated the religious truth. Therefore, it suited the essence of religion which embraced a progress, and marched with the times. In fact, the religious sentiment was private to a man, and it did not require any intermediary to satisfy the aspiration of the man to communicate with the infinite. This understanding removed the possibility that a small group of people had privileged access to reach religious truth (Garsten, 2009b, pp. 299). This perspective also allowed Constant to advocate the superiority of the independent religious form, and to prefer Protestantism as an independent form. Briefly, his bias for Protestantism, the religion of northern Germany, was the result of Protestantism’s characteristic which enable to free inquiry, toleration of others and evolution through times (Rosenblatt, 2008, pp. 181).

Considering the place of religion towards the enlightenment and the progress, it has been mentioned that independent religious forms embraced the enlightenment and the progress of civilization. In this regard, in order to show its compatibility with evolution, progress and enlightenment, Constant benefitted from two notions derived from the German Protestant theology: accommodationism and progressive revelation. Constant’s notion of the religious sentiment and the religious form were based on these concepts and as James Mitchell Lee mentioned (2003, pp. 270) with these concepts, the religious sentiment turned into a means to reach perfectibility.

Accommodationism, first of all, is a religious doctrine derived from the German Protestant theology¹²⁹. It means basically that God accommodated his revelation to the capacity of

¹²⁹ This doctrine appeared also as a hermeneutic tool in Calvin. See (Lee, 2003, pp. 266). Also, for further information, see (Battles, 1977).

human beings to understand it (Lee, 2003, pp. 266). In fact, this is related with the God's infinity and the finitude of human beings. In other words, Ford Lewis Battles clarified (1977, pp. 32): "We try to measure God's immeasurableness by our small measure. But it is God who knows the incalculable difference in measure between his infinity and our finiteness, and accordingly accommodates the one to the other in the way in which he reveals himself to us." This doctrine also reflects that religion is able to keep a pace with times. God knows the capacity of human beings in terms of intelligence. Therefore, throughout history, "God accommodates his ways of revelation" to the condition of human beings (Battles, 1977, pp. 34). For Constant, accommodationism presupposes that the religious sentiment, as a force, pushes constantly for a change of religious form in a culture (Dickey, 2009, pp. 333). Also, it explains how religious sentiment as a moral tendency in the human mind affects religions to evolve for the moral betterment of humanity (Dickey, 2009, pp. 333).

Another concept progressive revelation ties in with the accommodationism. Lee describes this tie (2003, pp. 266): "Accommodationism was the divine mechanism by which progressive revelation occurred." It was also the idea that God dispatched the revelation throughout the history by accommodating his teaching to the human capacity to understand it (Lee, 2003, pp. 258). Constant evaluated the revelation as a communication between the God and the man (Rosenblatt, 2008, pp. 197). This did not have doctrinal content, rather it was composed from generous emotions and refreshing feelings (Rosenblatt, 2008, pp. 197). He asserted (as cited in Rosenblatt, 2008, pp. 197): "There is a revelation, but this revelation is universal, it is permanent and has its source in the human heart." That is, the religious sentiment was a vehicle of a progressive revelation and a moral action (Lee, 2003, pp. 257). Progressive revelation embraced the evolution and the improvement. Its nature osculated the progress of the civilization and the enlightenment. Moreover, Constant did not associate revelation with any particular dogma and any intermediary like prophet between the God and a man. Rather, he argued: "For those who believe in God, all light comes from him... and revelation is everywhere there is something true, something noble and something good." (as cited in Rosenblatt, 2008, pp. 211). According to Constant, the God asks a man to perfect himself "by his own effort, by the use for his faculties and by the energy of his free will" (as cited in Rosenblatt, 2008, pp. 211). The God also leaves the man free to choose what is right

and good in order to contribute to his improvement and his moral perfectibility¹³⁰ (Rosenblatt, 2008, pp. 211).

4.4. Religion- Morality Relation

The relation between religion and morality is another important point in Constant's works on the history of religion. As Constant described (2003, pp. 131-132), religion is "the most natural of all our emotions" and it is closely related with "all noble, delicate, and profound passions". He also linked the religious sentiment to the virtues such as the power of sacrifice for others, generosity, courage and sympathy (1988b, pp. 277-288). Constant (2003, pp. 132) argued that emotions and these virtues contributed to the improvement of morality; they enabled a man to break out of the narrow circle of his interests. In other words, Constant thought that religion had an indispensable moralizing force (Rosenblatt, 2008, pp. 134). In this sense, what kind of relationship did Constant anticipate between morality and religion which is the "purest of all emotions"¹³¹?

