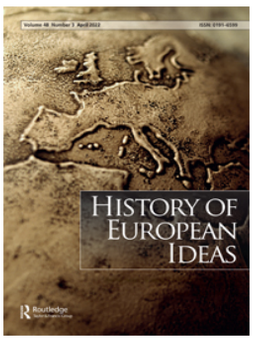

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Time, modernity and space: Montesquieu's and Constant's ancient/modern binaries

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ABSTRACT

This article explores how our thinking about time shapes epistemological and ontological understandings of the world. It considers the idea of modernity as constituted by the ancient/modern binary through an examination of Montesquieu's and Benjamin Constant's development of this binary in relation to their understandings of commerce, the law of nations and conquest, political rule and freedom in the context of European colonial empire. Modernity demarcates a break in (historical) time between a past and a present that extends into a future. This rupture plays a role in distinctions between modern European and pre-modern non-European societies. The ancient/modern binary underpins conceptions of collective and individual liberty. It associates modernity with individual liberty, progress, reason and science. I analyse how this binary operated across space to categorise various societies as not modern, pre-modern or less developed according to levels of scientific, technological, political and economic progress in Montesquieu's thought and through Constant's silences. This article develops an innovative reading of the ancient/modern binary in French political thought.

KEYWORDS

Montesquieu; Constant; modernity; commerce; liberty; ancient/modern

1. Introduction

How we think about time shapes how we understand our world and conceptualise our existence within it. Cyclical, linear, determinist or historicist and contingent understandings of time result in very different world-views that relate the present to the past and the future. Today, we tend to characterise time through the idea of modernity. Modernity distinguishes a past from a present that aims at a progression of events that further a particular end or outcome often associated with science, 'discovery', reason, knowledge and individual freedom. This paper examines how the idea of modernity demarcates a break in (historical) time between a past understood as ancient and a present that extends into a future understood as modern. Generally, ancient refers to that which is old and no longer relevant whereas modern refers to what is new and constitutive of a more informed way of understanding the world.

This binary is not new. It continues to bear enormous influence on how we categorise ideas, practices, societies and cultures. This binary is usually associated with the American and French Revolutions when new political orders were brought into being through fundamental revolutionary

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change. These events are taken to mark the beginning of modernity.[1] This binary arose in Montesquieu's political ideas in the first half of the eighteenth century. In the *Spirit of the Laws*, Montesquieu draws a sharp contrast between the ancient and modern in three important areas – first, commerce, second, the law of nations and conquest, and third, political rule and freedom.[2] His views on the difference between ancient and modern liberty, commerce and representative government were reproduced by Benjamin Constant in his work comparing the liberty of the ancients with that of the moderns.[3] Constant's distinction between ancient and modern liberty, in turn, informs Isaiah Berlin's seminal understanding of negative and positive freedom.[4] Modernity and the association of the modern with individual freedom and representative government underpin Berlin's preference for negative freedom or the individual liberty of security and non-interference over the positive freedom of self-mastery realised through the collective.

The idea of modernity is grounded in this understanding of modern versus ancient; moreover, the liberal understanding of freedom and representative government as modern informs western colonialist perspectives of Africa, Asia and the Americas as antiquated and belonging to another timeframe as well as to other geographies. Modern becomes associated with the West and ancient with much of the rest of the world. This paper examines how the ancient/modern binary hierarchises conceptions of time and space. Montesquieu deploys the binary to differentiate not only high civilisations of antiquity from those of modernity but also to contend that non-European societies were pre-modern. Even though they existed in the same moment, they were not as developed as modern European societies and it seemed that they belonged to an earlier stage of history and societal development. Montesquieu clearly associates individual freedom with the advanced European countries of the north and its opposite, servitude with the global south.[5]

Constant developed a complex understanding of modern individual freedom that would give individuals the private space to develop their intellectual and moral faculties, autonomy and life choices without governmental interference that he associates with American and European citizens.[6] Although Constant constructs this binary across time and criticises ancient republics of Sparta for enslaving its citizens to public service and Athens for relying on slavery to free up time for citizens to participate in public assemblies, he does not discuss the very real slavery of his day.[7] He is silent on how this binary operates across space. This silence discounts the slavery of black Africans, the domination and extermination of indigenous peoples in the Americas, the oppression of peoples and exploitation in Asian colonies. It implies that these peoples were not moderns who could enjoy individual freedom. For were they advanced, they would not be subject to colonial domination. This silence is resounding for in 1804 Haitian Revolutionaries defeated Napoleon, overturned French imperialism and created a republic of free citizens. This very concrete emancipatory freedom to be a citizen of a free republic, no longer subject to the domination of a plantation master nor to the politico-legal system that permitted slavery does not figure in Constant's theoretical thinking about liberty. At the same time, Constant was ambivalent. For, in his politics, he pushed for the end of the slave-trade and was a member of *La Societé des Amis des Noirs*.[8]

The following section of this article examines various conceptions of modernity and considers how this concept operates as a measure and marker of time, as an evaluative tool that enables categorisation of modern and not modern, and as an ideology related to individual liberty. The third

[1]It is also associated with the unruly and violent regime of Robespierre and the Jacobins.
[2]Montesquieu, *The Spirit of the Laws* (transl. and eds.), A. Cohler, B. Miller, and H. Stone (Cambridge: Cambridge University Press, 1989), hereafter cited as *SL*.
[3]Benjamin Constant, 'The Liberty of the Ancients Compared with that of the Moderns', in *Benjamin Constant Political Writings*, ed. Biancamaria Fontana (Cambridge: Cambridge University Press), 308–28; hereafter, 'Liberty'.
[4]Isaiah Berlin, 'Two Concepts of Liberty', in *Four Essays on Liberty* (Oxford: Oxford University Press, 1969), 118–72.
[5]*SL*, XIV, 2; XVII, 3, 6 and 7.
[6]Constant, 'Liberty', 310.
[7]Barnor Hesse, 'Escaping Liberty: Western Hegemony, Black Fugitivity', *Political Theory* 42, no. 3 (2014): 288–313, 298–300.
[8]Society of the Friends of Blacks.

part lays out Montesquieu's and Constant's understandings of the ancient/modern binary. It is divided in three subsections on commerce, the law of nations and conquest, political rule and individual freedom. This is followed by a brief analysis on the different conceptions of time at play in Montesquieu's and Constant's theories. To conclude, this article briefly questions the status of individual liberty in our contemporary and changing moment characterised by the need to address climate change.

