

The Liberty of the Ancients Compared with that of the Moderns

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[Brackets] enclose editorial explanations. Small ·dots· enclose material that has been added, but can be read as though it were part of the original text. Occasional •bullets, and also indenting of passages that are not quotations, are meant as aids to grasping the structure of a sentence or a thought. —This text began life as a lecture to the Athénée Royal of Paris in 1819.

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I'm going to call your attention to some distinctions—still rather new ones—between two kinds of liberty: the differences between the two haven't been noticed, or at least haven't been properly attended to, until now. One is the liberty that the ancient peoples valued so much; the other is the liberty that is especially precious to the modern nations. I think that this investigation matters to us, for two different reasons.

(1) The failure to distinguish these two kinds of liberty was the cause of many evils during the famous—all too famous!—days of our revolution. France found itself exhausted by useless experiments; and the authors of these, angered by their failures, tried to force France to enjoy the benefits that it didn't want, and denied it the ones it did want. **(2)** We are called by our happy revolution to enjoy the benefits of representative government,¹ and we couldn't find freedom and peace today except under the shelter of that form of government; yet it was totally unknown to the free nations of antiquity, and it would be interesting and useful to look into why that is so.

I know that some writers have claimed to detect traces of it among some ancient peoples, in the republic of Sparta, for example, or among our ancestors the Gauls; but this is wrong. What Sparta had was in no way a representative government—it was a •*monastic aristocracy*. The power of the kings was indeed limited, but it was limited by the magistrates, not by men whose assigned task was like that of today's elected defenders of our liberties. No doubt the magistrates, once the institution had been created by the kings, were nominated by the people. But there were only five of them. Their authority was as much •religious as political; they took part in the actual administration of government,

i.e. in the executive power. Thus their power, far from being simply a barrier against tyranny, sometimes itself became an intolerable tyranny. This was true of all the magistrates in the ancient republics, including ones selected by the people.

The regime of the Gauls quite resembled one that a certain party would like to restore to us! It was at once theocratic and warlike. The priests enjoyed unlimited power. The military class—the nobility—had very arrogant and oppressive privileges. The people had no rights and no safeguards.

The mission of the tribunes in Rome was a representative one, up to a point. They acted on behalf of the plebeians who had been reduced to a harsh slavery by the oligarchy when it overthrew the kings. (Oligarchies are the same in all ages!) But the people exercised considerable political rights directly. They met to vote on the laws and to judge nobles who had been accused of wrong-doing. So Rome had only feeble traces of the representative system.

Representative government is a *modern* discovery, and you will see that the condition of the human race in antiquity made it impossible *then* for such an institution to be introduced or established. The ancient peoples couldn't feel the need for it, or appreciate its advantages. Their social organization led them to want a kind of freedom totally different from what representative government grants to us.

Tonight's lecture will be devoted to demonstrating this truth to you.

First ask yourselves what an Englishman, a Frenchman, and a citizen of the United States of America understand today by the word 'liberty'. For each of them it is

- the right to be subjected only to the laws, and not to be arrested, imprisoned, put to death or maltreated in any way by decision of one or more individuals;

¹ I call it happy, despite its excesses, because I'm focussing on its results.

- the right of each person to express his opinion, choose a profession and practise it, dispose of his own property and even to misuse it;
- the right to come and go without permission, and without explaining what one is doing or why;
- the right of each person to associate with other individuals—whether to discuss their interests, or to join in worship, or simply to fill the time in any way that suits his fancy; and
- each person’s right to have some influence on the administration of the government—by electing all or some of the officials, or through representations, petitions, or demands that the authorities are more or less obliged to take into consideration.

Now compare this liberty with that of the ancients.

The liberty of the ancients consisted in carrying out *collectively but directly* many parts of the over-all functions of government, coming together in the public square to

- discuss and make decisions about war and peace;
- form alliances with foreign governments;
- vote on new laws;
- pronounce judgments;
- examine the accounts, acts, and stewardship of the magistrates;
- call the magistrates to appear in front of the assembled people;
- accuse the magistrates and then condemn or acquit them.

But while the ancients called this *liberty*, they saw no inconsistency between this •collective freedom and the complete subjection of the •individual to the authority of the group. You find among them almost none of the benefits [*jouissances*] that I have just listed as parts of the liberty of the moderns.

[About the word *jouissance*: On a few occasions Constant speaks of our *jouissance* **of** liberty, independence, or whatever; and there it means ‘enjoyment’—our *jouissance* of our independence is just our •having independence and •finding it satisfactory to have it. But more often, as here, he speaks of *jouissances* with no **of**, and that creates a translation problem: ‘pleasures’ is too narrow: you can care about your *jouissances* without being *pleasure*-driven. In a way, ‘enjoyments’ would be better, but that wouldn’t generate good colloquial English. This version will use ‘benefit(s)’ throughout, but remember: the items called ‘benefits’ include *any* things or events or states of affairs that could contribute to the satisfactoriness of the person’s life.]