In the ancient times, religion had been seen as a magic that healed diseases or as a means which explained the origin of the world, natural events or the nature of things, but due to improvement in science and technology, it had lost these roles (Todorov, 2009, pp. 282). In the modern times, on the other hand, some people gave a new role to religion: religion was the same as morality or its basis (Todorov, 2009, pp. 283). Constant was not unfamiliar to this perspective or did not refuse this understanding of religion completely. However, while he argued that for the mass of common people, the absence of religious feeling might be the indication of "aridity and frivolity of outlook" or of "a mind absorbed in petty and ignoble interests", he made a reservation by adding:

I do not at all wish to say that absence of religious feeling proves that any individual lacks morals. There are men in whom the mind is the dominant thing and can give way only to something absolutely clear. These men are routinely given to deep meditation and preserved from most corrupting temptations by the enjoyment of study and the habit of thought. As a result they are capable of scrupulous moral behavior (2003, pp. 133).

¹³⁰ James Mitchell Lee (2003, pp. 269-270) states: "Progressive revelation, therefore, enabled human beings to acquire a moral disposition in step with their state of civilization and, more importantly, oriented toward their future perfectibility."

¹³¹ See (Constant, 2003, pp. 132).

Considering his works on religion, it is obvious that Constant established morality- religion engagement on egoism and over-reliance on self-interest. For instance, he questioned that whether people would be led solely by the calculation of their interests if religion disappeared or in the case of the absence of a belief in afterlife, whether people would judge everything in terms of worldly needs (Todorov, 2009, pp. 283). James Mitchell Lee (2003) claimed that Constant's project on the history of religion was directly related with the progress of civilization and commerce analyzed under the title of *doux commerce*. On the one hand, Constant eulogized commerce in terms of its contribution to individualism and liberty, on the other hand, he drew attention to the risk of atomization, isolation and over-reliance on self-interest which commerce could cause. The pursuit of self-interest includes a risk of producing social atomization and disintegration (Jennings, 2009, pp. 71). Jeremy Jennings (2009, pp. 71) cites that Constant challenged the intrinsic worth of the self-interest rightly understood as a guide to man's actions. In his book *De la religion considérée dans sa source, ses formes et ses développements* Constant expressed that both commercial society and Enlightenment tended to understand their world in terms of self-interest (as cited in Garsten, 2009b, pp. 289). However, this was not a natural tendency, because in Constant's words (as cited in Garsten, 2009b, pp. 289): "Nature has not placed our guide in our interest well understood, but in our intimate sentiment." He realized that men have pursued the decisions determined by the self-interest during the past twenty years and thus it brought about a narrow egoism and isolation (Jennings, 2009, pp. 71; Garsten, 2009b, pp. 289). He also warned (as cited in Jennings, 2009, pp. 71): "When everyone is isolated, there is only dust. When the storm arrives, the dust is *de la fange*" Therefore, in order to check these risks, for Constant, a moral system is required. He mentioned two systems: one of them took interest as a guide to one's own well-being and the other proposed a sentiment such as a self-abnegation and a personal sacrifice as a guide to one's self-development (Garsten, 2009b, pp. 289; Jennings, 2009, pp. 72). For Constant, second one was related with the essence of the inner religious sentiment (Jennings, 2009, pp. 72). In this sense, the religious sentiment became vital to control egoism and modern commercial society's negative effects mentioned above.

Regarding the religion and morality, the notion of self-sacrifice is crucial. It refers to altruism or generosity or to be able to give preference to others over oneself¹³². This notion has to do with religion and morality. Constant also acknowledged the power and the importance of a self-sacrifice in terms of morality and religion: “The power of sacrifice is the mother of all virtue” (as cited in Todorov, 1999, pp. 172). Constant also declared:

Liberty nourishes itself on sacrifices. Return the power of sacrifice to the enervated race which has lost it. Liberty always wants citizens, and often heroes. Do not let fade the convictions that ground the virtues of citizens, and that create heroes, giving them the strength to be martyrs (as cited in Garsten, 2009b, pp. 290).

