

BOOK REVIEW

Benjamin Constant. Principles of Politics Applicable to All Governments. Edited by Étienne Hoffman. Translated by Dennis O’Keefe. Introduction by Nicholas Capaldi. Indianapolis, Ind.: Liberty Fund, 2003.

ONE WOULD THINK THAT perhaps the most important book from the person Nicholas Capaldi called “the key thinker in the French classical liberal tradition between Montesquieu and Tocqueville” would have been translated from French into English long ago. But there was not a complete English translation of Benjamin Constant’s 1810 *Principles of Politics Applicable to All Governments* until 2003. Now, Dennis O’Keefe’s fine translation reveals that English speakers have been missing access to a major voice on behalf of liberty for almost two centuries. In fact, because his prose is so insightful and inspirational, as well as unknown, doing it justice requires relying on his own words.

Born in Switzerland in 1767, Constant was strongly influenced by the Scottish Enlightenment, which he encountered when he was sent to study in Edinburgh from 1783 to 1785. It turned him into a lifelong advocate of infusing those classical-liberal principles into the political life of France, where he became a citizen in 1798. Both the French Revolution and Napoleon’s authoritarianism, which he adamantly opposed, gave impetus to that quest.

It would be easy to become distracted from the insights in *Principles* by Constant’s interesting life. For instance:

- he picked up a serious gambling problem while in Edinburgh;
- he had a “stormy” relationship with Germaine de Staël, the center of Paris’s leading salon and perhaps the most brilliant, influential woman in Europe at that time;
- he moved widely in the intellectual circles of the day;
- he wrote what some consider the first romantic novel (*Adolphe*, in 1816) as well as longer works and shorter political tracts; and
- he was very actively involved in politics, almost always in opposition to the abuses of the current regime, which, given the changes in France over the period, qualifies as a soap opera by itself.

Much of that can be discovered in the Introduction to *Principles*. For those particularly interested in such aspects of Constant's life, an excellent source is Jim Powell's "Benjamin Constant—Liberty and Private Life," in the October 1997 edition of *The Freeman*.

Principles in many ways begins with the French Revolution, as Constant in Book I (of eighteen) laments the abuses that arose in the name of freedom during that period:

It was in the name of freedom that we got prisons, scaffolds, and endless multiplied persecution. (p. 4)

Rousseau's theory that political power is unlimited . . . seems to me false and dangerous. In my view, this is the theory we must hold responsible for most of the difficulties the establishment of freedom has encountered among various nations, for most of the abuses which worm their way into all governments of whatever type, and indeed for most of the crimes which civil strife and political upheaval drag in their wake. It was just this theory which inspired our Revolution and those horrors for which liberty for all was at once the pretext and the victim. (p. 13)

When no limit to political authority is acknowledged, the people's leaders, in a popular government, are not defenders of freedom, but aspiring tyrants, aiming not to break, but rather to assume the boundless power which presses on the citizens. (pp. 19–20)

The abuses in the name of freedom then lead into Constant's discussion in Books II and III of the legitimate bounds of government, and the fact that all governments have overstepped those bounds, a theme Constant returns to repeatedly. This section also contains the first of several mentions of the distinction between positive and negative rights, in its reference to "maintaining the society, at negative protection" (p. 53), which Isaiah Berlin credited Constant with originating:

Political society cannot exceed its jurisdiction without being usurpative. . . . When a government of any sort puts a threatening hand on that part of individual life beyond its proper scope . . . even if it were the whole nation, except for the man it is harassing, it would be no more legitimate for that. (p. 31)

The majority can make the law only on issues on which the law must pronounce. On those on which the law must not pronounce, the wish of the majority is no more legitimate than that of the smallest minorities. (p. 33)

There are things about which the legislature has no right to make law . . . areas of individual existence in relation to which society is not entitled to have any will. (pp. 35–36)

In no nation have individuals enjoyed individual rights in all their fullness. No government has confined the exercise of political

authority to strictly necessary limits. All have gone far beyond this. (p. 47)

The doctrine of boundless obedience to the law has perhaps been the cause of more evil than all the other errors which have led men astray. (p. 402)

The three ensuing books comment on government overstepping its bounds by multiplying laws, and the corruption and progressive erosion of freedom that results:

The proliferation of laws . . . has the bad effect of falsifying individual morality. (p. 63)

It is a mistake to hope the proliferation of laws will save us from the tyranny of men. In multiplying laws you necessarily create more government agents. Consequently, you give a larger number of men power over their fellows and thus double the likelihood of its arbitrary misuse. (p. 65)

When laws proliferate, this is a sign that government is no longer keeping to its natural sphere . . . by acting outside its proper sphere, government corrupts . . . those on whom it acts; it also corrupts in particular those through whom it acts. (p. 66)

Arbitrary government is to moral life what plague is to the body. (p. 78)

One blow against individual freedom calls forth others. Once the government enters this fatal road, it finishes soon by being in no way preferable to a faction. (p. 88)