All private actions were strictly monitored. No room was allowed for individual independence of opinions, or of choice of work, or—especially—of religion. We moderns regard the right to choose one’s own religious affiliation as one of the most precious, but to the ancients this would have seemed criminal and sacrilegious. In all the matters that seem to us the most important, the authority of the collective interposed itself and obstructed the will of individuals. The Spartan Therpandrus can’t add a string to his lyre without offending the magistrates. In the most domestic of relations the public authority again intervene: a young Spartan isn’t free to visit his new bride whenever he wants to. In Rome, the searching eye of the censors penetrate into family life. The laws regulate *mœurs*, and as *mœurs* touch on everything, there’s nothing that the laws don’t regulate.

[About the word *mœurs*: This is left untranslated, because it can mean ‘customs’, ‘habits’, ‘way of life’, ‘morality’, and the preparer of this version is not willing to make an unannounced choice amongst these for each occurrence of the word. As you read on, you’ll see why. Pronunciation: make it rhyme with ‘purr’.]

Among the ancients, therefore, the individual is nearly always sovereign in public affairs but a slave in all his private relations. As a citizen he decides on peace and war; as a

private individual he is constrained, watched and repressed in all his movements; as a member of the collective body he interrogates, dismisses, condemns, impoverishes, exiles or sentences to death his magistrates and superiors; as a subject of the collective body he can himself be deprived of his status, stripped of his privileges, banished, put to death, by the free choice of the whole of which he is a part. Among the moderns, on the other hand, even in the freest states the individual is sovereign only in appearance, though he is independent in his private life. His sovereignty is restricted and nearly always suspended; and if at fixed and rare intervals—surrounded by precautions and obstacles—he exercises this sovereignty, all he ever does with it is to renounce it.

I must pause for a moment here to anticipate a possible objection. There is in antiquity a republic where the subjection of individual existence to the collective body is not as complete as I have just described it. It is the most famous of all the republics—yes, I am speaking of Athens. I'll return to it later, and in agreeing that that is the fact I'll show you its cause. We shall see why Athens is the ancient state that most resembles the modern ones. Everywhere else social jurisdiction was unlimited. Condorcet was right: the ancients had no notion of individual rights. Men were, so to speak, nothing but machines whose gears and cog-wheels were regulated by the law. The same subjection was a feature of the great centuries of the Roman republic: the individual was in a way lost in the nation, the citizen lost in the city. Let us now track this essential difference between the ancients and ourselves back to its source.

All the ancient republics were geographically small. The most populous, most powerful, most substantial among them weren't equal in size to the smallest of modern states. Their small size inevitably made them bellicose: each people

incessantly attacked its neighbors or was attacked by them. Thus driven by necessity against one another, they fought or threatened each other constantly. Those who had no desire to be conquerors couldn't lay down their weapons for fear of being conquered. *War* was the price the free states of antiquity had to pay to purchase their security, their independence, their whole existence; it was a constant concern of theirs, and an almost constant occupation. And, as an equally necessary result of this mode of existence, all these states had slaves. The manual labour and even (in some nations) the business activities were entrusted to people in chains.

The modern world looks totally different from that. The smallest states of our day are incomparably larger than Sparta was, or than Rome was through five of its centuries. Even the division of Europe into distinct states is more apparent than real, thanks to the spread of enlightenment. Back then, each people constituted an isolated family, the born enemy of other families; whereas now there is a mass of human beings that have the same basic nature, though with different names and forms of social organization. This mass is strong enough to have nothing to fear from barbarian hordes. It is enlightened enough to find war a burden. Its uniform tendency is towards peace.

This difference brings another one with it. War precedes commerce, because they are merely two different ways of achieving the same end—namely, coming to own what one wants to own. If I want something that you own, commerce—i.e. my offer to buy it from you—is simply my tribute to your strength, i.e. my admission that I can't just *take* the thing I want. Commerce is an attempt to get through mutual agreement something that one has given up hope of acquiring through violence. A man who was always the strongest wouldn't ever conceive the idea of commerce. What leads us

to resort to commerce is our experience that war—i.e. the use of our strength against the strength of others—exposes us various obstacles and defeats. When we turn to commerce we are using a milder and surer means of making it in someone else's interests to agree to what we want. War is impulse, commerce is calculation; and for just that reason a time must come when commerce replaces war. We have reached that time.

I don't mean that amongst the ancients there were no trading peoples. There were, but they were somehow an exception to the general rule. I can't, in a lecture, list all the obstacles that there were back then to the development of commerce; you know them as well as I do; I'll mention just one.

