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In Praise of Liberty: Madame de Staël's *Considerations*

Aurelian Craiutu

Of all modern monarchies, France was certainly the one whose political institutions were most arbitrary and fluctuating. ... Whatever may be the cause, it is an undoubted fact that there exists no law in France, not even an elementary law, which has not, at some time or other, been disputed – nothing, in short, which has not been the object of difference of opinion. ... France has been governed by custom, often by caprice, and never by law. ... We thus see that the history of France is replete with attempts on the part of the nation and nobles, the one to obtain rights, the other privileges; we see in it also continual efforts of most of the kings to attain arbitrary power. ... The great misfortune of France, as of every country governed solely by a court, is the domineering influence of vanity. No fixed principle gains ground in the mind; all is absorbed in the pursuit of power, because power is everything in a country where the laws are nothing. ... The Revolution of 1789 had then no other object than to give a regular form to the limitations which have all along existed in France.¹

A Swiss Protestant in a predominantly Catholic country, Anne Louise Germaine, Baronne de Staël-Holstein (1766–1817) was the daughter of Jacques Necker (1732–1804), the famous Genevan banker who eventually became Louis XVI's minister of finance and was a leading actor during the initial stages of the French Revolution. Her first book, *Letters on the Works and Character of J.-J. Rousseau*, appeared on the eve of the French Revolution in 1788. She later published other works such as *On the Influence of Passions on the Happiness of Individuals and Nations* (1796), *On Literature Considered in Its Relationship with the Moral and Political State of Nations* (1800) and two novels, *Delphine* (1802) and *Corinne or Italy* (1807). At the time of her death in 1817, Madame de Staël

was working on *Considerations on the Principal Events of the French Revolution*, from which the opening excerpt is taken. This became her (unfinished) political magnum opus which exercised a decisive influence on the evolution of French liberalism.² It is worth reminding that, during the first years of the French Revolution, she had been among those who defended constitutional monarchy; under the Directory, she advocated a conservative form of republicanism based on limited suffrage. Two decades later, her allegiance shifted back to constitutional monarchy. This explains the existence of both significant differences and affinities between the political agenda of *Considerations* and Madame de Staël's republican profession of faith in *Of the Present Circumstances Which Can End the Revolution and of the Principles Which Must Found the Republic in France*, an important yet unfinished work drafted in 1797–8 and published posthumously in the twentieth century.

Although we will never know what the final version of *Considerations* would have looked like, had it been fully revised by its author, this book offers one of the most important accounts of the nature and legacy of the French Revolution, on a par with two other famous books on this topic, Edmund Burke's *Reflections on the Revolution in France* and Joseph de Maistre's *Considerations on France*. Immediately translated into English, Madame de Staël's *Considerations* elicited a vigorous debate in Paris but subsequently fell into oblivion in France, a country which has always combined a strong passion for freedom and equality with respect for hierarchy and a marked tendency to centralization and radicalism. This eclectic book combines political and philosophical reflections, first-hand experience and personal recollections covering two tumultuous decades in French history. Written as a manifesto and a vindication of Necker's legacy, it came from the pen of an influential public intellectual who used history to make a number of important political points. Madame de Staël was hardly alone in this regard. In a conflict-ridden society like post-revolutionary France, it was common to appeal to the testimony of history and reinterpret the latter when searching for a new political compass. Within the span of fifteen years, from 1789 to 1814, the country had made the transition from one type of absolute power (the Old Regime of Louis XVI) to another (the First Empire) and back to the Bourbons (Louis XVIII), and tried several constitutions, all of which were found wanting. The spectre of the French Revolution starting over and over again worried Madame de Staël and her friends, who wondered whether the country would ever be able to overcome the dark legacy of the Terror of 1793–4 and the Jacobin dictatorship, known for its ruthless use of violence and the guillotine to punish the alleged enemies of the country.