2. Understanding modernity

The ancient/modern binary plays a central role in the history of Western political thinking with regard to the rupture in how time was conceptualised. It was no longer understood as either cyclical or providential in which individuals understood existence through repeated cycles of stability and change, birth and rebirth or as designed through God's grace.[9] Rather time was conceptualised as a linear progression through which individuals moved toward the fulfilment of freedom and self-rule in the here and now. In so doing, they created a self-consciousness of what it means to be modern in terms of political values and institutions. This linear progression of time and of civilisational development from ancient to modern enabled the mapping of the ancient/modern binary onto space to show that some societies had not advanced as far as others.

Contemporary theorists, Gurminder Bhambra, Roxanne Euben and Dipesh Chakrabarty criticise the notion of modernity as historicist and Eurocentric that hierarchises peoples into non-modern, pre-modern, anti-modern, post-modern and subaltern categories.[10] These categories include peoples who are not at the level of being capable of possessing citizenship because they lack education, independence and a sense of freedom and autonomy.[11] As Euben puts it, the language itself tends to categorise anything non-modern into an inferior and/or underdeveloped category.[12]

Others invoke modernity as a marker of time. For instance, Sheldon Pollock seeks to uncover early modern Indian thought in the period between the sixteenth and eighteenth centuries, the moment prior to colonialism.[13] Although this use is anachronistic, it shows a particular periodisation and movement from one period of time to another era. Such movement indicates a shift in time, in historical understanding and perhaps even paradigmatic change. Colonialism disrupted time and established a new reality from which there was no turning back. Modernity was not simply a period that arose from advancement in knowledge, mechanics, science, revolution and new ways of being, rather it also developed through commerce and the exchange of ideas across geographies. In turn, conceptions of modernity operated to categorise peoples and places and to justify colonialism.

To Kosselleck, the idea of modernity and breaking down of time and history into modern and ancient periods allows us to experience 'the nonsimultaneity of diverse, but in a chronological sense, simultaneous histories'.[14] In other words, we may be in the same time frame but across space people do not experience the same histories. Not all societies were considered 'modern' in the sense that they had not reached the same levels of progress as Europeans. The term modern is used both to indicate the period of time and to evaluate local levels of progress. The opposition between modern

[9]J.G.A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton: Princeton University Press, 1975, second edition 2003), 3–9; 31–46.
[10]Gurminder Bhambra, *Rethinking Modernity: Postcolonialism and the Sociological Imagination* (London: Palgrave Macmillan, 2012); Roxanne L. Euben, 'Premodern, Antimodern or Postmodern? Islamic and Western Critiques of Modernity', *The Review of Politics* 59, no. 3 (1997): 429–59. Dipesh Chakrabarty, *Provincializing Europe: Postcolonial Thought and Historical Difference* (Princeton: Princeton University Press), 10–13.
[11]Stuart Hall, 'The West and the Rest: Discourse and Power', in *The Formations of Modernity: Understanding Modern Societies An Introduction, Book 1*, ed. Bram Gieben and Stuart Hall (Cambridge: Polity Press, 1992).
[12]Euben, 'Premodern'.
[13]Sheldon Pollock, 'Introduction', to *Forms of Knowledge in Early Modern Asia* (Durham NC: Duke University Press, 2011), 1–18.
[14]Reinhart Koselleck, 'The Eighteenth Century as the Beginning of Modernity', in *The Practice of Conceptual History: Timing, History, Spacing Concepts*, trans. Todd S. Presner et al. (Stanford: Stanford University Press, 2002), 154–69, cited at 166.

and ancient or pre-modern functions to distinguish between the past and present; furthermore, it shows that although some societies have advanced through time, they have not necessarily developed in terms of their local social, economic, political and knowledge structures. To use the language of development, some societies are not 'modern' in that they do not completely fulfil European norms of progress. Kosselleck describes this phenomenon:

> With the opening up of the world, the most different but coexisting cultural levels were brought into view spatially and, by way of synchronic comparison, were diachronically classified. World history became for the first time empirically redeemable; however, it was only interpretable to the extent that the most differentiated levels of development, decelerations and accelerations of temporal courses in various countries, social strata, classes, or areas were at the same time necessarily reduced to a common denominator. The French *Encyclopédie* project lives tacitly off a theory of pluralistic historical times that indicate varying levels of the development of humanity according to geographical location and social class. As such, the question still remained open as to whether one should expect an improvement toward perfection in the future or, perhaps, a setback with coming catastrophes.[15]

The common denominator – modernity – provided the criterion against which different societies across the world could be measured. In this passage Kosselleck shows how time and space come together to make sense of change and plurality. He locates the moment of modernity in the eighteenth-century. It served to reconceptualize time and history, to make sense of and explain the experience of the transition from one order to a new order, the end of one time and the beginning of another in which both development and progress provided the means to make intelligible the movement to this new order and beyond. Change effected by scientific, rational advance or the discovery of something new caused the break in time and the shift from the old to new. For instance, Thomas Kuhn cites the Copernican Revolution to show how multiple anomalies that challenge the core ideas of a particular system of knowledge can create a paradigmatic shift.[16] Modernity represents such paradigmatic change, the movement from one era to another, from the old to the new. It entails shifts in being, in science and knowledge, in political structures. At the same time it operates diachronically to categorise peoples and places as modern or not.

This moment of ontological and epistemological change is captured in Machiavelli's use of ancient and modern and his forging a path of new modes and orders.[17] Machiavelli wrote in the early sixteenth-century, two decades after Columbus' famous voyage.[18] At this moment, European knowledge of the world faced its limits. It confronted the existence of geographies unknown to the European imaginary. Coming to terms with a geography of which they knew nothing, unsettled their conceptual frames and understandings of the world. There was no mention of these lands, peoples and resources in the bible or in any of the classical texts. To make sense of this extraordinary new knowledge and geographies, Europeans attempted to fit the new world into their conceptual frames and as such imposed their knowledge structures, their understandings of order and time.

3. Montesquieu and Constant

Over two centuries later, Montesquieu and Constant used the modern/ancient binary diachronically to distinguish modern from ancient peoples and to show how far modern Europeans had progressed. The grandeur of antiquity and its great civilisations captured the European imagination, yet neither author considered emulating the ancients as entirely suited to the new modern time. The

[15]Koselleck, 'The Eighteenth Century as the Beginning of Modernity', 166.
[16]Thomas Kuhn, *The Structure of Scientific Revolutions* (Chicago: University of Chicago Press, 1970, second edition).
[17]Machiavelli, *The Discourses on the First Ten Books of Titus Livy*, ed. Bernard Crick and trans. Leslie J. Walker (London: Penguin, 1970), Preface I, 1.
[18]Guido Ruggiero, *The Renaissance in Italy: A Social and Cultural History of the Rinascimento* (Cambridge: Cambridge University Press, 2015), 142.

ancient world was fundamentally different for the ancients lacked knowledge of the new world as well as the technological and scientific innovation of the moderns.