Constant also explained the relation between the self-sacrifice and religion by questioning: “What is there greater than life, for those who see only nothingness in the beyond?” (as cited in Todorov, 1999, pp. 172). In other words, if there is no afterlife or if this life is the only one that exists, why does man prefer to make self-sacrifice for others, rather he seek to obtain maximum pleasure from this life? (Todorov, 1999, pp. 172). Constant argued:

If life is only, in the final analysis, a bizarre apparition without a future or a past, and so short that it would scarcely be considered real, what good is it to sacrifice oneself to the principles whose application is distant at best? Better to enjoy every hour, doubtful as we are that another hour will follow, and to intoxicate oneself with every pleasure while pleasure is possible (as cited in Todorov, 1999, pp. 172).

In addition, the moral he attributed to religious sentiment is important as a spiritual supplement of a civilizing process. Even if technology and science and commerce have advanced and answered many needs of the human-beings, even if they have provided external perfection of human beings, its need of internal perfection remains. In other words, Constant wrote that the tendency of “human mind” toward the progress contained “internal and external level of perfection” and while the external level of perfection embraced the institutional, technological and scientific advances of civilization, the internal level of perfection had to deal with moral perfection and the emergence of an internal disposition to sacrifice empirical pleasures for moral ones (as cited in Dickey, 2009, pp. 329). Constant believed that the progress of civilization should be nourished morally and spiritually. For him, humankind had mastered the visible and limited world, but despite his ability to calculate everything, he was exhausted because of being occupied only with the interests

¹³² Todorov (1999, pp. 172) writes: “To be moral is, first of all, to be able to give preference to others over oneself. Imagining the extreme case, one should thus say: to be moral is to be able to sacrifice oneself, to find values higher than one’s own life.”

and calculations (as cited in Lee, 2003, pp. 220). The solution for this fatigue was found in the human being's spiritual side, that is, religious sentiment. Religious sentiment enabled humankind to reach beyond egoism, interests and utility (Lee, 2003, pp. 220). That is to say, for Constant, religion had more important role: It was need to "ennoble all the virtues." (Constant, 2003, pp. 142; Rosenblatt, 2008, pp. 136).

4.5. The Proliferation of Sects

The proliferation of sects is another issue on which Constant focused. This issue reflects his liberal tendencies, his understanding of toleration in religion and his interest in the history of ancient polytheism. Constant, in general, believed that multiplication of sects was beneficial for morality, liberty, state and purification of religious sentiment. He also rejected the quest for religious unity and a national religion; rather, he advocated the competition among sects (Rosenblatt, 2008, pp. 136). In this regard, according to Constant, how does multiplication of sects contribute to the purification of religion or what is the contribution of the proliferation of sects to morality and how should state act towards the multiplication of sects?

In his book *Principle of Politics Applicable to All Government*, Constant mentioned the benefits of the proliferation of sects in terms of morality and the states. For Constant, pluralism in sects brought about competition which would provide the purification of religion, toleration towards each other, and development in morality¹³³. He (2003, pp. 138) explicitly wrote: "The proliferation of sects is advantageous to morality in a way which seems not to have been noted yet. All new sects tend to mark themselves off from those they are breaking with by a more scrupulous morality." Benjamin Constant constituted his ideas about sects on the presumption that every sect legitimizes itself referring to the goodness of its doctrines and/or to its moral aspects. He claimed (2003):

Each new congregation would seek to prove the goodness of its doctrines by the purity of its morals. Each blessed struggle would result in which success would be judged by a more austere morality. Morals would improve effortlessly out of a natural impulsion and honorable rivalry (pp. 138).

¹³³ Bryan Garsten (2009b, pp. 305) express that Constant's preference for a laissez-faire policy toward religion derived from a faith that open competition between sects would tend to have a generally liberalizing effect on many of them.

Bryan Garsten (2009b, pp. 305-306) asserts that Constant's idea that the proliferation of religious sects would encourage the purification of the religious sentiment and enthusiasm while discouraging fanaticism and superstition rooted in Adam Smith's ideas on his book *Wealth of Nations*. Smith (1976, pp. 793) argued that the under competition, the teachers of each sect would be compelled to learn moderation and candour and this competition would contribute to dilute zeal to a manageable level and to encourage the mutual toleration and respect¹³⁴. This competition would also contribute to reach a pure and a rational religion (Garsten, 2009b, pp. 306). In this sense, what should the role of government be towards relations to the multiplication of sects?

Briefly, Constant advocated that governments should remain neutral and let religions to divide into small sects. He believed that any government intervention in the realm of the religion caused harm. He also claimed that governments failed to notice their own interests in the situation of the proliferation of sects (2003, pp. 138). He wrote (2003):

When sects are very numerous in a country, they put mutual checks upon one another and free the government from having to bargain with any one of them in order to contain them. When there is a single dominant sect, the government needs to take countless steps in order to have nothing to fear from it. When there are only two or three, each large enough to threaten the others, there has to be surveillance, non-stop repression (pp. 138-139)¹³⁵.

