

THE THEORY OF LIBERTY AS SEEN FROM CONSTANT'S VIEW

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ABSTRACT:

This review consists the evaluation of the article, The Liberty of the Ancients Compared with that of the Moderns by Benjamin Constant. The essay involves information about the setting in which Constant wrote this piece. The essay then goes on to explain the two kinds of liberties that Constant's theory puts forth. The essay further explains the difference between individual liberties given in the ancient and modern times. The essay next explains the importance of commerce and how it has helped liberty grow as an idea. The essay simultaneously discusses the importance of war that was felt by the ancients. My essay then discusses the importance of political rights and how it is being undermined in the modern system. We next talk about censorship in ancient times, with specific reference to the Athenian and Romanian civilisation. The essay is concluded by applying Constant's theory, to Indian history and exploring the different types of liberties during the different stages of Indian history.

INTRODUCTION:

The Liberty of the Ancients Compared with that of the Moderns is a speech made at the Royal Athenaeum by Benjamin Constant in 1816. Henri-Benjamin Constant de Rebecque was a Franco- Swiss novelist and political writer. This lecture was a part of his long term campaign to educate the people of France on 'constitutional politics'. He hoped to build support for ideas of liberalism in the country. It is an elegant and pedantic piece of writing that was specifically made for the ordinary listeners of France who had lived through the tempest of the revolution.

It is important to understand the historical setting in which Constant wrote this piece. In 1816 the Emperor Napoleon had been defeated for the second time and the economies of Europe were bungled by 25 years of war. Soon the ill-fated republican experiment of France failed and brought back the monarchs. The country was severely fractured because of the dip in international trade, the loss of men to arms and death. He wrote this essay in order to make

people aware of the new “era of commerce and industry” and leave behind the “era of war and despotism”.

LIBERTIES:

Constant was drawn to the idea of constitutional monarchy because of he knew that modern liberty would entail, the independence of municipal and local authorities. Constant starts by talking about the two kind of liberties that he thinks exists, first being the liberty that is so dearly valued by the ancients and the second is the liberty that is treasured by the modern nations. Not much attention had been given to the distinction between these two liberties and according to Constant this was the cause of many evils during the days of their revolution. France was forced to enjoy certain benefits that they did not want and were denied the right to enjoy the ones they actually wanted. Useless political experiments had weakened the entire social structure of the French society. However the society would never have been able to enjoy the freedom and peace if it was not for the republican government. Constant was unhappy with the terrible political conditions which was the main reason for him to write the *De la Liberté des Anciens Comparée à celle des Moderne*.

Constant next dwells into the question as to why the ancient nations were unaware of this freedom. Many writers claim that ancient nations like the Republic of Sparta have shown indications of representative governments, however this is factually incorrect. The Republic of Sparta in no way had a representative government, it in fact had a system of ‘monastic aristocracy’, where the powers of the king were limited but by the magistrates and not by elected representatives of the citizens. It was proven time and again that the magistrates took the shape of tyrants themselves instead of keeping a check on the kings.

The mission of the tribunes in Rome followed a system very similar to a representative government and they worked on behalf of the plebeians. The plebeians had gone through a very harsh time because they were forced into slavery by the oligarchy. The plebeians exercised considerable political rights directly, like they would meet to vote on laws and were acting judges when any of the nobles had committed any offence.

The comparison between the Roman and Spartan system is a very interesting case as they have such different approaches towards liberty yet belong to the same time period. The Roman's had a much more 'modern' conception of liberty as compared to the Spartan's and therefore, I believe that Constant's theory of ancient and modern liberty is not as concrete as he argues it to be. There are several other parameters that actually determine a nation's stand on liberty, for example there are numerous examples of ancient nations having adopted liberalism, and many modern nations having taken a more conservative stand.

The main components of modern liberty are as follows, firstly the society must have a formal method of social control and everyone must follow the laws, secondly the right of individual to express themselves which includes the freedom to choose any profession and use land, thirdly and most importantly the rights of the citizens must affect the government's administration because of the elected representatives. On the other hand, the ancient conception of liberty included gathering in public spaces 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.

Constant very clearly lays down the components of both the kinds of liberties, but what he seems to be missing is the fact that concepts such as liberty, equality and fraternity are extremely abstract. They are so metaphysical that it is hard to restrict them in a particular scope. However, the points at a factual level are very apt.

INDIVIDUAL LIBERTIES:

Even though the citizens were given certain political rights in the ancient times, however they were still backward when it came to individual liberties. They were free yet they were confined, i.e. they had collective freedom but they were still subjugated to the authority of the group. The citizens were masters in public spaces but were slaves in their private spaces. Their private life was totally monitored and controlled by the governments, so much so that they were not even allowed to practise the religion of their choice. On the contrary modern states emphasize more on

individual liberties than collective authority. The citizens even in the freest states is only sovereign in appearance and their political rights are in fact regulated and controlled by the government.