This distinction also operated synchronically to explain differences between modern European societies and those that had not reached the level of modernity. As Kosselleck remarks above, Europeans compared 'coexisting cultural levels' across space of the same moment diachronically – in other words they applied the categories of ancient and modern to societies existing in their own time frames. This comparative classification allowed for a conception of world history that could be interpreted only through notions of differentiated levels of development that progressed and regressed with the ebb and flow of time. Applied to the real world, the ancient/modern binary demonstrated European progress both historically and in relation to the rest of the world. In the latter case the binary operated through languages and vocabularies that distinguished modern European society from non-modern non-European societies. These theorists mapped notions of time – ancient, modern, and non-modern – onto space, societies and geographies and used these ideas to evaluate space and peoples.[19]

Montesquieu distinguishes between more civilised and less civilised manners, notably 'barbaric customs' of peoples living in hot climates.[20] The former who cultivate their land and the arts are more developed, whereas the latter who do not are uncultivated and less civilised. Europeans cultivated their land; whereas the tribal peoples of the Americas, Africa and Asia did not.[21] He asserts: 'The cultivation of land is the greatest labour of men. The more their climate inclines them to flee this labour, the more their religion and laws should rouse them to it. Thus, the laws of the Indies, which give the lands to the princes and take away from individuals the spirit of ownership, increase the bad effects of the climate, that is, natural laziness'.[22] In a later passage, he remarks that 'Countries are not cultivated in proportion to their fertility, but in proportion to their liberty, and if one divides the earth in thought, one will be astonished to see that most of the time the most fertile parts are deserted and that great peoples are in those where the terrain seems to refuse everything'.[23] The connection between land, freedom and cultivation in the modern European psyche is aptly expressed here.

The cultivation of land and ownership of property not only underpinned freedom, but also order. This understanding of modernity is developmental. It presents a narrative of progress and improvement through work and the cultivation of land. Montesquieu compares peoples in relation to climate and geography: peoples of the north are free whereas those of the south are servile. Hot climates make people of the south lazy and cowardly, whereas cold climates make those of the north strong, industrious and courageous. He reckons that 'the cowardice of the peoples of hot climates has almost always made them slaves and that the courage of the peoples of cold climates has kept them free. This is an effect that derives from natural cause'.[24] Although here the comparison is between the south and north, rather than the ancient and modern, the associations of modern with north versus ancient, pre-modern with south operate to categorise and hierarchise societies on a gradation of ancient from the past, undeveloped pre-modern to advanced and developed modern.

The ancient/modern binary is threaded throughout Montesquieu's and Constant's writings and shapes how we come to see developed nations as distinct from undeveloped and uncultivated ones. It operates in deep ways across time and space and trickles into the public consciousness shaping how we see geographies and subjectivities. Montesquieu and Constant compare the ancient and modern in three key areas relating to economics (commerce), international and domestic politics

[19]Annie Jacob, 'Civilisation/Sauvagerie: Le Sauvage américain et l'idée de la civilisation', *Anthropologie et Sociétés* 15, no. 1 (1991): 13–35.
[20]Montesquieu, *SL*, XIV, 3.
[21]Ibid., 6.
[22]Montesquieu, *SL*, XVIII, 3.
[23]Ibid., 3.
[24]Ibid., 1.

and the subject as a free agent. Their comparisons do not necessarily propose a renewal of classical ideas since these belong to a different time frame that was not always relevant to their present moments. At best, the classical Graeco-Roman past was regarded with nostalgia: a yearning for past moments of grandeur and perfection with the recognition that the past has passed and cannot be reproduced. Even though the grandeur and imperial glory of the classical period were reiterated in the Renaissance and Enlightenment through the rereading of classical works as well as the reproduction of classical symbols and monuments in the architecture of European cities, ancient values and political institutions were not deemed appropriate for modern circumstance. Constant considered this dangerous as potentially leading to totalitarianism; whereas Montesquieu was concerned with the problem of creating a large modern state that would maintain stability at home while expanding abroad.[25]

3.1. Commerce

Both Montesquieu and Constant see commerce as based on need and exchange according to common agreement. Montesquieu is recognised as being amongst the first to claim that commerce brings peace. He argues that commerce promotes an exact sense of justice and cures harmful prejudices.[26] Constant agrees. Commerce is a 'milder and surer means of engaging the interests of others'.[27] It brings peaceful relations rather than war. Like Montesquieu, Constant observes that trade is based on calculation and a precise sense of justice whereby the buyer pays a tribute to the 'strength' of the owner. Rather than fight it out to acquire the object, the buyer simply pays the owner the equivalent of what a battle would cost.

> War and commerce are only two different means of achieving the same end, that of getting what one wants. … [Commerce] is an attempt to conquer, by mutual agreement, what one can no longer hope to obtain through violence. … . War is all impulse, commerce, calculation. Hence it follows that an age must come in which commerce replaces war. We have reached that age.[28]

Constant insists that commerce is a peaceful means of acquisition and contrasts it to ancient bellicose ways. The ancients lived in small warring republics. Military victory 'increased public and private wealth in slaves, tributes and lands'. The spirit of the age was 'war and hostility', whereas the modern spirit of commerce was 'a lucky accident'.[29] To Constant 'commerce inspires in men a vivid love of individual independence. Commerce supplies their needs, satisfies their desires without the intervention of the authorities'.[30] He defends free trade and the areas in which individuals ought to be free from state intervention: their private lives and commercial affairs. Moreover, through their commercial activity, individuals produced wealth that they contributed to society.[31]

Montesquieu promotes the benign effects of commerce which temper barbaric customs. In so doing, he refutes Plato's claim that commerce corrupts and 'breeds habits of double dealing and distrust in people's souls' which 'makes the city … distrustful and unfriendly', both in 'its dealings with itself' and 'the rest of the human race'.[32] Rather Montesquieu argues:

> One should not be surprised if our mores are less fierce than they were formerly. Commerce has spread knowledge of the mores of all nations everywhere; they have been compared to each other, and good things have resulted from this. One can say that the laws of commerce perfect mores for the same reason that these

[25]Manjeet Ramgotra, 'Republic and Empire in Montesquieu's Spirit of the Laws', *Millennium* 42, no. 3 (2014): 790–816.
[26]Montesquieu, *SL*, XX, 1–2.
[27]Constant, 'Liberty', 313.
[28]Ibid.
[29]Ibid.
[30]Ibid., 315.
[31]Biancamaria Fontana, 'Introduction' to *Benjamin Constant: Political Writings*, ed. and trans. Biancamaria Fontana (Cambridge: Cambridge University Press, 1988), 20.
[32]Plato, *The Laws*, ed. Malcolm Schofield and trans. Tom Griffith (Cambridge: Cambridge University Press, 2016), 141, book 4, 705b; Rousseau was also disparaging of commerce; see Colin Tyler, 'Rethinking Constant's Ancient Liberty', 24.