Because they didn't have compasses, the sailors of antiquity always had to keep within sight of the coast as much as possible. To pass through the straits of Gibraltar—their 'Pillars of Hercules'—was regarded as the most daring of enterprises. The Phoenicians and the Carthaginians, the ablest of navigators, didn't risk it until very late, and for a long time no-one followed their example. In Athens, which I'll come to shortly,

what Constant wrote next: l'intérêt maritime était d'environ soixante pour cent, pendant que l'intérêt ordinaire n'était que de douze,

what he may have meant: insuring a maritime trading journey cost about 60% of the value of the cargo, whereas other kinds of insurance of goods cost only 12%,

which shows how dangerous the idea of distant navigation seemed.

If only I had time I would show you—through the details of the ancient traders' *mœurs*, habits, ways of going about trading with other peoples—that their commerce was so to

speak *impregnated* by the spirit of the age, by the atmosphere of war and hostility surrounding it. Commerce then was a lucky accident, today it is the normal state of things, the only aim, the universal tendency, the true life of nations. They want repose, and with repose comfort, and as a source of comfort, *business*. War becomes, daily, a more ineffective means of satisfying their wishes. Its risks no longer offer, to individuals or to nations, benefits that match the results of peaceful work and orderly exchanges. Among the ancients, a successful war increased public and private wealth in •slaves, •tributes [= money and goods that the losers are compelled to pay to the victors] and •lands shared out. Among the moderns a war—even a successful one—is certain to cost more than it is worth. Finally, thanks to commerce, religion, and the moral and intellectual progress of the human species, there are no longer slaves among the European nations. All the professions, all provision for the needs of society, must be done by free men.

It's not hard to have some sense of what the inevitable result will be of these differences.

(1) The bigger a country is, the smaller is the political importance allotted to each individual. The most obscure republican of Sparta or Rome had power. The same is not true of the simple citizen of Britain or of the United States. His personal influence is an invisibly small part of the social will that gives the government its direction. **(2)** The abolition of slavery has deprived the free population of all the leisure they used to have when slaves did most of the work. Without the slave population of Athens, 20,000 Athenians couldn't have gathered in the public square for discussions, every day. **(3)** Commerce doesn't leave intervals of inactivity in men's lives, as war does. The free people of antiquity would often have languished under the weight of miserable inaction if it hadn't been for the constant exercise of political rights, the

daily discussion of the affairs of the state, the disagreements, the secret planning sessions, the whole procession and movement of factions, necessary agitations, the compulsory *remplissage* [meaning something like packing, gap-plugging], so to speak, of their lives. All of that would only cause trouble and fatigue to modern nations, where each individual—occupied with his speculations, his enterprises, the benefits he has or hopes for—doesn't want to be side-tracked from them other than momentarily, and as seldom as possible. (4) Commerce inspires in men an intense love of individual independence. It supplies their needs, satisfies their desires, without any intervention from the authorities. This intervention is almost always. . . I don't know why I say 'almost'. . . this intervention is *always* a trouble and an embarrassment. Every time collective power tries to meddle with private speculations, it harms the speculators. Every time governments offer to do our business for us, they do it worse than we would and at greater cost.

I said that I would return to Athens: it might be cited as contradicting some of my assertions, but in fact it confirm them all. Athens, as I have already pointed out, engaged in trade far more than any other Greek republic; so it allowed to its citizens infinitely more individual liberty than did Sparta or Rome. If I could go into historical details, I would show you that with the Athenians commerce had removed several of the differences between ancient and modern peoples. The spirit of the Athenian merchants was like that of merchants today. Xenophon tells us that during the Peloponnesian war the Athenians moved their treasures from mainland Attica to the islands of the archipelago. Commerce had created the circulation of money for them. In the writings of Isocrates there are signs that money-orders were in use. See how much their *mœurs* are like ours. In their relations with women you'll see (I'm citing Xenophon again) husbands,

satisfied when peace and decent friendship reigned in their households, making allowances for the wife who is not strong enough to withstand nature's tyranny, closing their eyes to the irresistible power of passions, forgiving the first weakness and forgetting the second. In their relations with strangers, they can be seen extending the rights of citizenship to anyone who would move in with his family and establish some trade or workshop. Finally, we shall be struck by their excessive love of individual independence.

In Sparta, says a philosopher, the citizens quicken their step when they are called by a magistrate; but an Athenian would hate to be thought to be subordinate to a magistrate. However, •because several of the other features that fixed the character of ancient nations existed in Athens as well—there was a slave population and the territory was very restricted—we find in Athens too the remnants of the specifically ancient form of liberty. The people make the laws, examine the magistrates' conduct, summon Pericles to report on his administration, sentence to death the generals who were in command at the battle of the Arginusae. At the same time, ostracism—a kind of decision

- that was legal, and the pride of all the legislators of the age, but

- that rightly seems to us to be disgustingly wicked—

shows that the individual was still much more subservient to the supremacy of the social body in Athens than he is in any free state in Europe today.