Several books then turn to the rights to which individuals are entitled, and which governments therefore cannot transgress, in a manner that would not have been out of place at America's Constitutional Convention. Constant also engages in an extensive discussion of property, taxation, and government intervention in economic affairs that one could only wish today's politicians would take to heart:

Political freedom would be of no value if the rights of individuals were not sheltered from all violation. Any country where these rights are not respected is a country subjected to despotism. (p. 103)

Property being necessary, then, to the perfecting and prosperity of the social condition, it follows that it must be surrounded by all the safeguards. (p. 168)

If owners possess improper powers, they will be enemies of freedom and justice, not as owners, but as privileged persons. If they are not privileged, they will be their most faithful supports. . . . Privileges and society are always at war. The latter wants a rule; the former wants exceptions. (p. 185)

Political authority must never, as part of its action over property, offend inviolable rights. (p. 192)

The legitimate jurisdiction of government over the transmission of property is extremely limited. It should guarantee the latter and leave it alone. . . . The same considerations . . . have led governments to progressive taxation, compulsory borrowings, and taxes directed solely against the wealthy. These measures have been so fully rebuked by experience, however, that it is almost superfluous to demonstrate their futility and danger. (p. 198)

The government, having to provide for the internal defense and external security of the State. . . . The governed have the right for their part to demand of the government that the sum of all taxes does not exceed what is necessary for the purposes it must attain. (p. 205)

Everywhere that the constitution of the State does not block the arbitrary proliferation of taxes, everywhere the government is not held up by insurmountable barriers to its ever growing demand . . . neither justice, nor morality, nor individual freedom can be respected. (p. 220)

Society having no political prerogatives over individuals except when these prevent them harming each other, likewise economic activity, unless taken to be injurious, is subject to no such jurisdiction . . . it follows not at all that it has the right to use against the economic activity of one person, in favor of another's, means which it must forbid equally to all. (p. 228)

Once having set itself up as the citizen's guardian, it would soon become their tyrant. . . . Let government intervene only to maintain both combinations and individuals in their respective rights and within the limits of justice, freedom will see to the rest, and successfully at that. (p. 230)

The government which forces men toward any end whatsoever is an arbitrary and vicious government. (p. 234)

Government, once it has arrogated to itself the right to intervene in the affairs of business . . . often appeals to force. (p. 251)

Our only resource is in freedom and justice. . . . Leave [people] to enjoy in peace the fruits of their labors, the equality of rights, and the freedom of action which belong to them. You will serve them much better by not showering them either with favors or injustices. (p. 257)

What must government do then? Stay out of it. . . . There are numerous circumstances when it can do good only by not acting at all. . . . A thousand arguments and facts crowd around me, all tending to supply ever stronger evidence for this principle. (p. 259)

Respect the natural course of things. Let people be happy, that is, let everyone be free to seek his own happiness, without hurting other people's . . . all of which can be expressed in one word: freedom. (p. 265)

Constant then turns to war, in a manner reminiscent of Robert Higgs's *Crisis and Leviathan*:

War is now only a scourge. . . . War unsettles, without compensation, every kind of social guarantee. The domestic controls it seems to authorize put individual freedom at risk. (p. 278)

The measures which ensure the triumph of war prepare the collapse of the law. (p. 283)

Under whatever point of view we consider this terrible question of war, we have to be convinced that any enterprise of this kind which does not have a defensive purpose is the worst outrage a government can commit, because it brings together the disastrous effects of all the outrages of government. It endangers all kinds of freedom, harms every interest, tramples underfoot all rights, combines and authorizes all forms of domestic and foreign tyranny, depraves the rising generations, divides the nation into two parts, of which one scorns the other and passes readily from scorn to injustice, prepares future destructions by way of past ones, and purchases with the misfortunes of the present those of the future. (p. 285)

Wars . . . are great evils in themselves [that] also lead to all the other ills. (p. 286)

The public force necessary for peace is entirely negative, namely public safeguards. . . . In peace each man needs only his work, efforts, and individual resources. . . . Peace presents no precise purpose. It is a condition in which each person freely forms projects, meditates on the means, gives play to his personal plans. (p. 355)

Book XV then turns to an important summary of Constant's arguments:

We have surveyed almost all the matters on which government, exceeding the limits of strict necessity, can take action on grounds of alleged utility. We found that in all these, had people been left to themselves, less bad and more good would have happened. . . .

Governments must watch out that nothing trammels our diverse faculties, but must not permit them to take a hand therein. . . . The governors are those guards, put in place by individuals who come together precisely so that nothing shall trouble their peace of mind or upset their doings. If the governors go further, they become themselves a source of trouble and upset. . . .

It is not a crime in man to want to manage himself by his own lights, even when the government finds them imperfect. It is a

crime in government, however, to punish individuals because they do not adopt as their interest what seems so to other men . . . when, after all, each person is the judge in the last resort. To subordinate individual wishes to the general will, without absolute necessity, is gratuitously to set up obstacles to all our progress. Individual interest is always more enlightened on what concerns it than collective power, whose fault is the sacrificing to its purposes, without care or scruple, of everything which opposes it. It needs to be checked and not to be encouraged.