> same laws ruin mores. Commerce corrupts pure mores, and this was the subject of Plato's complaints; it polishes and softens barbarous mores, as we see everyday.[33]

Although he acknowledges Plato's critique that commerce corrupts the pure, Montesquieu maintains that overall commerce has many advantages notably its capacity to temper and improve the rough and barbarous.

Montesquieu praises the spirit of commerce as a distinguishing feature of the modern world. In the books on commerce in his *magnum opus,* he recounts how the world changed: 'the compass opened the universe … Discovery was made of Asia and Africa of which only some coasts had been known, and of America, which had been completely unknown'. Moreover, 'the discovery of the Cape of Good Hope' and of the Americas rendered Italy but a corner of the world and no longer the centre of commerce.[34] International trade across the seas made the overland silk road redundant. Improvements in navigation and increased capacity to travel, the scope of commerce, introduction of new commodities and creation of new needs fundamentally distinguishes the modern world from the ancient.

The ancients traded mainly across the Mediterranean Sea, whereas in Montesquieu's day 'the commerce of Europe [was] principally carried on from north to south. However, the difference in climates entails that people have a great need for each other's commodities. For example, the beverages of the South carried to the North form a kind of commerce scarcely pursued by the ancients'.[35] In his day, the commerce between the North and South was based on the trans-Atlantic trade, notably the slave-trade. Although Montesquieu deemed slavery as morally wrong, he did not repudiate the most lucrative commerce in his time, the slave-trade. Rather in his description of the commerce between Europe and America, Asia, Africa, he acknowledged that 'voyages to Africa became necessary; they furnished men to work the mines and lands of America'. In the sentence immediately following, he declares: 'Europe has reached such a high degree of power that nothing in history is comparable to it'.[36] In this discussion, Montesquieu asserts that the 'purpose of these colonies is to engage in commerce'.[37]

By contrast, Constant was an abolitionist and repudiated the slave-trade that continued beyond its official abolition 1807. On 5 April 1822, in a speech to the Chamber of Deputies, Constant called for more stringent legislation to stop the trade, which persisted because the existing legislation was weak. He pleaded that not only were slavery and the trade inhumane but that from the realpolitik perspective of prudence, its continuation would increase slave populations and lead to revolution as in Haiti:

> Gentlemen, we neither want misfortune, nor disorder in our colonies. We deplore the calamities that have hit them; but to put aside the misfortunes, to prevent disorder, so that we do not witness the return of these calamities, make the slave-trade stop. If it is not done for humanity, then do it for prudence. If it is not done for prudence, then do it for dignity. The slave-trade populates our colonies with enemies who one day will be frightful: look at St. Domingo.[38]

A few months later, Constant repeated his call to completely abolish the slave-trade. He declared it to be a 'crime that attacks the laws of nature and humanity'.[39] This is a strong statement; few have

[33]Montesquieu, *SL*, XX, 1.
[34]Ibid., XXI, 21.
[35]Ibid., 4.
[36]Ibid., 21.
[37]Ibid., 21.
[38]*'Messieurs, nous ne voulons ni le malheur, ni le désordre, dans nos colonnies. Nous déplorons les calamités qui les ont frappées; mais pour écarter les malheurs, pour prévenir les désordres, pour ne pas voir les calamités se renouveller, faites cesser la traite. Si ce n'est pas par humanité, que ce soit par prudence. Si ce n'est pas par prudence, que ce soit par dignité. La traite peuple vos colonnies d'ennemis qui seront un jour terrible: voyez St. Domingue.' Discours de M. Benjamin Constant á la Chambre de Députés Vol. II* (Paris: Ambroise Dupont et Compagnie, Libraries, J. Pinard, Imprimeur et Fondeur, 1828), 137–44 and 179–81, https://books.google.co.uk/books?id=lj4vAAAAMAAJ&pg=PA137&source=gbs_toc_r&cad=4#v=onepage&q&f=false (accessed February 5, 2021).
[39]Constant, Ibid., 181. In this speech of 31 July 1822, he calls the slave-trade a crime: '*et pour un crime qui attente à tous les droits de la nature et de l'humanité*'.

acknowledged that the slave-trade and slavery of black people in the new world were crimes against humanity.

Nevertheless, Constant does not reject colonialism. Trade between the colonies and metropole brought wealth to the metropole in the form of raw materials and capital. Constant promotes free trade and sees commerce as the 'normal state of things' and 'the true life of nations'.[40] Again, the distinction between the bellicose, warring ancients who used slaves to provide for everyday needs and moderns is prevalent and complex.[41] To Constant, moderns had progressed beyond this sort of existence. Due to commerce, religion, and 'the moral and intellectual progress of the human race', European nations no longer depended on slavery; and 'freemen' exercised the trades necessary to provide for society's needs.[42] Yet here he does not acknowledge that commerce was built on the slave-trade, even though he calls for its abolition.

Constant singles out the ancient city of Athens that most resembled the moderns because it engaged in commerce. As a result, Athenians enjoyed more individual freedom than Romans or Spartans. Yet Athens was still a small city–state. It had slaves and individual freemen were more subservient to the collective body than moderns.[43]

Through its protection of individual freedom and the private space, the modern state provides the conditions for commerce, the freedom to trade on a free market without state interference. Constant promotes '*laissez-faire*' economics. In contrast to earlier practices, when property was mainly usufruct and subject to the arbitrary intervention of political authority that could 'prevent its enjoyment', he underlines that commerce allowed individuals to trade and circulate property. Circulation eludes social power and state control. Moreover, commerce creates credit, makes authority dependent and 'emancipates individuals' since they no longer depend on social authority.[44]

Throughout his speech, Constant argues that the ancients sacrificed much of their own lives to the social power in order to preserve the common good and the collective freedom of the ancient republic. They did not have the space or freedom to pursue their own interests. By contrast, moderns enjoy political rights and choice to participate in the public realm. Constant observes that this 'leaves us the time for our private interests'. Moderns desire independence, the security to live as they want, to enjoy their own pleasures and personal happiness and call 'liberty the guarantees accorded by institutions to these pleasures'. They were not required to make any 'sacrifices to establish political liberty'.[45] In making this argument, Constant distinguishes between the private and public spheres. However, at the end of his speech, he shifts tack. He contends that the best way to safeguard individual freedom and the private space from arbitrary intervention is to advance political liberty and for citizens to participate in the public realm.[46] This shift did not indicate an abandonment of his critique of ancient liberty. Rather given royalist threats to constitutional government, he made the case for political liberty and checks on governmental power.[47] Although he combines aspects of ancient with modern freedom, with regard to commerce, Constant clearly distinguishes ancient from modern liberty and prioritises modern individual freedom from the state to live as one wants and to pursue private economic interests. Due to commerce and the circulation of wealth and people, 'individual existence is less absorbed in political existence'.[48]