In her *Considerations*, Madame de Staël performed a political and intellectual *tour de force*. She opposed absolute power, defended the principles of representative government (either as a constitutional monarchy or as a republic) and expressed her admiration for England's successful synthesis of order and liberty, tradition and innovation. Her interpretation of French history aimed at vindicating the legacy of her beloved father and focused on discontinuities and long-term social, cultural and political patterns. It sought to demonstrate, in the footsteps of Montesquieu, that 'in Europe, as in France, it was liberty that was ancient and despotism that was modern.'³ Both the opening and last lines of the selected paragraph reflect Madame de Staël's liberal political agenda, which attempted to reform the obsolete institutions of the Old Regime and replace them with new representative institutions in keeping with the spirit of the age. It was an agenda that promoted liberal values such as individual freedom, civil equality, constitutionalism and the rule of law. The claim that 'of all modern monarchies, France was certainly the one whose political institutions were most arbitrary and fluctuating'⁴ can be found at the outset of a seminal chapter (XI) of the first volume of *Considerations*, an unusually long chapter which addressed a highly controversial topic, namely whether France did have a genuine constitution during the Old Regime. This was a significant question that had an important theoretical side to it as well as a long history.⁵ Many French thinkers and political actors, such as Abbé Sieyès in his influential pamphlet *What Is the Third Estate?* (1789), claimed that the country lacked a true constitution which was supposed to be created *ab novo* in 1789. This was a way to justify and legitimize the bold initiative of the National Assembly in mid-June 1789, when it declared itself the Constituent Assembly. The deputies took a collective oath not to separate until the constitution of the kingdom was fully established and affirmed on entirely new foundations. The controversies that ensued focused on what to us might appear as arcane and odd topics, such as the subtle differences between 'establishing', 'reestablishing', 'maintaining', 'giving', 'laying the foundations of' and 'making' an entirely new constitution. The unusual intensity of the debates on these issues revealed the weaknesses of the traditionalist position affirming the existence of an allegedly ancient constitution which should have been preserved or reformed in 1789. It also brought to the fore the difficulties encountered by those who argued that such a constitution did not exist and had to be established from scratch. If there was an old constitution, as some claimed, the National Assembly did not have the right to act as if it didn't exist. If the ancient constitution was nothing more than a figment of imagination, the door was open to all kinds of innovations, some more daring or sensible than others.

Madame de Staël's position was not devoid of an interesting ambiguity. If she followed Sieyès's call for a new constitution in France, her political moderation and unwavering admiration for the English unwritten constitution and complex government parted company with his endorsement of simple government and radical approach to political reform that had no appreciation for tradition and complexity. Like Guizot in his *History of Civilization in Europe*, Madame de Staël regarded 1789 as part of a longer historical development of the entire European civilization rather than the outcome of accidental causes limited to France, as Burke thought. In her view, both the French Revolution of 1789 and the English Glorious Revolution of 1688 belonged to the same historical trend towards the establishment of representative government. As a liberal thinker in the European (centrist) meaning of the term, she sought to defend and legitimize the movement of 1789 in the face of its conservative opponents and left-wing critics. On the right, Maistre interpreted the Revolution as a unique event in history that manifested a degree of destruction and human depravity never seen before. Against Maistre and his admirers, Madame de Staël emphasized that the French Revolution achieved many important things. She also insisted that there was no way back into the past while being aware that the task of bringing the revolution to an end was far from being completed. In her opinion, constitutionalizing the liberties gained in 1789, absorbing the shock produced by the Terror of 1793–4 and building representative institutions on the ruins of the Old Regime and the First Empire should have been the priorities of all forward-looking spirits.

Although Madame de Staël did not affirm the inevitability of the French Revolution as clearly as Tocqueville did in *The Old Regime and the Revolution* (1856), she believed that the Revolution was 'one of the great eras of social order'⁶ which occurred as a response to the deep structural problems of the Old Regime. This was the liberal position that made a clear distinction between the events of 1789 and the tragedies of 1793–4. A change, Madame de Staël claimed, was necessary to introduce precisely those guarantees against the arbitrary power that had previously been missing. In her view, this made the actors of 1789 justified in their efforts to eliminate class privileges, lower the barriers between classes and establish provincial assemblies and civil liberties for all. Yet Madame de Staël was far from being an unconditional admirer of the work of the Constituent Assembly (1789–91). She was particularly critical of the Constitution of 1791, which she took to task for its immoderate distrust of executive power – a theme borrowed from Necker's works – its excessive

enthusiasm for abstractions, its unlimited confidence in the legislative power and its rejection of bicameralism. Madame de Staël embraced a moderate position, one which contained, in fact, an interesting contradiction remarked by one of her most vocal critics, Bailleul. He pointed out that her position denying the existence of a true constitution conflicted with her later claim that, in France, liberty was ancient while despotism was modern.

We should remember that, like many other French liberal historians, Madame de Staël, too, offered a selective and, ultimately, subjective reading of the past. On the one hand, she claimed that nothing regulated and circumscribed in a precise and clear manner the rights of the Crown and the Third Estate in a country in which everything was possible and depended entirely on the course of circumstances and the will of the king and his courtiers. She insisted that the political influence of the *parlements* (as courts of justice) was equally limited and their authority and privileges undefined most of the time. Moreover, the Estates General were convened only eighteen times between 1302 and 1789 (and not once since 1614), which meant, in her view, that France had been governed mostly by caprice and 'never by law'.⁷ On the other hand, Madame de Staël insisted that the modern history of France had been, in fact, a series of attempts on the part of the nation as a whole to obtain and secure privileges against the absolute power of the monarchs.

