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## From Ancient to Modern Liberty: The Legacy of Benjamin Constant

*De la libertad antigua a la moderna: el legado de Benjamin Constant*

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### ABSTRACT RESUMEN

This review offers a critical examination of Benjamin Constant's "De la liberté des Anciens comparée à celle des Modernes", exploring his pivotal distinction between ancient and modern conceptions of liberty. Constant argues that the individual liberty of moderns, shaped by commercial and social transformations, is fundamentally different from the collective liberty of the ancients. He advocates for a liberal political order based on representative government and a moderating power. Constant's theoretical contributions, particularly his vision of individual freedom and constitutional governance, continue to influence modern democratic systems.

Esta reseña ofrece un análisis crítico de la obra de Benjamin Constant «De la liberté des Anciens comparée à celle des Modernes» (De la libertad de los antiguos comparada con la de los modernos), en la que explora su distinción fundamental entre las concepciones antigua y moderna de la libertad. Constant sostiene que la libertad individual de los modernos, moldeada por las transformaciones comerciales y sociales, es fundamentalmente diferente de la libertad colectiva de los antiguos. Aboga por un orden político liberal basado en un gobierno representativo y un poder moderador. Las contribuciones teóricas de Constant, en particular su visión de la libertad individual y el gobierno constitucional, siguen influyendo en los sistemas democráticos modernos.

### KEY WORDS

Benjamin Constant; Liberalism; Representative Government; Individual Freedom; Moderating Power.

### PALABRAS CLAVE

Benjamin Constant; liberalismo; gobierno representativo; libertad individual; poder moderador.

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The celebrated essay *“De la liberté des Anciens comparée à celle des Modernes”* (known in the English language as *“The Liberty of Ancients Compared with that of Moderns”*), which formed the basis of a speech delivered by Benjamin Constant at the Royal Athenaeum of Paris, emerges in a historical context where representative government was not yet consolidated and amid intense political and partisan struggles. Constant writes and speaks in defense of a liberalism threatened both by the enduring force of absolutism inherited from the *Ancien Régime* and by Jacobinism’s extremism.

At the outset of his thesis, Benjamin Constant reveals to the reader the two primary motives that led him to undertake a study of the liberties of the ancients and the moderns: first, to understand the confusion between these two types of liberty, which had caused significant harm; and second, to ascertain why the representative government was virtually unknown among the free nations of antiquity.

Starting from the premise that the social organization of the ancients led them to desire a different kind of liberty from that of the moderns, the author begins by describing the concept of liberty as perceived by a free Westerner of his time (whether English, French, or American). He associates various ideas and terms with this modern liberty, including the rule of law, freedom of expression, the freedom to choose one’s profession, private property, freedom of movement, freedom of assembly, freedom of worship, non-interference by the state in leisure activities, and the right to participate in political life.

In contrast, Constant presents a markedly different image of the liberty of the ancients, associating it with a political exercise carried out collectively and directly in the public square. Given its mode of practice, the private actions of the citizens in antiquity were subject to the relentless scrutiny of the collective<sup>1</sup>.

The author then proceeds to describe the profound differences between the ancients and the moderns. Ancient republics are depicted as small city-states whose sovereignty was constantly threatened by neighboring rivals. The prevailing context was one of perpetual warfare, with the powers inevitably engaged in conflict sustained by

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<sup>1</sup> “Ainsi chez les anciens, l’individu, souverain presque habituellement dans les affaires publiques, est esclave dans tous les rapports privés.” (Constant 1819, 3).

enslaved labor drawn from conquered enemy populations – this was the atmosphere that defined antiquity.

In the modern world, the picture presented is entirely different. Here, the focus is not on small city-states but rather on vast nation-states shaped by the Enlightenment, which fostered a socially homogeneous organization across these states. The modern citizens, according to Constant, achieve their goals peacefully, through commerce rather than war<sup>2</sup>. It is worth highlighting that throughout the text, the author consistently emphasizes the pivotal role of commerce in the new era. It is precisely commerce that enables humanity to achieve prosperity without bearing the inherent costs of waging war<sup>3</sup>.

In this vein, the author observes that the profound differences between the two worlds – the ancient and the modern – render the liberty of the ancients inevitably unworkable in the modern era. This is because modern individuals pursue a different objective: the peaceful enjoyment of independence and private well-being, rather than the active and continuous participation in political power by the entire body of citizens, as advocated by proponents of ancient liberty<sup>4</sup>.

Following the central thread of his argument, Benjamin Constant returns to the first motive for his study of the two forms of liberty: the harms caused by the confusion between these two types of freedom. The author critiques Jean-Jacques Rousseau and the radical Abbé de Mably, whom Constant describes as an enemy of human passions<sup>5</sup>. Constant's opposition arises from the fact that these authors attempted to transpose into the modern world the idea of the superiority of the collective will over individual freedom<sup>6</sup>. Accordingly, this attempt performed by such noteworthy authors in the turbulent context of the French Revolution greatly contributed to the revolutionary terror. As

<sup>2</sup> “*La guerre est antérieure au commerce; car la guerre et le commerce ne sont que deux moyens différents d'atteindre le même but, celui de posséder ce que l'on désire.*” (Constant 1819, 4).