To increase the force of collective authority is never other than giving more power to some individuals. If the wickedness of man is an argument against freedom, it is an even stronger one against power. For despotism is only the freedom of one or a few against the rest. (pp. 321–23)

What relates only to the individual must be referred only to the individual. It cannot be said too often that the general will is no more worthy than the individual one, when it steps outside its jurisdiction. (p. 325)

Public interest is only individual interests prevented from harming each other. The principle on which rests the need for the unity of the electoral body is therefore completely erroneous. (p. 327)

People have not grasped that [governments] should conserve only guarantees of freedom, of the independence of individual faculties and, to that end, of individual physical safety. (p. 338)

For a people to progress, it suffices that government does not shackle them. . . . The government which leaves it alone favors it enough. (p. 343)

From government's ability to do great harm it is concluded that it can do much good. These two questions are very different. (p. 345)

The final books then offer some conclusions:

What needs to be done, therefore, is to purchase political freedom as cheaply as possible, that is, to leave as much personal freedom as possible, in all its forms, and in every respect. (p. 362)

Governments have no more right than before to arrogate to themselves illegitimate power. . . . We still possess today the rights we owned at all times, the eternal rights of justice, equality, and safeguards, because these rights are the purpose of human societies. (p. 365)

Government is in its rightful place only when it is a curb. . . . But when it wants to encourage, direct, arouse, and enthuse and comes forward with pretentious talk, always followed by coercive measures, it is ridiculous in failure and despotic in constraint. (p. 369)

Individuals must enjoy complete freedom of action for all innocent or unimportant actions. (p. 383)

Individuals must enjoy a boundless freedom in the use of their property and the exercise of their labor, as long as in disposing of their property or exercising their labor they do not harm others who have the same rights. If they do so harm them, society intervenes, not to invade anyone's rights but to guarantee the right of all. (p. 383)

Society has no right to be unjust toward a single one of its members. . . . The whole society minus one is not authorized to obstruct the latter . . . save in those cases where that use or that exercise would obstruct another individual possessing the same rights. (p. 384)

Freedom is a power only in the sense that a shield is a weapon. . . . Abuses, whoever their author, taking place always at the expense of another's freedom, have never been the consequences of these principles, but rather their reversal. (p. 385)

It is quite unnecessary to sacrifice the least part of the principles of freedom for the organization of legitimate and sufficient government authority. (p. 386)

The principles of freedom . . . preserve the rights of all people. . . . These principles are the sole lasting means of real happiness, of assured peace, of ordered activity, of improvement, tranquility and durability. (p. 386)

No just law can coexist with a single despotic measure. One cannot deny freedom to some people and accord it to others. . . . Freedom is a complete and ordered system. A single deviation destroys it. (p. 413)

The friends of freedom. . . . It is on them, however, that the hope of the human race depends. (p. 420)

Having read *Principles*, it is hard not to agree with Nicholas Capaldi, whose introduction summarized it by saying that "Constant was focused above all on liberty" (p. xx), and that "Constant returns again and again with arguments against those who assert the prerogatives of society against those of the individual . . . and equally with arguments favorable to individualism." (p. xxi)

Perhaps nowhere did Constant say it better than when he said:

Men used to freedom see in the oppression of a single citizen . . . a punishable assault against the whole of civil society. (p. 292)

Government has nothing to do save see that men do not hurt each other. (p. 308)

It is thought that despotism must be somewhere, either in the hands of one man or several. Rather than despotism, however, we can establish in its place something called freedom. (p. 393)

One can wonder why, given Constant's clear insight into the fact that all governments have far overstepped their legitimate bounds, it didn't lead him to analyze whether the minimal government he advocated could be sustained. It seems that he simply did not systematically investigate that question.

Constant was writing in response to government abuses in the name of freedom during the French revolution, which proved that democracy was not a panacea for such abuses, followed by still more abuses under Napoleon. As a result, he was primarily concerned with spelling out how any country ought to behave—principles that no government, however constituted, ought to be allowed to violate—and especially in using those principles to improve political life in France by restoring liberty as much as possible from the tatters it had been reduced to. He did not focus on whether the limited government ideal he was working toward, so immensely better than the political reality he faced, would also be subject to erosion by the same tendencies he decried. But even though Constant did not address all the questions modern thinkers now consider, the analysis of whether and how it might be possible in a practical way to achieve and maintain an appropriately limited government is a natural extension of his work.

In *Principles of Politics Applicable to All Governments*, Benjamin Constant deals with political authority, law, freedom of thought and religion, property, taxation, war, and more, with liberty as his constant foundation. It earned Isaiah Berlin's description of him as "the most eloquent of all defenders of freedom and privacy." Over and over, he eloquently and insightfully makes the moral case for liberty, which is the foundation on which further advance in that direction must build. For that, it easily merits space on the bookshelf of every lover of liberty.

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