Constant rejected also that authority meddled with religion by uniting the existing sects or reshaping the religion as a whole. He warned that this would cause disruption and chaos or unintended negative consequences, because "the most trivial differences", while they were useful and innocent, would turn into basis of a discord (1988b, pp. 286). In order to exemplify this situation, Constant mentioned Frederick William, the father of the Great Frederick (1988b, pp. 286): Frederick William decided to unite Lutherans and Reformed by removing the causes of dissent between them. While those two sects were living separately,

¹³⁴ Smith (1976, pp. 793) also added: "The teachers of each little sect, finding themselves almost alone, would be obliged to respect those of almost every other sect, and the concessions which they would mutually find it both convenient and agreeable to make to one another, might in time probably reduce the doctrine of the greater part of them to that pure and rational religion, free from every mixture of absurdity, imposture, or fanaticism, such as wise men have in all ages of the world wished to see established."

¹³⁵ Constant's idea is similar to Smith's idea. Smith (1976, pp. 792-793) also asserted: "The interested and active zeal of religious teachers can be dangerous and troublesome only where there is, either but one sect tolerated in the society, or where the whole of a large society is divided into two or three great sects; the teachers of each acting by concert, and under a regular discipline and subordination. But that zeal must be altogether innocent where the society is divided into two or three hundred, or perhaps into as many thousand small sects, of which no one could be considerable enough to disturb the public tranquility."

but in tranquility, after Frederick compel them to unify, they started a relentless war; attacked each other, and resisted authority. However, Frederick II after his father died let the people believe what they would. Soon after that, they began to live again in a harmony together with their differences. In other words, according to Constant, the religious sentiment opened the doors to change and progress and therefore, it did not have any problem with Enlightenment (2003, pp. 131-139). When any authority, priestly caste or government, meddled with it, religion would be distorted and it would open the intolerance. Therefore, Constant insisted on the tolerance¹³⁶ and the government neutrality among the religious sects. Consequently, as Constant (2003, pp. 146) explicitly stated: “The political body must not have dominion over any religion. It must not reject any of them unless the cult in question is a threat to social order.”

¹³⁶ Constant (1988b, pp. 284) emphasized: “Tolerance is nothing but the freedom of all present and future forms of worship”.

CONCLUSION

Benjamin Constant's ideas have transcended his time and place and the notions he discussed still keep their importance today. His works have been translated into many languages such as English and Spanish. His fame essentially stems from his passionate defense of liberty in all areas. In other words, Constant's lifelong concerns were to defend liberty from liberty of speech to liberty of religion and liberty of press, and to reach constitutional order that prioritizes the individual. In all his works his emphasis on liberty, individuality, and private sphere which is independent from authority are observed. In this sense, he was one of the important thinkers who advocated the liberal values both theoretically and practically.

Constant experienced the most important turning points in France and even in Europe. Both his experiences in his private life and his observations of changes in society, politics and economy to which the modern era led shaped his ideas. He observed the French Revolution and the Reign of Terror. While he supported the French Revolution and made much of its gaining, he criticized the Reign of Terror and argued that the Reign of Terror should be evaluated separately from the Revolution. Together with the modern era, he recognized the changes in mentality and priority of mankind and requirements of society. He expressed these changes through the comparison of the ancients and the moderns. In the modern era, with the rise of commerce, expansion of political entities and population, individual rights and liberties, needs of private sphere and peaceful environment have become crucial. In other words, as well as changes in other requirements of society, the understanding of liberty has changed. In this sense, Constant argued that ancient understanding of liberty no longer suited the modern men or no longer satisfied the needs of the modern times. Therefore, he distinguished liberty as modern liberty and ancient liberty. Even though it is understood that while ancient liberty corresponded to political liberty, modern liberty corresponded to individual liberty, in fact, there is no such a lucid distinction between the modern liberty and the ancient liberty. Rather, Constant harmonized the ancient liberty with the modern one; that is, in Constant's analysis, the modern liberty embraced both the individual liberty and the political liberty on condition that individual liberty has the precedence. Constant underlined the importance of political liberty for modern men, because it was the best means

to contribute to self-development and to guarantee individual liberty. In this regard, Isaiah Berlin's liberty distinction as a positive and a negative could not correspond to Constant's distinction completely. It reflects only one side of Constant's distinction of liberty. Constant made firstly historical distinction as the modern liberty and the ancient liberty. After this distinction, he distinguished the modern liberty as the political liberty and the individual liberty. The political liberty in the modern age should not be the same with that of the ancients. Constant advocated that the political liberty should be modified according to needs of the modern age. In this context, along with the individual liberty and the private sphere which is free from the intervention of the government, the modern liberty includes the political liberty which protects the individual liberty, and contributes to self-improvement of the individuals.

