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0521412277 - The Humane Comedy: Constant, Tocqueville and French Liberalism -

George Armstrong Kelly

Excerpt

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CHAPTER I

Ports in the storm

I. LIBERTY: LAST PORT OF CALL

To be liberal, Aristotle wrote, is “to give the right people the right amount, at the right time.”¹ While that pre-modern definition could be stretched to fit early-nineteenth-century French liberalism – and the Aristotelian mean invoked in support of its *juste milieu* – the immortal soul of this doctrine is elsewhere. It is best described as “putting liberty first.” The liberals were not entirely agreed on the sources or forms of liberty, or on its errand; but they were persuaded that it was sacred air – especially for connoisseurs with fine lungs. For some, this liberty was “natural,” for others it was “useful”; for still others, “it is a privilege of noble minds which God has fitted to receive it, and it inspires them with a generous fervor.”² Above all, it was defined, to a large degree, by what menaced it, by alternative priorities of value, notably Throne and Altar and the populist Republic (hyperbolically labelled “tyranny” and “anarchy” on occasion by liberal publicists).

Most can agree that liberalism – sometimes audacious under Bonaparte (at least from the distance of Coppet), pert and challenging under Charles X – failed in the July Monarchy, with lasting effects on the French body politic. Whether this was the great failure of an inspired political theory or the unlamentable and petty failure of social closure and social greed remains arguable. The propaganda of the last century has done much to make the second thesis carry weight. Yet much of this liberal spirit of long ago is neither insufferably “bourgeois” nor untimely today. Perhaps it is true that French liberalism was too narrow; perhaps also it was too

¹ Aristotle, *Nicomachean Ethics*, 1120a.

² Alexis de Tocqueville, *The Old Regime and the French Revolution* (trans. S. Gilbert, New York, 1955), p. 169.

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smugly comfortable. What seems obvious is that its brilliance in opposition was matched by a mediocrity in power. For, in opposition, “putting liberty first” could not fail to mean using to best advantage those tools of voice and pen by which liberals excelled. When one thinks of Madame de Staël, Constant, Royer-Collard, Guizot, Rémusat, Montalembert, and Tocqueville, it is not too much to say that opposition exalts the critical talents of the liberal and nourishes his glory. Power seems to rob him of his element.

There were several strains of liberty that nineteenth-century liberalism inherited from the past: liberty of conscience and free examination; the utilitarian liberty of Helvétius and sensationalist philosophy; the regulated civil liberty of Montesquieu; the heroic liberty of the “rights of man” that dominated the earlier phase of the Revolution. Each of these, disproportionately and at different times, played a role in emerging doctrine. But most characteristic of the new liberalism was a respiritualization of its philosophical base – a movement away from the “Idéologie” of Destutt de Tracy toward a more idealized and voluntaristic version of human freedom.³ The greatest oracles of that version were Benjamin Constant and Alexis de Tocqueville. Regarding his commitment to liberty, Constant wrote in 1829: “For forty years I have defended the same principle, liberty in everything, in religion, in philosophy, in literature, in industry, in politics: and by liberty I mean the triumph of individuality, over both the authority wishing to rule despotically and the masses demanding the right to subject the minority to the majority.”⁴ As for Tocqueville, describing his sentiments after the July Revolution from the vantage of 1848: “I had spent the best days of my youth amid a society which seemed to increase in greatness and prosperity as it increased in liberty; I had conceived the idea of a balanced, regulated liberty, held in check by religion, custom, and law; the attractions of this liberty had touched me; it had become the passion of my life; I felt that I could never be consoled for its loss.”⁵ Already we perceive some impending friction

³ For “Idéologie,” its sources and progeny, see Cheryl B. Welch, *The French Idéologues and the Transformation of Liberalism* (New York, 1984).

⁴ Benjamin Constant, preface to *Mélanges de littérature et de politique* (1829), in Marcel Gauchet, ed., Constant, *De la liberté chez les modernes* (Paris, 1980), p. 519.

⁵ Tocqueville, *Recollections* (trans. A. Teixeira de Mattos, Cleveland, 1959), p. 68. Tocqueville signifies here the period 1815–1824; for elsewhere he says of Louis XVIII: “He was the only sovereign of France who had the good sense, or the patience, to rule constitutionally.” M. C. M. Simpson, ed., *Correspondence and Conversations of Alexis de Tocqueville with Nassau William Senior* (2 vols., London, 1872), 1, 243.

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between the two thinkers: what has the “triumph of individuality” to do exactly with “balanced, regulated liberty”? But for now we need only notice the intellectual and spiritual properties of liberty in both accounts.