So you can see that we can't any longer enjoy the liberty that the ancients had, consisting in constant active participation in collective power. *Our* liberty has to consist of the peaceful enjoyment of private independence. Each person's share in the sovereignty of his country wasn't an abstract bit of theory, as it is for us today. The will of each individual had real influence, and the exercise of this will was a lively

pleasure each time it was employed; which is why the ancients were willing to make many sacrifices to preserve their political rights and their share in the administration of the state. Each one of them, feeling with pride the great value of his vote, regarded this sense of personal importance as more than making up for his sacrifices. Such compensation no longer exists for us today. Lost in the crowd, the individual can hardly ever see the influence that he exerts. His will never impresses itself on the whole; nothing confirms in his eyes his own cooperation. So the exercise of political rights offers us only a part of the benefit that the ancients found in it, while at the same time the progress of civilization, the steady increase of commerce, the communication amongst peoples, have infinitely multiplied and varied the means of personal happiness.

It follows that we must be far more attached than the ancients to our individual independence. When *they* sacrificed that independence in order to keep their political rights, they were sacrificing less to obtain more; whereas for us it would be giving more to obtain less. The aim of the ancients was to share social power among the citizens of a single country; that's what they called 'liberty'. The aim of the moderns is to be secure in their private benefits; and 'liberty' is their name for the guarantees accorded by institutions to these benefits.

I said at the outset that men who were otherwise well-intentioned caused countless harms during our long and stormy revolution, because of their failure to see these differences. God forbid that I should criticise them too severely; their error itself was excusable. One can't read the beautiful pages of antiquity, one can't follow the actions of its great men, without feeling... well, a special kind of emotion that isn't aroused by anything modern. The old elements of a nature that we used to have, so to speak, seem to awaken in us in the face of these memories. It's hard not to

feel sad about the pastness of the time when man's faculties were developing in a direction already marked out for them, but *sweeping* forward with such strong powers and with such a sense of energy and dignity; and if we give ourselves over to such feelings we can't help wanting to imitate the things we feel sad about losing. This feeling was very strong, especially when we were living under vicious governments that were weren't strong but were

- harsh,
- repressive in their effects,
- absurd in their principles,
- wretched in action;
- with personal decision ·of the monarch· as their final court of appeal;
- with belittling of mankind as their purpose

—governments that some individuals still dare to praise to us today, as if we could ever forget having been witnesses and victims of their obstinacy, of their impotence and of their overthrow. The aim of our reformers ·in the French Revolution· was noble and generous. Who among us didn't feel his heart beat with hope when he first set foot on the road that they seemed to open up? Admitting that our first guides committed some errors doesn't mean fouling their memory or disowning opinions that mankind's friends have professed down through the centuries; and those who even today don't accept this—shame on them!

But those men—·our first guides in the revolution·—had extracted some of their theories from the works of two philosophers who themselves hadn't suspected the changes in the dispositions of mankind that two thousand years had brought. The more illustrious of these philosophers, Jean-Jacques Rousseau, was a sublime genius, animated by the purest love of liberty; but by transposing into our modern age an amount of social power, of collective sovereignty, that

belonged to other centuries, he provided deadly pretexts for more than one kind of tyranny. (I'll show this if and when I examine Rousseau's system in detail.) In pointing out what I regard as a misunderstanding that it is important to uncover, I shall be circumspect in my refutation, and respectful in my criticism. I certainly won't join the detractors of a great man. Whenever I happen to find myself apparently agreeing with those detractors on a single point, I lose confidence in myself; and to console myself for appearing for a moment to agree with them on one limited point, I need to devote all my energies to disowning and denouncing these would-be allies.

But the interests of truth should have precedence over considerations that give so much power to the glory of a prodigious talent and the authority of an immense reputation. And, anyway, we'll see that it is not Rousseau who is chiefly responsible for the error that I am going to argue against; the responsibility for it lies much more with one of his successors, less eloquent than Rousseau but no less austere and a hundred times more extreme. I am talking about the abbé de Mably, who can be seen as the representative of the system which, following the maxims of ancient liberty, holds that the citizens should be entirely held down so that the nation can be sovereign, and that the individual should be enslaved so that the people can be free.