<sup>3</sup> “*Le commerce... C'est une tentative pour obtenir de gré à gré ce qu'on n'espère plus conquérir par la violence.*” (Constant 1819, 4).

<sup>4</sup> “*Le but des anciens était le partage du pouvoir social entre tous les citoyens d'une même patrie : c'était là ce qu'ils nommaient liberté. Le but des modernes est la sécurité dans les jouissances privées ; et ils nomment liberté les garanties accordées par les institutions à ces jouissances.*” (Constant 1819, 6).

<sup>5</sup> “*...L'austérité de Mably, son intolérance, sa haine contre toutes les passions humaines, ...*” (Constant 1819, 8).

<sup>6</sup> “*Ils crurent que tout devait encore céder devant la volonté collective et que toutes les restrictions aux droits individuels seraient amplement compensées par la participation au pouvoir social.*” Constant 1819, 8).

Constant argues, it created an environment conducive to the return of Greek ostracism, Roman censorship, and excessive state intervention in matters of education and religion.

In the final part of the text, the author makes it clear that it is not his intention to devalue the role of political liberty, but rather to reconcile it with individual liberty. To quote Constant's words: "*La liberté individuelle, je le répète, voilà la véritable liberté moderne. La liberté politique en est la garantie; la liberté politique est par conséquent indispensable.*"<sup>7</sup>. This reconciliation – while respecting the necessary primacy of individual liberty – culminates in a representative government, which, for Constant, is the form of government most suitable for the moderns.

The historical transition to representative government occurs through three elements: the emergence of vast modern states, which would operate internally through representative assemblies and engage in commercial relations aimed at pursuing their own interests, thereby creating an atmosphere of peace in international relations; the abolition of slavery, which led to a division of labor among all citizens, causing those who once concerned themselves with the affairs of the polis to no longer have the time or capacity to manage political affairs, making the election of representatives necessary<sup>8</sup>; and the development of commerce which, following the argument about the lack of availability of citizens, implies that each citizen must have the individual freedom to specialize in a particular field, with politics also requiring its specialists (the representatives).

In this form of government harmonized with the modern world, citizens still possess an active oversight power over their representatives, to prevent the emergence of any signs of authoritarianism. However, for Constant, a liberal thinker who does not believe in perfect regimes, attention must be given to the potential danger of citizens renouncing their right to participate in political power.

Benjamin Constant concludes his essay by calling for the improvement of what has been achieved. That is, the liberty of the moderns was the culmination of an inevitable process, yet it remains an unfinished

<sup>7</sup> (Constant 1819, 11).

<sup>8</sup> "Le système représentatif est une procuration donnée à un certain nombre d'hommes par la masse du peuple, qui veut que ses intérêts soient défendus, et qui néanmoins n'a pas le temps de les défendre toujours lui-même." (Constant 1819, 12).

project that needs to be constantly refined. The negative experiences of the French Revolution instilled in Constant an aversion to the purported total and absolute truths that sought to impose, overnight, what were considered perfect forms of government.

Constant's countercurrent thinking, in the nineteenth century early decades, stood in opposition to the model idealized by many prominent intellectuals who ardently championed the Greek city-state. Throughout his text, the author grounds his historicist argument on the natural and inevitable transition from the ancient world to the modern world, driven by transformations in society through agents such as commerce. Factors like the expansion of citizenship (contrasting with the highly restricted citizenship once existing in Greek city-states) and the mercantile economy made a return to the past unfeasible.

In the modern world, where the most suitable form of government is representative government, citizens enjoy liberty – not only individual liberty in the pursuit of personal well-being, but also political liberty to intervene (not directly) in the management of public affairs, ensuring the proper functioning of society.

Constant called for the triumph of individuality over the authority of a single ruler and over the authority of the multitude. He advocated for a limit to the excessive power of the state, both in political matters (demanding a written constitution to limit political power and guarantee the rights of citizens) and in economic and social matters (calling for minimal or even nonexistent state intervention).

In this sense, Constant called for a free society with free citizens and mechanisms to allow for such freedom. In this review of his most well-known writing, several contributions by the author were presented that shaped the modern liberty he envisioned. However, Constant's political thought went further (in other writings and interventions) in its influence on contemporary liberal democracies, notably through the introduction of the concept of a "moderating power" embodied in the person of the king, in contrast to the prevailing tradition that saw the king as the holder of executive power. According to Constant, executive power should reside with a council of ministers, with the king holding moderating powers, such as calling for new elections or dismissing ministers, but never governing – in other words, "*the king reigns but does not rule*".

Whether a king, a president, or a prime minister, Constant invoked the need for the existence of a moderating power (a fourth power) considering the legislative, executive, and judicial branches.

In conclusion, it seems clear that for a liberal like Constant, the main debate lies between liberalism and absolutism, rather than between monarchy and republic. For Constant, the distinction between a constitutional monarchy and a republic pertains primarily to their formal structure, whereas the contrast between a constitutional monarchy and an absolute monarchy lies in their fundamental nature and underlying principles<sup>9</sup>. The legacy of this author, who regarded the British constitutional monarchy as a prime example of the application of modern liberty, persists today, with particular prominence, across a diverse array of regimes and political systems.

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<sup>9</sup> (Freitas do Amaral 1997, 96).

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