In our modern age we cannot visualize a world without individual liberties, as they have become an essential part of our lives now. The fact that, a foetus too has rights shows how heavily dependant we are on our individual rights. However the ancients believed in the concept social solidarity and believed that great things could be achieved only in groups. It was always one nation pitted against the other, but the moderns look at each other as separate individuals and do not consider themselves as one unit at all times.

The state of Athens however was in all likelihood the only state that came close to the modern sense of liberty. In the other states men were just treated as puppets, whose strings were pulled by the laws, many times were not representative. The ancient nation were running on the basis of necessity, they were small and thus would constantly attack each other to survive. This survival meant the presence of colossal sized manual labour force and that in turn translated into the trivialization of individual liberties.

The modern states however are very different. The size of the nations have grown to a large extent and it this nation involves the union of several isolated families moving towards peace. The modern world after having experienced the pain and suffering of war has come to the realisation that war is not a matter of pride but just a burden on the nation's social, political and economic wealth.

Constant truly believed that commerce was to replace war is central to Constant's distinction between ancient and modern liberty, but it was discredited by the reality that new empires of economic dominion over commercial competitors and territorial expansion for new markets became prominent.

The perils that each of the liberties face are also very different. In the ancient times there was clearly a threat of undermining the value of individual liberties, which might always pose a danger of a social breakdown. The threat to the modern nations is however is bigger. Individuals become so obsessed with their private rights that they ignore the dangers of neglecting the

government. The government might become authoritarian and take away the very liberty they were protecting in the first place

WAR PRECEDES COMMERCE:

The idea of commerce would never occur to the strongest man because he would never give heed to the idea of mutual benefit. Both commerce and war ultimately lead to the same thing, the gain of 'something', however the method used in acquiring that 'something' differs. War does not even consider the concept of mutual benefit, it is all about subjugation. Constant believes that war is an impulse and that commerce is a calculation and that the modern nations now have successfully been able to adopt this method of calculation.

Modern nations believe that society's desires must be satisfied, not at the cost of taking away individual liberties but must be fulfilled by free men. Commerce encourages the zeal in men for individual independence. Commerce doesn't leave intervals of inactivity in men's lives like war does. War is not only physically but mentally taxing too, which is the reason for modern nations to forgo this.

Whenever collective power tries to meddle with private activities, it always ends up in trouble and repugnancy. Governments have time and again proven that when they take the public's business into their hands, they always end up creating chaos and frustration.

Commerce makes the action of arbitrary power more oppressive in the modern existence because of the diversity in their speculations. Commerce not only generates immense amount of credit in the economy but it also, emancipates the individuals in the economy. Constant goes on to explain how the ancients were heavily dependent on power, however modern times have changed and now wealth is what has become more important. In order to avoid power one has to deceive it but in order to obtain wealth one has to serve it, therefore we can say that wealth is bound to win.

Commerce has made the world a smaller place, with different countries interacting on a frequent basis. Regardless of the relations between the heads of the states, the residents of the countries are compatriots. International relations in the modern ages has gained immense amount of

importance. International relations allows cultural exchanges and the cooperation of resources, which allow all the nations to advance and improve the quality of human life.

POLITICAL RIGHTS:

The amount of influence that the ancients had on the political system of their society can be not compared to the political rights that the moderns have now, it is because of the gigantic disparity between the two. The ancients were well aware of the fact that would have to give up most of their personal rights in order to gain those political rights and they joyfully did so. However this feeling does not exist in the modern nations anymore as the individuals choose to peacefully enjoy their private independence. This preference is understandable because with larger boundaries and concrete cities, individuals often feel lost and are unable to see how their political rights actually influence this complex maze of society.

It is evident that the moderns are much more attached to personal freedoms as compared to the ancients, it is because their conception of liberty was nothing but the sharing of social power. Constant goes on to praise the men who led the way in the French revolution and talks about the source of their inspiration. One of the main source of their inspiration was the works of the genius philosopher Jean- Jacques Rousseau. Rousseau's sheer love for liberty was what they drew inspiration from.

Constant further points out the errors in Rousseau's philosophy and criticises them, however he does not forget to mention that there was another philosopher, Abbé de Mably who had a philosophy that was hundred times more extreme than that of Rousseau's. Constant believes that he had a major role in misleading the political system in terms of liberty. Mably was confident that a country cannot remain sovereign unless the individuals are completely held down and enslaved. Mably was especially impressed with the Egyptians, as every single detail of daily life was governed by the law, so much so that the opening and closing of the nuptial bed was also done by law.

In the ancient times it was assumed that the great opportunity for participating in social power will compensate for all the loss of individual rights. At every step in history collective will has destroyed the essence of individual independence. The nation was made to believe that ‘The laws of liberty are a thousand times more austere than the yoke of tyrants’ and therefore the public never craved for such kind of liberty. The above mentioned facts clearly manifest that individual independence is the first need of the moderns, therefore must never be asked to let go of it in order to establish political liberty, and none of the over praised institutions because of their hindrance with personal liberty are admissible in the modern times.

CENSORSHIP:

Athenian ostracism believed that society had complete authority over the members and society has the right to ostracise anyone. However this will be useless in a modern nation setting as the influence of one individual will be so lost and inconsequential. It is also unjust to exile a citizen without a proper trial conducted by law. All kind of political exile is political abuse.