The abbé de Mably, like Rousseau and many others, had followed the ancients in thinking that the authority of the social body is liberty; and to him any means seemed good if it extended the active scope of that authority over the recalcitrant part of human existence whose independence he deplored. All through his works he expresses his regret that the law can only reach actions. He would have liked it to reach thoughts and the most fleeting impressions, to pursue man relentlessly, leaving him no place of escape from its power. As soon as he learned of some oppressive measure in

some country or other, he thought he had made a discovery and proposed it as a model. He loathed individual liberty in the way one loathes a personal enemy; and whenever in history he came across a nation totally deprived of it, even if it had no political liberty, he couldn't help admiring it. He was ecstatic about the Egyptians because, he said, with them everything was governed by the law—right down to relaxations, right down to needs: everything was constrained by the dominance of the legislator; every moment of the day was filled by some duty; even love was subject to this respected intervention, and it was the law that opened and then closed the curtains of the nuptial bed.

This philosopher was roused to an even more intense enthusiasm by Sparta's combination of republican forms and the same enslavement of individuals. That vast *convent* [or, as a previous translator put it, 'that vast monastic barracks'] appeared to him to be the ideal of a perfect republic. He deeply despised Athens, and would have been willing to say of this nation, the first one of Greece, 'What an appalling despotism! Everyone does what he likes there.' (That's what a great nobleman said about the French Academy, of which he was a member; I hasten to add that he was talking about the Academy as it was thirty years ago!)

Montesquieu, whose mind was more observant because he wasn't such a hot-head, didn't fall right into the same errors. He was struck by the differences I have described, but he didn't discover their true cause. According to him, the Greek politicians who lived under the popular government didn't recognize any power but the power of (1) virtue. Politicians today tell us only about (2) manufactures, commerce, finances, wealth and even luxury. He attributes this difference to the difference between (1) the republic and (2) the monarchy. It ought instead to be attributed to the difference, indeed the oppositeness, between (1) the spirit of

ancient times and **(2)** the spirit of modern times. Citizens of republics and subjects of monarchies all want benefits, and in the present state of societies no-one can not want them. The people that cared most about liberty in modern times—before France was liberated—was also the people that cared most about all the benefits of life; and it valued its liberty mainly because it saw in this the guarantee of the benefits that it cherished. *In the past*, where there was liberty people could bear hardship; *now* the only way to get people to put up with hardship is by enslaving them. It would be easier today to turn an enslaved people into Spartans than to turn free men into Spartans.

The men whom the flow of events swept to the head of our revolution were—inevitably, given the education they had received—steeped in ancient views that have become false, views that Rousseau and de Mably had made respectable. •Rousseau’s metaphysics, in the middle of which there are sudden flashes of sublime truth, and passages of stirring eloquence; and •Mably’s austerity:

- his intolerance,
- his hatred of all human passions,
- his eagerness to enslave everyone,
- his extravagant principles about what the law can achieve,
- the difference between what he recommended and what had previously existed,
- his denunciation of wealth and even of property;

—all these things were bound to charm men who were lit up by a recent victory, and who, having gained control of the law’s power, were happy about the idea of extending this power to everything. They found valuable support in the fact that two writers—ones with no axe to grind, and haters of human despotism—put the text of the law into the form of axioms. They wanted to use public power in the

way (so they had learned from their guides) it had once been used in the free states. They believed that everything should give way before the collective will, and that all restrictions on individual rights would be amply compensated for by participation in social power.

You know what came of this. Free institutions, relying on the knowledge of the spirit of the age, could have survived. The restored edifice of the ancients collapsed, despite many efforts and many heroic acts which call for our admiration. The fact is that social power damaged individual independence in every possible way, without destroying the need for it. The nation didn’t find that having a notional share in an abstract sovereignty was worth the sacrifices required from it. ‘The laws of liberty are a thousand times more austere than the yoke of tyrants’—the people were told this over and over again, on Rousseau’s authority, but it did no good. The nation had no desire for those austere laws, and wearily thought, sometimes, that it would rather have the yoke of tyrants. It has now learned from experience that that wouldn’t be better; it has seen that the arbitrary power of •men was even worse than the worst of •laws. But laws too must have their limits.

These facts show, I think, that **(i)** individual independence is the first need of the moderns; therefore **(ii)** they should never be asked to make sacrifices in order to establish political liberty. It follows **(iii)** that none of the numerous and over-praised institutions which hindered individual liberty in the ancient republics is admissible in modern times. I hope I have brought you to the point of agreeing with me about those three principles.

Your first impression may be that there is no need to argue for this truth, because many governments today show no sign of wanting to imitate the ancient republics. And yet, however little liking they may have for republican

•institutions, there are certain republican •practices for which they feel affection. It's upsetting that these •favoured practices should be precisely the ones that permit banishment, exile, confiscation of property. I remember that in 1802 they slipped into a law about special tribunals an article which introduced Greek ostracism into France; and God knows how many eloquent speakers supported this article (which was eventually withdrawn) by talking to us about the liberty of Athens and all the sacrifices that individuals must make to preserve this liberty! And much more recently than that, when nervous authorities tried with a timid hand to rig the elections, a journal that has no *taint* of republicanism proposed to revive Roman censorship [*censure*] to disqualify all dangerous candidates.