Any serious anatomy of French liberalism requires particular attention to the Constant–Tocqueville relationship. Such an inquiry could be pursued as a dialogue of existential voices, as a comparison of structures of belief and argument, a crossreferencing of allied visions. That should be our goal and result. But the result also needs a contextual milieu. It needs it all the more because, aside from their shared determination to “put liberty first,” the connection between the two thinkers is complex, even impalpable.

When Edouard de Laboulaye republished (with significant additions) Benjamin Constant’s *Cours de politique constitutionnelle* in the midst of the Second Empire, just after Tocqueville’s death, he expressed astonishment that the author of *Democracy in America* had never mentioned the elder liberal in his writings and had conceivably not even read him.⁶ All subsequent work in Tocqueville’s letters and archives (so far as I know) has confirmed and compounded this puzzle. And, recently, Jean-Claude Lamberti has carefully reviewed the question, both as a detective and as an historian of ideas.⁷

Why is it important whether or not Tocqueville read Constant and was influenced by him? Perhaps the more pregnant question is: why, as seems likely, did Tocqueville not read Constant, or read him seriously? An answer to both (for the first must be answered with the second) will involve archaeology in the social and cultural texture of French liberalism, contributing to its definition.

Writing his *Mémoires* at about the same time that Laboulaye published the *Cours*, Charles de Rémusat commented, with regret, that the theoretical works of Constant were “peu lus.”⁸ According to the same author (who knew Tocqueville well and became his warm friend after the *coup d’Etat* of 1851), Tocqueville was an original and profound thinker, who “lisait peu”:

he drew almost everything from within himself, he got little from others, and went to the trouble of finding out for himself what others had found before him... The political literature of the Restoration, rich and fruitful,

⁶ Edouard de Laboulaye, ed., *Cours de politique constitutionnelle de Benjamin Constant* (2 vols., Paris, 1861), 1, vii.

⁷ Jean-Claude Lamberti, “De Benjamin Constant à Alexis de Tocqueville,” *France-Forum*, May–June 1984, 19–26.

⁸ Charles de Rémusat, *Mémoires de ma vie* (5 vols., Paris, 1958–1967), 1, 303.

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might as well not have been (*est comme non avenue pour lui*), so that he came upon well-known things as brand new; and this gave his least original ideas a proprietary stamp and a tone of conviction they would not otherwise have had.⁹

Curious as it seems to us, it is possible that Tocqueville (as a manner of ascesis) paid no attention to Constant's writings, especially those that bore on his own project. About that project, as Rémusat comments, Tocqueville was singularly clear-headed: "Instead of studying society in books, he wanted to observe it in its most recent form on distant shores. His travels in the United States were not just a visit to New York, a chance to talk to someone overseas, but a direct and active exploration of the whole field of reality."¹⁰ Like many persons of strong design but mediocre physical constitution, Tocqueville was a relentless explorer, fortunately endowed with both a meditative gift and a superior capacity for organizing his impressions.

But Tocqueville, *pace* Rémusat, was also a consummately literate man, deeply read in the ancient and French classics and in the works appropriate to his legal training. He possessed a great store of information about the previous century, down to its *petits faits* of manners and morals. Had he not been such a sharp observer of his own culture, his book on America would have lacked much of its penetrating originality and cautionary force. It must also be said, however, that Tocqueville was little inclined to make attributions in his published works; in themselves, they are no clue to what he failed to read. That he was scarcely immune to the political ideas of the Restoration is shown by his interest in Guizot's lectures and his dislike of the papalism of Lamennais.¹¹ It is not unlikely that he read the *Globe* and was affected by writers like Jouffroy, as well as Guizot.¹² His voluminous note-taking from the parliamentary speeches of Royer-Collard (coming in the 1830s and betraying, if anything, a previous lack of acquaintance) proves nothing about his earlier habits; but it does show that he was not inclined to shut out the politics of the past.¹³

⁹ Rémusat, "De l'esprit de réaction: Royer-Collard et Tocqueville," *Revue des deux mondes*, 35 (15 October 1861), 804; cf. *Mémoires*, iv, 44–45.

¹⁰ Rémusat, "De l'esprit," pp. 801–802.

¹¹ André Jardin, *Alexis de Tocqueville, 1805–1859* (Paris, 1984), p. 63–64, 81.

¹² See below, p. 34.

¹³ For Tocqueville on Royer-Collard, see *Oeuvres complètes* (15 vols. to date, Paris, 1951–), xi, 97–104. Henceforth *OC*.