Like Montesquieu, Constant considers commerce to be the spirit of the age. He considered commerce a peaceful activity that extends across nations and geographies and brings them closer. He associates it with the progress of civilisation not only through the exchange of goods but also through the exchange of ideas, knowledge and the development of individual faculties. Both writers

[40]Constant, 'Liberty', 314.
[41]Colin Tyler, 'Rethinking Constant's Ancient Liberty: Bosanquet's modern Rousseauism', *History of European Ideas*.
[42]Constant, 'Liberty', 314.
[43]Ibid., 316.
[44]Ibid., 324–25.
[45]Ibid., 325, 317, 321.
[46]De Dijn, *Freedom*, 251–7.
[47]Ibid.; Constant, 'Liberty', 325–6.
[48]Constant, 'Liberty', 325.

contend that through commercial relations peoples' customs and manners are softened; they become less bellicose and more civilised. European modernity developed through its encounter with the new worlds, Asia and Africa. The gold, silver and raw resources brought over from overseas colonies created wealth in the metropole, shifted social relations and caused revolution. Nevertheless, Europeans used brute force to conquer, subdue and colonise peoples of these places for Europe's own good and advantage. Unfortunately, Constant's language that associates commerce, freedom and emancipation elides the fact that trade with the colonies was not equal and entailed the forced migration of many Africans across continents.[49] Again, Constant's temporal distinction that portrays moderns as free and ancients as unfree operates spatially. His association of individual freedom with moderns – European and American male property owners – dissimulates and excludes the unfreedom of the colonised.

3.2. Law of nations and conquest

Montesquieu posits that conquest amongst moderns occurs out of necessity for self-preservation either due to a potential threat or out of need. He argues that 'Conquest is an acquisition; the spirit of acquisition carries with it the spirit of preservation and use, and not that of destruction' and stipulates that servitude is permitted temporarily if it is 'a necessary means for achieving preservation'.[50] Conquered colonies provided the raw materials for international trade; so the metropole had an interest in protecting its conquest and in providing political and civil administration.[51] Montesquieu rejected Roman and Spanish types of imperialism as destructive. According to the contemporary right of nations, a vanquished people should be governed by their own laws and the conquering power should only exercise 'political and civil government'. In war, Montesquieu recognises, it is possible that a conqueror 'destroys the society and scatters it into others; or … it exterminates all the citizens'. He contends this conformed with the Roman right of nations. On this point, he invites 'others to judge how much better we have become. Here homage must be paid to our modern times, to contemporary reasoning, to the religion of the present day, to our philosophy, and to our mores'.[52] This commentary puts the moderns in a better light than the ancients and masks the brutality of colonial empire and new world slavery. In the following chapter, he discerns that external conquest could be advantageous to peoples subject to tyranny since a conqueror could liberate the oppressed and 'change the course of everything'.[53]

Montesquieu's argument that eighteenth-century European colonial empire aimed at the preservation of colonies for the development of commerce and the economy erases the epistemic and physical violence of colonialism.[54] The imposition of colonial rule extended over territories, peoples and resources that were seen to be in a different timeframe – that is to say at an earlier stage of development. It was ok to impose the new and modern over less developed and/or backward peoples.

To Constant, modern societies were not divided into isolated families and nations that were fighting with each other for their own survival and ascendency as in antiquity, thus there was greater unity and less cause for conflict.[55] In modern times, the great mass of human beings was increasingly homogenous and civilised. Hence, there was little need for war which was considered a burden. The general tendency was toward peace. Military glory was seen to be contemptuous of the 'spirit of the age'. In similar a vein to Montesquieu, Constant argues that the moderns had

[49]Louis Sala-Molins, *Le Code Noir ou le Calvaire de Canaan* (Paris: Presses Universitaires Françaises, 1987).
[50]Montesquieu, *SL*, X, 3.
[51]Ibid., 1–4; XX1, 21.
[52]Montesquieu, *SL*, X, 3.
[53]Ibid., 4.
[54]Ibid., XX1, 21.
[55]Constant, *The Spirit of Conquest and Usurpation and their Relations to European Civilization*, in *Benjamin Constant Political Writings*, ed. Biancamaria Fontana (Cambridge: Cambridge University Press, 1988), 43–167, 52, hereafter *Conquest*.

reached 'the age of commerce' that replaced the 'age of war'.[56] Again he considers that war and commerce are two means of achieving the same end, of acquiring what one does not have either through fighting or exchange.

Constant rejects war and conquest. He considers war barbaric and associates it with 'savage impulse' and ancient societies. Over time, better weapons and artillery were created and war was not limited to the 'hand-to-hand fighting' of 'the heroes of antiquity', rather it was about killing and fatality.[57] In Constant's discussion, there is little recognition of the advanced weaponry used to conquer and colonise territories and peoples abroad. Constant's stance on conquest and war is complex and contradictory. On the one hand, he repudiates conquest both with regard to Napoleon and the ancients; yet, on the other, he does not oppose the colonial domination so intimately intertwined with commerce, including the exploitation and trade of natural resources. Civilisational advance occurred over time as European spirit was tamed and progressed from fighting to trading. In the pursuit of commerce, Europeans would be on equal footing. But beyond Europe commerce between modern Europeans and non-modern non-Europeans was neither equal nor peaceful. In fact, through colonial domination resources from other territories were often taken by force with the use of arms.

Essentially, Constant argues that civilised peoples do not pursue war, which is 'savage impulse',[58] rather they pursue commerce. As they become more homogeneous in their needs and lifestyles, they become uniform in their desire for peace and the conditions that would allow them to enjoy commodious living, the security of their property and possessions.[59] He does not address the relation between Europeans colonisers and the colonised in his discussion. The comparison is made with the ancients to say that they pursued conquest and war whereas the moderns pursue peaceful commercial relations. Nevertheless, there is a silence on colonial conquest and the wealth this has contributed to European nations through commerce. My attempt is to read this silence through the comparison between the ancients and moderns.