Considering Constant's constitutional ideas, first of all, he criticized Rousseau's ideas on the absolute sovereignty. He believed that Jacobins were inspired by Rousseau's ideas in the Reign of Terror. He also asserted all kind of absolute unlimited power brought about tyranny. In fact, he accepted Rousseau's ideas that sovereignty belonged to the people or legitimate authority derived from the general will. The critical point for Constant was the scope of power. Constant emphasized that the results of Rousseau's theory gave a way to a despotic form of government. He also indicated that remedy for corrupted or degenerated authority was not to accuse and change holders of power; rather the remedy was to focus on the degree of power; that is limited power. For Constant, the way to limit the authority was to prevent accumulation of the whole authority in the one hand. This was possible with the constitutional order which included the separation of powers. In this regard, he was inspired by Montesquieu and English style monarchy. The significant point about Constant is his idea of a neutral power. He separated powers into five branches and one of them was the royal power, which is neutral power. The role of the neutral power was to act as an intermediate authority to balance among the branches.

Within the context of Constant's political philosophy, commercialism has important place. For Constant, commerce is a means of contributing to liberty and peace as well as decreasing dependency of an individual to the authority. Commerce also softens manners of people; pacifies relations between nations and creates similar customs. Constant defined modern age as the age of commerce. In this regard, it is important to emphasize that, while he eulogized the commerce and its effects, he indicated the possible risks of an excessive self-interest

which commerce accelerated. These possible risks were isolation, indifference toward others and egoism. In this regard, Constant emphasized the importance of sentiments, enthusiasm and self-sacrifice. These notions also shaped his ideas about religion and indicated his romantic side. He harmonized the reason/ logic with the sentiments. He identified religion through sentiment. He did not reject the notion of religion like some of the thinkers of the Enlightenment who believed that religion was an obstacle for improvement and civilization; rather, he distinguished the religious forms as sacerdotal form and independent form and supported independent religious form in terms of morality, liberty and civilization, but rejected sacerdotal religious form because of its potential of being corrupted or distorted. Constant, as a fervent proponent of liberty, also defended religious liberty and proliferation of sects.

In conclusion, during his whole life Constant supported liberal values theoretically and practically. He desired to become influential and to play a role in the future and the politics of France. Therefore, he created many valuable works and sustained his liberal philosophy by participating actively in political life. His ideas were influential not only in France, but also influential in the whole Europe and they even transcended his time and place. Even if some of his attitudes or ideas were occasionally perceived as inconsistency, in fact he tried to figure out any issue comprehensively¹³⁷. Therefore, along with liberal values, the effects of conservative and republican values are observed in Constant's moral and political thought. As a result, with all his qualities, Benjamin Constant is a significant thinker in terms of liberal political theory. Therefore, it is valuable to study his philosophy together with his intellectual biography.

¹³⁷ In this regard, Todorov writes (1999, pp. 24): "We should recall that, playing on his name, certain contemporary and posterior commentators have made much of the "inconstancy" of our author. They try to present him as a veritable weather vane, in his convictions as in his life. However, thanks to the publication of his previously unpublished writings, we know today that this is not the case. Constant himself characterizes his personality as "fluid," but this is not inconstancy; rather it is an extreme sensitivity to the elements of the context in which each experience occurs."

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Fen Bilimleri Enstitüsü

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YAZARIN

Soyadı : Gündoğdu

Adı : Pınar

Bölümü : Siyaset Bilimi ve Kamu Yönetimi

TEZİN ADI (İngilizce): Understanding of Political and Moral Thought of Benjamin Constant in His Historical and Intellectual Context

TEZİN TÜRÜ: Yüksek Lisans

Doktora

1. Tezimin tamamından kaynak gösterilmek şartıyla fotokopi alınabilir.
2. Tezimin içindekiler sayfası, özet, indeks sayfalarından ve/veya bir bölümünden kaynak gösterilmek şartıyla fotokopi alınabilir.
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