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Thus, “il lisait peu” will not exactly solve the Constant problem. Tocqueville’s reading was surely guided by pre-established taste and purpose. It is hardly conceivable that Constant was nothing but a distant name. It is possible that he read Constant and dismissed him; but it is far more probable that, in dismissing Constant, he failed to read him seriously. Lamberti finds it credible on internal evidence that Tocqueville read the *Mélanges* of 1829. If he did, he would have been struck by some of its formulas (such as the inevitable growth of equality), but, at that moment especially, he could well have been unsympathetic to the author. Tocqueville wanted the dynasty not to blunder; blunder it did, to his heart’s regret. In the circumstances, Constant must have seemed an arch-Orléanist of unsavory reputation. Perhaps – although this must remain pure conjecture – the conspicuous public funeral given Constant on 12 December 1830 quickened Tocqueville’s dynastic feelings and his resolve to ignore the works of the author of *Adolphe*. If, upon returning from his travels in America, Tocqueville still left Constant unexamined, there should be little surprise in that. What is more astonishing is that many Orléanists practiced a similar abstinence, perhaps in part because they did not wish to be too much reminded of their own annals of opposition.

Rémusat is an evident exception. But his observations were confided to memoirs and not written down until much later:

[Constant’s] reflections on guarantees [i.e. in *De l’Esprit de conquête et de l’usurpation*], published in 1814, and the *Principes de politique*, printed during the Cent-Jours, were my texts of constitutional science. These writings and all those included in his *Cours de politique* are, I fear, nowadays little read. But they are still of great value [i.e. under the Second Empire]. Elsewhere one can find more power and depth. He does not begin with the most elevated principles. But rarely will one find sounder ideas, more ingenious reasoning, or more of that precision of mind that counsels moderation and illuminates practice... I learned from him to place effective liberty above the particular forms of government, to prefer having more of it with the monarchy than less with the Republic, and especially to hold legal rights above absolute principles. I was delivered forever from those despotic or revolutionary doctrines that sacrifice what one owns to the State... Benjamin Constant had much to do with shaping my ideas.¹⁴

¹⁴ Rémusat, *Mémoires*, 1, 303–304. Cf. also Victor de Broglie, *Souvenirs* (4 vols., Paris, 1886), 1, 281: “It is Benjamin Constant who taught the nation the principles of representative government... The nation’s debt to him will never be sufficiently recognized.” Broglie also wrote this under the Second Empire.

This generous estimation was provided by a man (like Benjamin) tugged in 1815 between Bonaparte (his father had served the Emperor as chamberlain), the legitimate dynasty, and the principles of 1789. Tocqueville, of course, came to liberalism from a quite different direction.

I have suggested here a kind of fissure in the culture of liberalism that seems worthwhile to explore. As social actors Constant and Tocqueville illustrate a sort of disquiet that stalks in the liberal pantheon, while all the same remaining partners in “putting liberty first.” Only, it seems, in the travails of liberalism under the Second Empire will Constant be revived and linked in respect and energy with a now deceased Tocqueville, as a champion against personal power and centralized corruption.

II. BENJAMIN CONSTANT AFLOAT: HOSPITAL OR PANTHEON?

“C’est une catin qui a été jolie et qui finit ses jours à l’hôpital” was the cruel barb launched against Benjamin Constant by Prosper de Barante, his erstwhile intellectual playfellow and amorous rival at Coppet, later peer of France and author of the *Histoire des ducs de Bourgogne*.¹⁵ But in December 1830, a portion of the massive crowd that followed Constant’s casket to the cemetery of Père-Lachaise cried: “Au Panthéon!”¹⁶ Both judgments were excessive: Constant had died with far more dignity than a *filie publique*; but, on the other hand, he was not “voué à l’immortalité,” even by the monarchy of July, a regime which at first appeared to embody his constitutional principles. In 1834, Michelet, while taking a stroll through Père-Lachaise, paused before Constant’s simple grave, bare of any token of remembrance. “Quoi!” he demanded. “N’a-t-il laissé ni ami, ni famille?”¹⁷

Constant was a vulnerable man who scattered his extraordinary gifts like bread on the water. Contrary to the proverb, that bread did not, on the whole, return to him, but sank. Only years later would his intellectual and political genius be given its due; and it would still lie under a cloud. For long after that, recurrent exposures of Benjamin’s moral eccentricity would trouble otherwise true be-

¹⁵ Rémusat, *Mémoires*, 1, 422.

¹⁶ Paul Bastid, *Benjamin Constant et sa doctrine* (2 vols., Paris, 1966), 1, 481.

¹⁷ Jules Michelet, *Journal* (4 vols., ed. P. Viallaneix, Paris, 1959–1976), 1, 120.