[**About the French word *censure*:** It refers to the Roman practice of having two official 'censors' with strong powers to act, without any hearing or trial or other juridical process, against people they thought to be a threat to Rome's well-being. This version will continue to translate it as 'censorship', but its meaning is very much wider and stronger than that would suggest.]

So I don't think I am engaging in a useless discussion if, to support my assertion, I say a few words about these two much praised institutions. **Athenian ostracism** was based on the theory that society had complete authority over its members. According to that theory it could be justified; and in a small state where it often happened that a single individual who was

- trusted,
- well supplied with clients [= 'dependents to whom he was not related'], and
- possessed of a glorious reputation

had an influence as powerful as that of all the rest put together, ostracism could appear useful. But with us, individuals have rights that society must respect; and, as I

pointed out earlier, the influence of any individual is so lost in a multitude of equal or greater influences that it is useless, and therefore unjust, to try to diminish it by oppressive measures. No-one has the right to exile a citizen unless he is legally convicted by a regular court, following a law which explicitly assigns the penalty of exile for the action of which he is guilty. No-one has the right to tear

- the citizen from his country,
- the owner from his possessions,
- the merchant 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.

All political exile is a political abuse. Any exile pronounced by an assembly for alleged reasons of public good is a crime that this assembly commits against the public good, which resides only in respect for the laws, in the observance of forms, and in the maintenance of safeguards.

Roman censorship was like Athenian ostracism in involving a discretionary power. In a republic where the citizens

- had very simple *mœurs* because that's all they could afford,
- all lived in the same town,
- engaged in no trade or business that would distract their attention from the affairs of the state, and thus
- constantly found themselves the spectators and judges of the use of public power,

censorship could have greater influence, and the arbitrary power of the censors was restrained by a kind of moral surveillance exercised over them. But as soon as the republic's size, the complexity of social relations, and the refinements of civilization deprived this institution of what had served as its basis and its limit, censorship degenerated

even in Rome. Censorship hadn't created the good *mœurs* [see note on page 2]; rather, the simplicity of the *mœurs* gave censorship its power and effectiveness. [The phrase 'its basis and its limit' may need explaining. •The 'basis' for censorship was the set of facts that made it somewhat useful, and those facts were abolished by the growth in the republic's size, complexity, and sophistication. •The 'limit' is harder to explain. Constant has mentioned 'a kind of moral surveillance'; perhaps he thought of this as exercised by the populace at large—*everyone* kept an eye on the censors to see that they behaved themselves—and this (he may have thought) would become impossible with the growth of size and complexity.]

In France, an institution as arbitrary—i.e. as dependent on the decisions of a few individuals— as censorship would be both ineffective and intolerable. In the present conditions of society, •*mœurs* are made up of subtle, fluctuating, elusive nuances that would be distorted in a thousand ways if one tried to define them more precisely. The only way to reach •them or to judge them is through public opinion, which can play this role because it too is subtle, fluctuating, and so on. Public opinion would rebel against any legal authority that was meant to give it more precision. If the government of a modern people tried, like the Roman censors, to come down hard on a citizen arbitrarily—just on the basis of some official's deciding to do this—the entire nation would protest against this arrest by refusing to ratify the decisions of the authority.

I have talked about the transplanting of censorship into modern times, and all that applies also to many other aspects of social organization, with antiquity being cited even more frequently and more loudly. Take education, for example: such a clamour about the need to allow the government to take hold of the young so as to shape them to its pleasure, with ever so many learned quotations being brought in to support this theory! The Persians, the Egyptians, Gaul,

Greece and Italy are exhibited one by one. But we are *not*

- Persians subjected to a despot, or
- Egyptians under the control of priests, or
- Gauls who can be sacrificed by their druids, or
- Greeks or Romans, whose share in social authority consoled them for their enslavement as individuals.

We are modern men who want, individually, •to enjoy our rights, •to develop our powers as we see fit, without harming anyone else, and •to watch over the development of these powers in the children whom nature entrusts to our affection—which isn't something blind or stupid that needs to be led or steered by the authorities. Our affection brings its own enlightenment; the more intense the affection is, the more light it sheds. All we need from the authorities is the general means of instruction which they can supply, for example schools and salaries for teachers. In the same way, the authorities provide us with *highways*, but don't tell us which route to take.