3.3. Representative government and liberty

Both Montesquieu and Constant differentiate between the ancient ideal of collective liberty and participatory government from modern conceptions of individual liberty and representative government. Much of Montesquieu's work provides analysis of republics and monarchies as mixed regimes in history; however, he rejects the ideal of the ancient republic constructed on the paradigm of virtue as appropriate for modern circumstance. This republic is fragile and unrealistic. It requires a small population that is totally dedicated to the public good and the stringent love of republic requires self-denial akin to that of monks in a monastery.[60] To Montesquieu, individuals are not by nature self-sacrificing. Hence he advocates a tempered virtue which is love of liberty and the laws.

Similarly, Constant makes it very clear that his admiration for ancient peoples and republics does not necessarily imply imitation, moderns 'can no longer enjoy the liberty of the ancients which consisted in an active and constant participation in collective power'.[61] To moderns, liberty entails living in security and enjoying independence from public interference in private life.[62] Nevertheless in the conclusion to his speech on ancient and modern freedom, Constant combines the two in his conception of political liberty. This entails calling on a satisfied people to 'consecrate their influence over public affairs', through mechanisms of voting, of using the freedom of speech to hold account

[56]Constant, *Conquest*, 53.
[57]Ibid.
[58]Ibid.
[59]Ibid., 52–5. 'Liberty', 314–16, 325.
[60]Montesquieu, *SL*, V, 2.
[61]Constant, 'Liberty', 316.
[62]Ibid.

('control' and 'supervise') those in power, and of exercising political rights to discharge public functions themselves.[63] Both authors conceptualise the rights of citizenship and participation in ruling as belonging to propertied white men.[64]

The normative thrust of Montesquieu's constitutional theory is that the separation of executive from legislative power creates the conditions for individual freedom. To Montesquieu, the public realm is a space of power that needs to be regulated by counterpowers. For only when power is divided into its executive and legislative functions and distributed to distinct bodies would individuals be free from arbitrary and absolute power. Montesquieu promotes a divided sovereignty that would incorporate both the mercantilist classes and the landed nobility in a dual chamber legislature along with a strong central executive power held by a single man. The executive power would ensure domestic stability and would mediate any social conflict between the two social classes. Furthermore, this executive power would promote external security and independence as well as facilitate the pursuit of empire. Unlike small and ancient republics, were this republic to expand, it would not collapse given the position of the executive power. Montesquieu advances a limited role for popular representatives. These elected officials ought not initiate legislative proposals, rather they could ratify those made by the hereditary senate. He devises a modern constitution that aims at the realisation of individual freedom.[65] It creates a great deal of stability in a fast-changing world where not only internal strife and upheaval but also external war over colonial possessions threatened the old regime.

Montesquieu contrasts his moderate constitution to ancient republics that were too demanding on individual freedom, and to despotism, which he invariably associates with the Oriental prince.[66] Despotic power united both the power to make the laws and the power to execute and interpret the laws in a single body; hence individuals would be subject to an all-encompassing power and there would be no freedom. Montesquieu's theoretical justification of constitutional government and his defence of individual liberty presented a shift in conceptualising political rule and influenced modern conceptions of representative government.

Constant also defends representative government since it promotes individual freedom. He portrayed ancient republics as overbearing since they lacked representative institutions; the ancients considered that if one was ruled by another indirectly through representation, they would be unfree.[67] Thus, the ancients rejected representative systems of government; all citizens joined in ruling. Rome had traces of representation in the Tribunes of the People, but these were 'feeble'. The lack of representative institutions did not allow the people to partake in ruling partially; they were required to fully participate in the republic. Priestly, military, or aristocratic institutions could be oppressive.[68] The rule of the community as a whole suppressed the liberty of individuals and repressed their private lives and subjectivities (conceptions of the self) as 'private beings'. For the ancients, liberty 'consisted in exercising collectively, … directly, several parts of the complete sovereignty' such as deliberating in the public square, determining war and peace, making alliances with foreign powers, making laws, judgments and holding public officials to account. Consequently, the subjection of individuals 'to the authority of the community' was complete. 'All private actions were submitted to a severe surveillance. No importance was given to individual independence'.[69] The private space of everyday life, including the bedroom, was subsumed and subjected to public scrutiny.[70]

[63]Ibid., 328; Alan Kahan, 'From Constant to Spencer: Two Ethics of Laissez-Faire', *History of European Ideas*, 11–15.
[64]Colin Tyler, 'Rethinking Constant's Ancient Liberty', 11; Hesse, 299–300; Montesquieu, *SL*, XI, 6; Constant, 'Liberty', 310.
[65]Montesquieu, *SL*, XI, 6.
[66]Montesquieu uses the oriental prince to perform a veiled critique of the absolutist French monarchy, and to criticise Oriental despotism and forms of political rule. Annelien De Dijn, 'Montesquieu's Controversial Context: *The Spirit of the Laws* as a Monarchist Tract', *History of Political Thought* 34, no. 1 (2013): 66–88.
[67]Maria Dimova-Cookson, *Rethinking Positive and Negative Liberty* (London: Routledge, 2020), 21–61.
[68]Constant, 'Liberty', 310.
[69]Ibid., 311.
[70]Ibid.

Constant describes this totalising authority as a form of enslavement: 'the individual, almost always sovereign in public affairs, was a slave in all his private relations. … as a private individual, he was constrained, watched and repressed in all his movements'.[71] In brief, there was no distinction between private and public life. There was no space to develop and hold private beliefs regarding spirituality or dissenting opinion. This was controlled by institutions of censorship with the threat of ostracism. Constant warns against reintroducing aspects of an idealised past into the present. Critics of modernity as Rousseau and Mably were negligent in their appraisal of ancient institutions that allowed censorship, ostracism and the all-encompassing tyranny of the general will.[72] These thinkers inspired Jacobins whose attempt to reinstitute ancient ideals institutions resulted in terror and violence. Consequently, Constant surmises that 'none of the numerous and too highly praised institutions which in the ancient republics hindered individual liberty is any longer admissible in the modern times'.[73]

Constant proclaims that representative government is a 'discovery of the moderns' and lists its benefits.[74] It guarantees individual liberty and rights, which check authority and ensure it does not become arbitrary. Representative government is based on laws and incorporates all citizens through the electoral process and via representation. It provides outlets such as petitions through which ordinary people can make their voice known to those in power and guarantees rights to freedom of speech, religion, way of life, movement, association and to private property. He emphasises that this is how an Englishman, Frenchman and citizen of the US would understand liberty in a tone that sets a standard and excludes all who do not fall into these categories. He further enumerates that for these men liberty entails that they are 'subjected only to the laws'; they cannot be 'arrested, detained, put to death or maltreated in any way by the arbitrary will of one or more individuals'.[75] To Constant, representative government in post-revolutionary France guaranteed individual freedom as it brought the individual into the public sphere as a citizen who could participate in ruling. He reproduces Montesquieu's constitutionalism that guarantees individual liberty through the separation and balance of powers. Both theorists distinguish this modern constitutionalism from ancient forms of governance that aimed at the public good rather than at individual freedom. They also differentiated constitutional government from the types of political rule found in other parts of the world, which Montesquieu depicts as either despotic or underdeveloped. Constant's discussion is circumscribed to France, Britain and the US; his silence on the rest of the world implies that non-western peoples enjoyed neither representative government nor individual freedom.