Roman censorship was practice that involved the presence of two censors, with strong powers to act on and without any trials or juridical process. Such kind of a system is pretty much impossible in the modern nations as it is intolerable. In all probability the entire nation will protest and rebel. As a modern nation we need the government to provide us with the highway but not tell us which route to take. Individuals in the modern nations are not renouncing their political liberty but are instead just demanding for civil liberties along with political liberties.

In the modern nations the duties of the governments have also changed to a large extent. The burden of the progress of the civilisation completely rests on the government. The government in the modern times have to also be more considerate and careful towards the customs, affections and independence of their citizens. As a modern nation we are so focused on personal liberties that we often neglect our political liberties.

In the conclusion Constant says that it is not enough if the government just fulfils the wishes of the populace, it is in fact the point of time when the actual work begins. Constant makes it very clear that he believes that a society or a political system is successful only when both these kind of liberties co- exist and the citizens are given a wholesome experience.

Constant's opinion in the conclusion can be completely agreed upon as an individual can truly be happy only when they get sufficient amount of freedom and that will happen only when the individual is allowed to enjoy both private and political liberty. However one thing that Constant doesn't realise is that his argument weakens , since his own concept of modern liberty could become dated in the same way he describes the ancient liberty to have gone redundant, unless it were justified by something other than the current political and economic systems being too large and complex for it to be otherwise.

LIBERTY IN INDIAN CONTEXT:

India has had a rich history but not only in the aspects of culture but has also had a rich political history. This timeline of the Indian history will take us through the journey of the Indian subcontinent from ancient India to free and divided India. From the theocracy in the Indus valley civilisation, India has since evolved into a vibrant constitutional democracy and has made rapid strides in several domains.

One of the first traces of liberty was seen in the Indus valley civilisation. The Harappan civilisation followed the political system of theocracy. Theocracy is essentially a system where there is no separation of the government and religion, the head of the state is the religious head. The concept of Karma played a very important role in the society, it was an important method of formal social control. However the government believed in the kind of liberty that Constant describes as ancient liberty. The government also believed that it is essential for the people in society to be homogeneous which is why, the government had heavy rules and regulations on the private life of an individual. However the government did not believe in war and usually took the path of religious manipulation as the method of invasion and this can be seen as the only distinction from Constant's version of ancient liberty.

The next era of history in India was the Vedic period. However there was a lot of difference in the system in the early Vedic period and the later Vedic period. The early Vedic period had a conception of liberty very similar to what the Romans had or what Constant describes as the modern liberty. The polity of the Early Vedic period was tribal polity, and the tribal head was elected with consensus. The regions would also have two assemblies, one of which consisted of all the residents. The governing body did not interfere much in the personal lives of the individuals, for example there were no rigid laws on marriage. On the contrary the later Vedic period had a much more rigid system and was very similar to what Constant describes as ancient liberty. The political system was now a monarchy, and the power that the king wielded was unlimited and the regime was authoritarian. The society became much more conservative and this was the main cause for the government to take away the autonomy of the people, for example orthodox practices like sati and discrimination based on caste system emerged. The ruling body assumed that they had complete authority over the people and so there was no need for individual rights.

The next phase was the Delhi Sultanate followed by the Mughal empire. This political era was very turbulent because there were continuous change of leaders and each leader brought with them a different conception of liberty. Therefore the range of the kind of liberty given to the people was very wide, there were liberal rulers like Razia Sultana to extremely authoritarian rulers like Aurangzeb. Constant's theory of ancient and modern liberty weakens here, because this example clearly shows that there are other factors that are influencing the stand that the governing body takes.

India was soon a British colony and this time the distribution of liberty among the subjects was different. At the same point of time the kind of liberty given was different to different subjects. The Britishers were for obvious reasons given more individual rights, but the Indians had their entire life controlled by the Britishers. When the country gained independence, they gained independence in the literal sense, as in the citizens achieved a lot more than just political rights. The new constitution ensured that the individuals got sufficient private rights and made sure that the government's powers were limited and did not encroach upon the rights of the citizens. The Indian constitution too provides for many articles that clearly shows that India is a liberal state.

Therefore it can be undoubtedly said that modern India is definitely following Constant's version of modern liberty.

CONCLUSION:

As Holmes has remarked 'Constant had no illusions about modern freedom, he saw no alternative to it'. Constant was so impressed with this idea of Liberty, that he thought that the French revolution was a failure. Constant's theory up to an extent can be considered correct but keeping in mind the examples cited in the above pages, it is hard to believe that Constant's theory was all that powerful and concrete. Constant also forgets that the now modern sense of liberty that he praises so much, might one day end up being repugnant and outdated. However Constant's statement about both the liberties existing in an optimum amount in order to maintain the political temperament is very true. Individuals in ancient times only valued collective freedom, however private rights are equal to oxygen for most of the people in a modern society. Therefore the errors in Constant's work can be easily overlooked as the essence of his writing remains intact and untouched.

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