Religion is also vulnerable to these memories of earlier centuries. Some *brave* defenders of the unity of doctrine [the adjective is meant sarcastically] tell us about the ancients' laws against foreign gods. They support the rights of the Catholic church by the example of •the Athenians, who killed Socrates for having undermined polytheism, and •of •the Roman emperor Augustus, who wanted the people to worship as their fathers did—which soon led to throwing the first Christians to wild animals.

Let us mistrust this admiration for certain ancient memories. Because we live in modern times, I want a liberty suited to modern times; and because we live under monarchies, I humbly beg these monarchies not to borrow methods of oppression from the ancient republics.

I'll say it again: the true modern liberty is *individual* liberty. Political liberty is its guarantee, which is why we

must have political liberty too. But to ask today's peoples to sacrifice their entire •individual liberty to •political liberty, as the ancients did, is the surest means of detaching them from •the latter, after which it won't take long to rob them of •the former.

As you see, my observations haven't the least tendency to lower the value of political liberty. From the facts that I have put before you I don't draw the same conclusions that some people have, arguing like this:

- The ancients were free.

- We moderns can't be free in the way the ancients were.

Therefore:

- We moderns are destined to be slaves.

They would like to reconstitute the new social state with a few elements that are, they say, the only ones appropriate to the situation of the world today. These elements are

- prejudices to frighten men,
- egoism to corrupt them,
- frivolity to make them stupid,
- gross pleasures to degrade them,
- despotism to direct them, and—indispensably—
- constructive knowledge and exact sciences make the despotism more efficient.

It would be weird if this were the outcome of forty centuries during which the human species has increased its control over the physical and human worlds. I can't believe it! From the differences between antiquity and ourselves I draw *opposite* conclusions. Rather than weakening the security of our individual liberties we should extend our enjoyment of them. I am not renouncing political liberty; I am demanding civil liberty along with other forms of political liberty—.i.e. forms of political liberty different from any of the ancient ones. The right to help themselves to illegitimate power—governments don't have that now any more than they ever

did. But the governments with a legitimate basis have even *less* right than before to exercise an arbitrary supremacy over individuals. We still have today the rights we have always had—the eternal rights to •assent to the laws, to •deliberate on our interests, to •contribute to the cohesion 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 that authority show more respect for individuals' customs, affections, and independence. They should have more prudence and a lighter touch in all their dealing with these.

Governmental authority has a strict •duty to restrict its activities in this way, and it is also a matter of intelligent •self-interest. Just as the liberty that suits the moderns is different from what suited the ancients, the despotism that was possible for them is no longer possible with us. We are often less focussed on •political liberty than they could be, and ordinarily less passionate about •it too, we may be led to neglect—sometimes too much, and always wrongly—the guarantees that •it gives us. But because we care much more about individual liberty than the ancients did, we shall defend it against attacks with much more skill and persistence, and we have means for doing this that the ancients did not.

Commerce makes the action of arbitrary power over our existence more oppressive than in the past, because, as our speculations are more varied, arbitrary power must multiply itself to reach them. But •commerce also makes the action of arbitrary power easier to elude, because •it changes the nature of property, making it almost impossible to seize. Commerce gives property a new quality—circulation.

what Constant writes next: *Sans circulation, la propriété n'est qu'un usufruit; l'autorité peut toujours influencer sur l'usufruit, car elle peut enlever la jouissance;*

what he is probably getting at: If property can't be circulated (i.e. can't take the form of money or jewels or art-works or the like), it can consist only of land and the crops, animals and buildings on that land; 'owning' that is simply having the right to make use of it, and a political authority can at any time prevent you from using it, which amounts to depriving you of it;

but circulation creates an invisible and invincible obstacle to this kind of action of social power.

The effects of commerce extend even further: not only does it emancipate individuals, but by creating credit it places authority itself in a position of dependence. 'Money', says a French writer, 'is despotism's most dangerous weapon and at the same time its most powerful restraint; credit is subject to opinion; force is useless; money hides or flees; all the state's operations are suspended.' Credit didn't have the same influence with the ancients; their governments were stronger than individuals, whereas in our time individuals are stronger than the political powers. Wealth is a power that is more readily available at any moment, more useful in the service of any cause, and consequently more *real* and better *obeyed*. Power threatens and wealth rewards; you elude power by deceiving it, but to obtain the favours of wealth you have to serve it; so wealth is bound to win.

A chain of causes like that leads to the result that individual existence is less locked into political existence. Individuals carry their treasures far away; they take with them all the benefits [see note on page 2] of private life. Commerce has brought nations closer together, giving them *mœurs* and habits that are almost identical; the heads of states may be enemies, but the peoples are compatriots.