Under these circumstances, building a representative government on the ruins of the Old Regime proved to be a daunting task in a country which was, to paraphrase Tocqueville, one of the most brilliant and dangerous nations of Europe, destined to become an object of admiration, hatred or terror, but rarely of indifference. As Madame de Staël remarked, an excessive faith in abstract ideas fed political fanaticism and fostered immoderation and intransigence. Constitutionalism, limited power and the need for a proper balance of powers in the state were neglected, while abstract or natural rights were displaced in favour of positive rights that could be forfeited in exceptional or emergency situations. Eventually, she argued, the whole country threw itself into the hands of Napoleon, who managed to enslave the French nation by seeking to satisfy men's interests at the expense of their virtues, disregarding public opinion and giving the French nation war and conquest instead of liberty. With the benefit of hindsight, it can be argued that Napoleon's absolute power had been made possible by the previous levelling and atomization of society and the weakness of intermediary bodies during the Old Regime. The question that was in the air after his army was defeated at Waterloo was whether the French could ever

become free in light of their previous political misfortunes, an issue which Madame de Staël answered in the affirmative.

She devoted the last part (VI) of her book to explaining the success of constitutional monarchy in England, Napoleon's former enemy, but her larger aim was to prove that, like the English, the French could also enjoy freedom if they showed sufficient determination, patience and strength. One finds in this part of her work dense chapters reflecting her appreciation for England's political system and culture that also shed light on her strong commitment to moderation, liberty and the principles of representative government such as balance of powers, publicity (understood as open access to information and free contestation for power), freedom of the press, decentralization and public opinion. She pointed out that in England, the government never interfered in what could be equally well done by individuals without any external support. This made the English capable of managing their own affairs, whenever possible, without the government encroaching upon local authorities. The preservation of English liberty, Madame de Staël opined, depended upon maintaining the balance of power between Crown and Parliament as well as between old and new legal and political institutions. The general respect for rights and the rule of law created a strong bond between the governed and their representatives and allowed public opinion to hold sway and reign supreme. Like her father, she believed that France could (and should) have imitated the English political model, even if importing English institutions and principles should have been done while preserving the specificity of French history, society and culture.

In spite of their nefarious legacy of centralization and despotism, Madame de Staël concluded that the French could still break free from the chains of the past if they were determined to apply their talents and skills to building free institutions. It would be a mere sophism, she argued, to require that nations possess the virtues of liberty before they obtain political freedom. In reality, a people cannot acquire these virtues until they have enjoyed a certain degree of liberty, as the effect can never precede the cause. She reminded her readers that, for a long time, the English themselves had been seen as incapable of building a regime of ordered liberty. Although they deposed, killed or overturned more kings, princes and governments than the rest of Europe together, they obtained at last 'the most noble, the most brilliant and most religious order of society that exists in the Old World'.⁸ A similar perspective could be applied to the French case as well. There are in the French nation Madame de Staël opined, noble qualities, remarkable qualities such as energy, patience under misfortune,

audacity in enterprise and strength, which could counteract the general inclination to frivolity and vanity. On this view, the French, too, could find their own liberty if they displayed a genuine and ardent desire to be free.⁹ She ended her book on a lyrical tone in praise of liberty – ‘Liberty! ... All we love, all we honor is included in it’¹⁰ – a summation of her intense life devoted to defending the freedom and moderation that had eluded France for so long.

To conclude, Madame de Staël’s writings bring to light a characteristic of French liberalism – its historical and sociological approach – that makes it different from the utilitarian and analytical type predominant in the English-speaking world. French liberals had to deal with the Jacobin interpretation of equality, virtue and popular sovereignty, and their solutions and approaches to topics such as individual rights, religion, civil society and the state were often found to be unorthodox when compared with those advanced by English liberals across the Channel. French liberalism has been more political and historical than economic, and the link between political and economic liberalism has been somewhat tenuous in France compared with England or the United States. And yet, the daunting challenges faced by Madame de Staël and her peers allowed them to realize better than anyone else the fragility of freedom and the difficult apprenticeship of liberty. One finds in her writings a remarkable fidelity to a few key principles and values which define her mature political thought, at the heart of which lies the concept of political moderation. She defended the liberty of the moderns, by which she meant individual rights, respect for private property and freedom of thought and association. Two decades before Benjamin Constant’s famous speech on this topic, she defined modern liberty as freedom from illegitimate encroachment by public authorities and respect for private sphere and individual rights. For these reasons alone, Madame de Staël deserves her own privileged place in the Pantheon of French liberal thought along with Montesquieu, Necker, Constant, Guizot and Tocqueville.