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lievers, liberals who could not find a hero to their heart's content in the mechanical \pm that Constant committed to his all too decipherable journals.¹⁸ To such critics Constant's vagrant sensuality and excursions on the fringe of private nihilism seemed to indict his *sérieux*. In particular, his dalliance with Napoleon in 1815 (often imputed to his pursuit of Juliette Récamier) seemed to clinch the matter: evidently he sought political power in the same unprincipled way that he indulged his physical appetites.

From the "liberated" perspective of our "new morality," we should not simply tax Constant's earlier critics with hypocrisy, although it is beyond question that good faith was not a property of some of those attacks. Even today, Constant requires a certain structure of apologetics, despite the historical distancing that naturally privileges his achievements while mutating the sense of scandal felt by persons closer to his living reputation.¹⁹ Earlier, during his lifetime and while he was directly remembered, there was a tacit consensus that Constant had imprudently transgressed the flexible, often casuistic, rules of his own society. Despite her pliant morality, Madame de Staël was not similarly impugned: we shall see why. It was not so much that Constant's contemporaries and their progeny thought him a moral shambles, as that they considered him to be an irresponsible moral strategist. For reasons bearing profoundly on that society, so unlike our own, Constant, even though his writ could run to high places, was never considered a part of "our crowd." In fact, the damning judgment was that he had never grown up (down to this day, academics, captive to a convention that began long ago, write of "Jean-Jacques" and of "Benjamin," when they would never dream of saying "François-Marie" or "Alphonse," and only say "René" because it was the title of a work). In the "Groupe de Coppet," this is what appears to separate Constant most strikingly from Prosper (de Barante) and Mathieu (de Montmorency). In the eyes of their society, they "grew up." If Constant's ideas are now, more than ever, quarantined from his life, that is because they have been reclaimed by a history not excessively burdened by *petits faits*. But it was not always so.

The Constants were Protestant nobles who had emigrated from Artois to the Helvetic cantons in the sixteenth century, long before

¹⁸ \pm signified sexual intercourse in Constant's journals.

¹⁹ E.g. O. Pozzo di Borgo, ed., B. Constant, *Mémoires sur les Cent-Jours* (Paris, 1961), p. xxxvi.

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the infamous Revocation. By the time of Benjamin Constant's birth (in Lausanne, in 1767) it could hardly be said that they were impatient exiles. Rather, they were gentrified and comfortable cosmopolitans. But Benjamin Constant, because of the vagaries of his own childhood and education and the world he swiftly became exposed to, was destined for a wider horizon. He would find that nexus of ancestral connection stifling, a barrier rather than a support for his temperament and ambition. The Lausanne of his birth had seemed tolerable to Voltaire and pleasant to Gibbon; but it was always constraining to Benjamin. Well before he met Madame de Staël, already infected by his travels and adventures and by the French Revolution, he yearned to play a role.

He had been passed from place to place by his widowed father, a colonel in the Dutch army with eccentricities that easily matched his own. In the family-extensive society of his day, he had many connections but had never been able to sink roots. His precocity was enormous. It is often said that Benjamin Constant brought intellectual traits of the eighteenth century into the nineteenth; but the one probably most in view is the propensity of the *Siècle des Lumières* for bizarre plans of education. Constant's *Bildung* may be thus summarized: "He had never had a family life; he had no home, no country. He had been brought up and had learned to think in three languages. He had known every vice and corruption [first thanks to his tutors, and then in spite of them], had learned to respect no one, to distrust everyone."²⁰

That is not a promising beginning, even for a young man with the steadiest of purposes. Today it would, more than likely (because of factors that Tocqueville saw more clearly than Constant), crush an adolescent into gibberish or doom him to recurrent psychotherapy. That Benjamin achieved his greatness, at the cost of what he suffered, might be considered a redemptive miracle, even a vote for "the good old days." His resiliency and fortitude are far more impressive than his malignancy. Deprived of the normal sources of courage, he managed to show great courage amid a life pointed toward tribulation and decomposition.

Even by the loose cosmopolitan standards of the eighteenth century, Benjamin Constant was not French. His social privileges

²⁰ J. Christopher Herold, *Mistress to an Age: A Life of Madame de Staël* (Indianapolis, 1958), p. 141.

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belonged to the porous territory now called Switzerland (the canton of Bern, the “pays de Vaud”). As such, if a genius, he might repeat Rousseau. He might aspire to a place in French political life if fortified by conditions like the large fortune of Jacques Necker or even the more modest endowments of the Genevan Etienne Clavière. But, more likely, he would find one through a certain *train de vie* and partisan journalism, opportunities provided by Necker’s daughter; and the cards would have to fall just right.