So power must accept the facts: we need liberty and we shall have it. But since the liberty we need is different from that of the ancients, it needs to be organised differently from

ancient liberty. In the latter, the more time and energy a man dedicated to exercising his political rights, the freer he thought himself to be; whereas with the kind of liberty *we* can have, the more the exercise of political rights leaves us the time for our private interests, the more precious liberty will be to us.

Hence the need for the representative system. It is nothing but an organization by means of which a nation charges a few individuals to do what it can't or doesn't want to do itself. Poor men look after their own affairs; rich ones hire stewards. That is the story of ancient nations and modern nations. The representative system is a mandate given to a certain number of men by the mass of the people who want their interests to be defended but don't have the time to defend them constantly themselves. But, unless they are idiots, rich men who employ stewards keep a close and strict watch on whether they are doing their duty, making sure that they aren't negligent, corruptible, or incapable; and if they are prudent the landowners will judge how well their mandate is being carried out by staying well-informed about the affairs the stewards have been entrusted to carry out. In the same way, the people who resort to the representative system so as to enjoy the liberty that suits them, should exercise an active and constant surveillance over their representatives, and reserve for themselves the right—at times that aren't too far apart—to discard them if they betray their trust, and to revoke any powers they have abused.

Because modern liberty differs from ancient liberty, the threats to them are also different. For ancient liberty the danger was that men, exclusively concerned with securing their share of social power, might under-value individual rights and benefits. The danger for modern liberty is that we, absorbed in •the enjoyment of our private independence and •the pursuit of our particular interests, might surrender too

easily our right to share in political power. The holders of authority encourage us to do just that. They are so ready to spare us every sort of trouble except the trouble of obeying and paying! They will say to us:

‘What, basically, is the aim of your efforts, the motive of your labors, the object of all your hopes? Isn’t it happiness? Well, leave this happiness to us and we’ll give it to you.’

No, we must *not* leave it to them. Their tender concern to make us happy is touching, perhaps, but we should ask the authorities to stay within their limits: let them confine themselves to being just, and we’ll take care of happiness.

Could we be made happy by benefits [see note on page 2] if these weren’t somehow guaranteed? And where would we find guarantees if we gave up political liberty? Giving it up would be a folly like that of a man who doesn’t care if the house is built on sand because he lives only on the first floor.

Anyway, is it so true that happiness of whatever sort is mankind’s only aim? If it were, we would be moving along a narrow path to a rather low destination. Any one of us could, if he were willing to

- aim that low,
- reign in his moral faculties,
- lower his desires, and
- swear off activity, glory, deep and generous emotions,

sink to a sub-human level and be happy. No, I bear witness to the better part of our nature, to that noble *disquiet* that pursues and torments us, that desire to broaden our knowledge and develop our faculties. What our destiny calls us to is not •happiness alone but to the •improvement of ourselves; and political liberty is the most powerful, the most active means of improvement that heaven has given us.

Political liberty, by submitting to *all* the citizens—no exceptions—the care and assessment of their most sacred

interests, enlarges their spirit, ennobles their thoughts, and establishes among them a kind of intellectual equality which constitutes a people’s glory and power. Thus, see how a nation *grows* when it first institutes the regular exercise of political liberty. See our countrymen of all classes and professions leaving the sphere of their usual labours and their private business, and finding themselves suddenly at the level of the important functions that the constitutions confers upon them, where they

- choose with discernment,
- resist with energy,
- embarrass tricksters,
- bravely confront threats,
- nobly withstand seduction.

See a pure, deep and sincere patriotism triumph in our towns, revive our villages, permeate our workshops, enliven our countryside, fill the just and honest minds of the useful farmer and the industrious tradesman with a sense of our rights and of the need for safeguards. These people, well informed about the history of the evils they have suffered, and equally enlightened regarding to the remedies that these evils demand, take in the whole of France in a single view and express the nation’s gratitude by repaying with their votes, after thirty years, the most illustrious of the defenders of liberty. [This refers to the marquis de Lafayette, who had been elected to the Chamber of Deputies—the French parliament—shortly before.]

Therefore, far from renouncing either of the two sorts of freedom that I have described, it is necessary (I repeat) for us to learn to combine the two. As the famous author of *History of the Republics in the Middle Ages* [Sismondi] says, institutions must accomplish the destiny of the human race; they can best achieve their aim if they raise the largest possible number of citizens to the highest moral position.

The work of the legislator is not complete when he has simply brought peace to the people. Even when the populace is satisfied, there is much left to do. Institutions must carry out the moral education of the citizens. By respecting their individual rights, securing their independence, refraining from troubling their work, institutions must nevertheless dedicate themselves to influencing public affairs, calling on

the people to contribute to the exercise of power through their decisions and their votes, guaranteeing their right of control and supervision through the expression of their opinions, and by shaping them up through the exercise of these high functions, give them both the desire and the power to perform them.