4. Conceptions of time in Montesquieu and Constant

Montesquieu draws on three registers of time: (i) cyclical as played out in the typology of states that go through the cycle of decline and renewal; (ii) linear through his use of the state of nature scenario to relate man's progress from a solitary and timid creature to a communicative and social being fit for civil and political society; and, (iii) rupture between a past that has been completed and a present representing new beginnings and entailing a progression towards a better future. I mention this because Montesquieu advocates a mixed type of constitution that not only separates powers but also distributes power to distinct institutions. The mixed constitution combines the three simple constitutions of the rule of one, the few and the many that were subject to the never-ending cycle of decline. Each simple constitution is unstable as political rule when situated in a single body of one person, a few or many is prone to corruption as the ruling body eventually governs in its own self-interest and neglects that of the political community. The mixed constitution

[71]Ibid., 311–12.
[72]Ibid., 317–21; see Tyler, 'Rethinking Constant's Ancient Liberty', 6.
[73]Constant, 'Liberty', 321.
[74]Ibid., 310.
[75]Ibid., 310–11.

disrupts this cycle; it combines the simple forms in such a manner that each part watches over and checks the other. As such, it stands outside of the cycle and presents a new beginning. A new order is established and the cycle is broken. The stability of the mixed constitution allows the political community to move forward in time in a linear fashion. The state of nature narrates the story of beginnings and progress across time. Montesquieu's rendition tells a brief story of individual and societal progress from the solitary existence of individuals characterised by peace, weakness, equality and need to their 'desire to live in society'.[76] The collapse of 'pre-political' societies into a state of war that culminates in the establishment of political and civil laws – and constitutional government – also represents a rupture with a past. Each of these time frames plays a role in Montesquieu's thought and demonstrates where different societies lie. For instance, Asian and oriental states are in decline and subject to despotic rule. Tribal states are in the state of nature. In these states, there is no conception of individual freedom since individuals do not own property and do not have the experience of autonomy or have not reached a certain stage of development.[77] So it is not inappropriate for modern developed states to step in and assist in the progress to freedom from either slavery or ignorance; once societies develop and are able to enjoy freedom, they can partake in modernity, share indirectly in ruling and develop equal trading relations with other states, so the theory goes.

Constant lived through a turbulent period of French history. He was twenty-two years old during the French Revolution and subsequently experienced the rise of Napoleon, his dictatorship and empire and the return to monarchy, albeit constitutional, in the Bourbon Restoration. His politics and promotion of representative government rejected the old – both the ancient Graco-Roman forms of governance that stifled individual liberty and the oppressive *ancien regime*. He valued the freedom of French citizens that 'must consist in peaceful enjoyment and private independence' which is to say 'the enjoyment of security in private pleasures' and 'the guarantees accorded by institutions to these pleasures'. The loss of active citizenship in a small republic, he argues, is compensated by 'the progress of civilization, the commercial tendency of the age, [and] the communication amongst peoples'. These factors contribute to personal happiness.[78]

To Constant the size of a state, abolition of slavery in Europe, commerce and individual independence to trade without state interference distinguish the modern world from the ancient.[79] He declares:

> Gentlemen, we are neither Persians subjected to a despot, nor Egyptians subjugated by priests, nor Gauls who can be sacrificed by their druids, nor, finally, Greeks or Romans, whose share in social authority consoled them for their private enslavement. We are modern men, who wish each to enjoy our own rights, each to develop our own faculties as we like best, without harming anyone; to watch over the development of these faculties in the children whom nature entrusts to our affection, the more enlightened as it is more vivid; and needing the authorities only to give us the general means of instruction which they can supply, as travellers accept from them the main roads without being told by them which route to take.[80]

Here modernity is associated with a robust conception of individual freedom that not only promotes security and freedom from interference, but promotes these conditions as crucial for the

[76]Montesquieu, *SL*, II, 2.
[77]Ibid.
[78]He further observes that 'the share which in antiquity everyone held in national sovereignty was by no means an abstract presumption as it is in our day', Constant, 'Liberty', 316–17; also, K. Steven Vincent, 'Benjamin Constant, the French Revolution, and the Problem of Modern Character', *History of European Ideas* 30, no. 1 (2004): 5–21 and Dimova-Cookson, *Rethinking Positive and Negative Liberty*.
[79]Constant, 'Liberty', 314–15.
[80]Ibid., 323. Martin Bernal, *Black Athena: The Afroasiatic Roots of Classical Civilisation Volume I The Fabrication of Ancient Greece 1785–1985* (London: Vintage Books, 1991) demonstrates that in antiquity Persians and Egyptians were considered cultivated and civilised nations to be emulated, but during the eighteenth-century their standing in the European imagination dropped. See chapter IV on 'Hostilities to Egypt in the 18th Century', 189–223. This shift corresponds to the development of modernity and Enlightenment interest in the Greco-Roman ancients as high-standing models situated at the origins of European progress, *SL* XXI, 21. See too: Kinch Hoekstra and Quentin Skinner, 'The Liberties of the Ancients: A Roundtable with Kinch Hoekstra and Quentin Skinner', *History of European Ideas* 44, no. 6 (2018): 812–25.

autonomous development of moral, spiritual and intellectual faculties. By contrast, ancient freedom to actively participate in ruling and to be free through the collective is conceptualised in terms of sacrifice – that is to say the sacrifice of one's independence to pursue one's own ends. It is ironic that this freedom is considered ancient since this is the freedom of self-determination that the colonised actively pursued and for which they were willing to put down their lives in anti-colonial movements. The point I want to make is that modernity is associated with a particular type of individual freedom that entails both security to live as one wants and the autonomy to be self-ruling as individuals and as participants in representative forms of government. Those who are unable to enjoy such freedom are not considered to be modern or to share in the benefits of modernity. In Constant's day, this excluded most people.