Constant believed himself to be integrally French, by descent and by intellectual destination. It is clear that he had none of that *Heimatsehnen* for Switzerland which caused Necker, in his forced retirement at Coppet, to declare: “Unhappy cantons... stay faithful to your *moeurs* and your ways; do not change your just and simple ideas for the political novelties forced upon you by men of vanity in their improvising spirit. May your character, with its moral greatness, continue to distinguish you from the other nations of Europe, just as nature has separated you by your location and your mountains.”²¹ The best that Constant could say was: “The name of Switzerland recalls five centuries of happiness and public loyalty.”²² At most, for Constant – as for the other Francophones of the Romande that frequented Coppet – the “*caractère suisse*” was simply another ingredient to be added to the melting pot of Europe, and Switzerland was a convenient crossroads of Europe’s national spirits.²³

But his subjective Frenchness did not guarantee Constant a French acceptance. Although it seemed that the Constitution of 1791 had restored his citizenship (as a victim of religious persecution), he did not rush to claim it – as his father Juste had – nor was it clear that the dispensation included his case, since Artois had not been French territory when his family emigrated. Following Madame de Staël to Paris in 1795, he benefitted from the influence of her connections, made a deserved reputation as a publicist, invested profitably in national property, and reached public office in

²¹ Jacques Necker, *Cours de morale religieuse* (3 vols., Paris, 1800), II, 188–189. Necker’s pure patriotism is, however, cast in doubt: he was worried lest the invading French divest him of his seigneurial title to Coppet.

²² Benjamin Constant, *Principes de politique* (1815), in Gauchet, ed., *Liberté chez les modernes*, p. 163.

²³ Cf. Simone Balayé, “Le groupe de Coppet: conscience d’une mission commune,” in S. Balayé and J.-D. Candaux, eds., *Actes et documents du deuxième colloque de Coppet, 10–13 juillet 1974* (Geneva and Paris, 1977), p. 32.

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the Tribunat of the Directoire. There could be little doubt then that he was, *de facto*, French. Yet he chose to represent the department of Léman (Geneva), now incorporated to the French Republic, without, for that matter, having any solid claim to Genevan citizenship.²⁴ As a consequence, Benjamin's status of nationality remained under a cloud. These were no longer the times when the Republic was profligate with its naturalizing favors, when Schiller, Klopstock, and George Washington could be declared citizens and a Cloots or a Tom Paine could sit in French assemblies. A faint shadow of *bâtardise* followed him, as an alien and a subversive, as late as the ministry of Villèle.²⁵ And even Madame de Staël (in 1815, admittedly when they were involved in serious quarrels) had occasion to charge: "You aren't French, Benjamin, you haven't any memories of your childhood here. That's the difference between you and me."²⁶ Sometimes Constant claimed advantage from his detachment: "In order to be judged, the Revolution demands minds that are not so burdened by embarrassing memories, those who, not being enemies of the good that has been done or accomplices in the evil mingled with that good, are not blinded by rancor or forced to apologize."²⁷ But he himself was often judged by French minds which were thus burdened, like Tocqueville's own.

Neither was Constant's noble ancestry of much benefit to him. After a cloying period of service at the court of Brunswick in 1792–1793, he had come to regard noble privilege as a sham and never again defended aristocracy of birth except as a matter of cold political utility.²⁸ He played the transcendent commoner in France.²⁹ He wished, above all, to be a *notable*, a security that seemed within his reach before 18 Brumaire. Beneath the formulas of genteel behavior that came as a birthright and the incomparable wit and penetration that ennobled him in literary company (Chateaubriand

²⁴ See Madame de Staël to Henri Meister, 28 July 1800: "[Benjamin] has carefully avoided all contacts with that region [i.e. Vaud], for he wishes to have his rights as a Genevan and a Frenchman recognized." Béatrice Jasinski, ed., *Correspondance générale de Madame de Staël* (5 vols. to date, Paris, 1960–), IV/1, 295.

²⁵ See Ephraim Harpaz, ed., *Benjamin Constant: recueil d'articles, 1820–1824* (Geneva, 1981), pp. 338f.

²⁶ Georges Solovieff, ed., *Madame de Staël: choix de lettres, 1778–1817* (Paris, 1970), p. 475.

²⁷ Harpaz, ed., *Recueil*, p. 136.

²⁸ See G. A. Kelly, "Liberalism and Aristocracy in the French Restoration," *Journal of the History of Ideas*, October–December 1965, 522–528, for discussion.

²⁹ Here, I think, Pierre Deguise goes astray in comparing Benjamin Constant to Lamartine: *Benjamin Constant méconnu: le livre de la religion* (Geneva, 1966), p. 29.