

that entails that at least under certain well-defined circumstances others can have a rightful claim to a part of our surplus wealth.

How a libertarian might reply to such conservative criticisms will probably depend, in large part, on whether he is attracted to Meyer's fusionism. A libertarian who is already sympathetic with the Burkean traditionalist and natural law premises to which conservatives appeal will find that he has to take conservative objections seriously and try to find some way of retaining these premises while avoiding the conclusions Kirk and others would draw from them. Those committed instead to a utilitarian or contractarian version of libertarianism will probably be unlikely to find such conservative premises attractive in the first place and are bound to be less troubled by the conservative critique.

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See also Burke, Edmund; Conservatism; Fusionism; Liberalism, Classical; Meyer, Frank S.; Progress

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CONSTANT, BENJAMIN (1767–1830)

Henri-Benjamin Constant de Rebecque was born in Lausanne, Switzerland, and died in Paris. He was a novelist, political theorist, journalist, and politician who, through his education and personal inclination, brought English and Scottish notions of liberal constitutional monarchy to France. It was unusual for members of his generation to study in Germany (Erlangen) and Scotland (Edinburgh), but his experience enriched classical liberalism by combining the theoretical French passion for liberty with an appreciation of English constitutional monarchy and the evolutionary and historical approach of the Scottish school of liberal thought.

In the late 1780s, Constant showed great promise as an original political thinker. However, he wasted a good deal of

his time in a series of failed love affairs, excessive gambling, and duels. Fortunately, his family connections gained him a position as a chamberlain to the Duke of Brunswick in Paris, where he was a witness to the beginning of the French Revolution. The crucial turning point in his life occurred on his return from Switzerland in 1794, when he met with Germaine de Staël, the daughter of the one-time director of finance under Louis XVI and a political hostess of immense authority whose salon dominated Parisian social life. He became her lover and, under her guidance, began his career as a political pamphleteer and commentator. At her salon, Constant met many constitutional monarchists and aristocratic liberals. The two returned to Paris in 1795 after the fall of the Jacobins, and Constant supported the Directory (the successor government to the Convention) by writing pamphlets defending the coup that brought it to power, an act he was later to regret.

Constant began his political career in 1799, when he was elected a member of the Tribune under Napoleon's Consulate. He served there until 1802. His criticisms of Napoleon's attempts to dismantle the representative system and to remove any checks on his power got him dismissed from the Tribune and forced him into exile. He and de Staël spent their time traveling in Germany or at her estate at Coppet in Switzerland, where they produced a steady stream of pamphlets critical of Napoleon's regime. It was here that Constant wrote his famous romantic novel, *Adolphe* (1807, published 1816), and his scathing attack on Napoleon's militarism and political tyranny, "The Spirit of Conquest and Usurpation and Their Relation to European Civilization" (1814). In that essay, Constant made two important distinctions, one between ancient and modern notions of liberty and the other between ancient military society and modern commercial society. With regard to liberty, Constant argued that in ancient societies liberty was largely seen as political participation, whereas in modern societies liberty was seen as a private sphere protected from intrusion by the state. Constant argued that ancient societies acquired wealth primarily through conquest and exploitation, whereas modern commercial societies acquired wealth primarily through peaceful exchange and industry. With the defeat of Napoleon, Constant predicted that European society was on the eve of a new era of peace, industry, and prosperity—a view of history developed at much greater length by the economists Charles Comte, Charles Dunoyer, and Gustave de Molinari.

Surprisingly, Constant was invited back to Paris by Napoleon after his escape from Elba in 1814 to draw up a new constitution, the *Acte additionnel aux constitutions de l'empire*, or the "Benjamine" as it was known. Although it was never implemented, it proved an interesting design for a constitutional monarchy with a property-based but still quite extensive franchise. While advising Napoleon on constitutional reform, Constant published his first extensive

statement of his own political views in "Principles of Politics Applicable to all Representative Governments" (1815), in which he argues that "constitutional monarchy offers us . . . that neutral power so indispensable for all regular liberty." When Napoleon fell from power again, Constant was once again forced into exile for his recent collaboration with the restored Napoleonic government—this time by the restored Bourbon monarchy.

After spending some time in England, Constant returned to France to resume his political career. He was elected to the Chamber of Deputies in 1819, where he served until his death in 1830, first representing Sarthe and then Paris. He also served as president of the Council of State. Constant combined his political duties with an active career in journalism and political pamphleteering. The main issues of the 1820s revolved around the constitutional limits to the King's power and the King's attempts to break free of them. Constant was a member of a group of liberals who wished to protect the constitution and to prevent the King from undermining it. Constant wrote pamphlets defending freedom of speech, ministerial responsibility, and religious toleration and supporting a number of oppressed groups, among them peasants against their aristocratic landlords, slaves in the French colonies, and the Greeks in their struggle against the Turkish Empire. His work was often censored by the regime, but he attempted to frustrate the censors by writing pamphlets more than 30 pages in length (shorter pamphlets were subject to prepublication censorship) and by putting his most critical comments in the footnotes, which he was confident the censors would never read.

While he was a member of the Chamber of Deputies, Constant continued to write more substantial theoretical works. He further developed his ideas on liberal constitutionalism in *Course on Constitutional Politics* (1818–1820). In his *Commentary on the Works of Filangieri* (1822), he advocated laissez-faire economic policies and the "night watchman state," and in his last major work, *On Religion Considered in its Source, Forms, and Developments* (1824–1831), he explored the relationship among religion, despotism, and liberty. He researched and wrote a substantial part of his monograph on religion when he was forced to temporarily retire from politics in 1822 after his arrest for engaging in a plot to overthrow the government. He was acquitted of this charge and returned to the Chamber of Deputies to represent Paris in 1824. At that point, the government tried to have this trenchant critic of its policies barred from the Chamber on the grounds that he was not a French citizen inasmuch as he was born in Switzerland. The government was not successful, and Constant resumed his seat to continue his struggle to defend liberty—opposing an Indemnity Bill to reimburse emigré aristocrats for property lost during the Revolution, opposing the Church's efforts to censor religious publications and to exclude Protestants

from teaching positions in schools and universities, and opposing a more restrictive press law. In the Chamber, Constant was a charismatic speaker and a somewhat eccentric figure. When he spoke on constitutional matters, he was authoritative and persuasive. He occasionally reverted to the excesses of his youth, however, such as when he fought a duel with an aristocrat from an armchair to which he was confined as a result of a knee injury.

In the late 19th and 20th centuries, Constant's reputation in France rested primarily on his authorship of the romantic novel, *Adolphe*, and of his diaries. His reputation as a political theorist has fared better in the English-speaking world, where his contribution to the theory of liberal constitutionalism has been long recognized, especially in the last three decades, where his political writings have undergone an intellectual renaissance among Anglo-American scholars.

DMH

See also Comte, Charles; Constitutionalism; Dunoyer, Charles; Enlightenment; French Revolution; Molinari Gustave de

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CONSTITUTION, U.S.

Adopted at a special convention that met in Philadelphia the summer of 1787 and then ratified by state conventions during the years 1787–1790, the U.S. Constitution is the second constitution of the national government of the United States and for over 200 years has provided the principal American model for limited constitutional government under the rule of law.

By the mid-1780s, many Americans had become quite unhappy with the first national constitution, the Articles of Confederation. The Articles had created a national government with limited powers, vested in a Congress, but the state governments retained most powers, including the power to levy taxes to pay the expenses of the national government.