5. Conclusion

Now I want to bring this story into our more recent past and briefly compare the ancient/modern liberty distinction to Isaiah Berlin's opposition between negative and positive freedom. Although Berlin criticises the difference between liberal and communist political orders during the Cold War, he also wrote during a time of decolonisation.[81] He advocated negative individual freedom from interference over the positive collective freedom as creating one's subjectivity and political association. Berlin's criticism of positive liberty and self-determination, of Rousseau's challenge to the Enlightenment and critique of modernity, could also function to debunk revolutionary and nationalist anti-colonial movements and to categorise nations according to negative or positive freedom that in turn demonstrated a particular level of development.[82] To this extent, his analysis reinforces the idea that modernity is associated with a particular type of individual negative freedom and the ancient/modern hierarchy. The end of the Cold War has seen a reiteration of these categories with the language shifting from positive and negative back to ancient, pre-modern and modern.[83]

In the Western imagination, modernity is constituted by this ancient/modern binary. It presents a rupture in time that occurred when Europe suddenly became aware of the new worlds that were subsequently colonised along with parts of Asia and Africa namely in the pursuit of commerce and wealth. This moment introduced a significant shift in European self-perceptions and conceptions and over time in social, political and economic structures and practices especially with regard to liberty, autonomy and the ability to harness the flow of events. These changes in understandings of the self and of the political community with regard to values and ends were distinguished in terms of modern as opposed to ancient both to show how Europeans had advanced as well as to distinguish Europeans from other peoples who inhabited other continents. The American and French Revolutions also marked important ruptures in time that created new social, economic and political structures that supported new ways of being, so that individual citizens could be autonomous and free. This article has sought to understand how the ancient/modern binary operated both across time and space in the political theory of two prominent French thinkers who used the binary and whose thought contributed to conceptions of modernity that operated not only in Europe but across the world.

Leigh Jenco once remarked that modernity is a term loaded not only with a particular European view of the world, but also it carries understandings of freedom, hierarchies of civilisations and peoples. Moreover, as it is born in this juxtaposition of old and new, that became prevalent at a moment when Europe was renewing the classics and confronted with a totally new reality

[81]Berlin delivered 'Two Concepts of Liberty' as his inaugural speech as Chichele Chair at Oxford (31 October 1958); see Dimova-Cookson, *Rethinking Positive and Negative Liberty*; James Tully, '"Two Concepts of Liberty" in Context', in *Isaiah Berlin and the Politics of Freedom: "Two Concepts of Liberty" 50 Years Later*, ed. B. Baums and R. Nichols (London: Routledge, 2013), 23–51.

[82]Although Rousseau was a proponent of Enlightenment universalism, his ideas were also critical of the Enlightenment and his understanding of self-determination and autonomy were not antithetical to the terms of decolonisation.

[83]Hesse, 'Escaping Liberty'; Beatrice C. Fink, 'Benjamin Constant on Equality', *Journal of the History of Ideas* 33, no. 2 (1972): 307–14.

that shook their world to its foundations. Ancient and modern both reflected this look to a historical past and to a present shaped by a future that was totally new. It continues, in most places, to shape how we understand time, how we situate ourselves within the flux of history and what aims we set not only for ourselves in the west but for other parts of the world as well. When we invoke modernity, we not only denote a specific dimension of time, but also an almost timeless dimension that refers to the attainment of a particular level of progress and civilisation encapsulated in the liberal democratic constitution that aims at preserving the individual freedom to live in security and pursue one's interests. Nonetheless this ancient/modern binary or paradigm seems to be reaching its end as the foundations of individual freedom and representative government are under fire. New notions of time, political and collective agency are being developed as we face existential crisis with climate change, as we rethink ourselves as a species being in an era of the Anthropocene where our collective actions have changed our environment and have the potential to effect more change to arrest global warming but this depends on rethinking how we produce our material needs and world, how we trade and what aspects of our commodious lifestyles we may be willing to sacrifice to preserve the conditions that sustain all life.

Constant's aim in comparing ancient and modern liberty at two high points of European civilisation was to construct a rich conception of individual freedom that today continues to underpin liberal values of toleration, inclusion, personal development and independence. Constant inscribed this conception in a western historiography. Through the ancient/modern binary, he traced aspects of modern freedom to antiquity. His concept of political liberty did not simply repudiate ancient liberty but integrated ancient practices of political participation to protect the sphere of personal independence that moderns valued to develop morally and spiritually. Nevertheless, he conceptualised this in a context of colonialism where Europe asserted its power over other peoples and places who were seen to exist within a pluralistic timeframe that indicated multiple levels of development. His conception of individual freedom was circumscribed to those who had obtained modern standards and excluded those who had not. I contend that modernity is not only a period of time, but also it represents a standard of human development that is characterised by individual freedom. Montesquieu's and Constant's ancient/modern binary did not focus solely on political structures, they further distinguished ancient from modern in terms of economic structures and practices including commerce and free trade. These practices brought into focus other peoples and places. Although Constant does not discuss them, they are present in these economic relations. Hence it is difficult to curtail his use of the ancient/modern binary to Europe alone. The binary operates through his silences and distinguishes those who have reached modern standards of civilisation from those who have not. It is a powerful conceptual tool that ties our understandings of time and modernity to a laudable conception of individual liberty that was not always available to all peoples across all spaces and times.

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Bibliography

Arendt, Hannah. On Revolution. London: Penguin Books, 1963.
Berlin, Isaiah. 'Two Concepts of Liberty', in Four Essays on Liberty Oxford: Oxford University Press, 1969.
Bernal, Martin. Black Athena: The Afroasiatic Roots of Classical Civilisation Volume I The Fabrication of Ancient Greece 1785–1985. London: Vintage Books, 1991.
Bhambra, Gurminder K. Rethinking Modernity: Postcolonialism and the Sociological Imagination. London: Palgrave Macmillian, 2012.
Chakrabarty, Dipesh. Provincializing Europe: Postcolonial Thought and Historical Difference, Princeton: Princeton University Press.
Constant, Benjamin. 'The Liberty of the Ancients compared with that of the Moderns', in Benjamin Constant Political Writings, ed. Biancamaria Fontana. Cambridge: Cambridge University Press, 308–328.
Constant, Benjamin. Discours de M. Benjamin Constant á la Chambre de Députés Vol. II Paris: Ambroise Dupont et Compagnie, Libraries, J. Pinard, Imprimeur et Fondeur (1828), 137–144 and 179–181 https://books.google.co.uk/books?id=lj4vAAAAMAAJ&pg=PA137&source=gbs_toc_r&cad=4#v=onepage&q&f=false.
De Djin, Annelien. Freedom an Unruly History Cambridge, Mass.: Harvard University Press, 2020.
De Dijn, Annelien. 'Montesquieu's Controversial Context: The Spirit of the Laws as a monarchist tract', History of Political Thought. 34:1 (2013) 66–88.
Dimova-Cookson, Maria. Rethinking Positive and Negative Liberty. London: Routledge, 2019.
Euben, Roxanne L. 'Premodern, Antimodern or Postmodern? Islamic and Western Critiques of Modernity'. The Review of Politics. 59:3 (1997), 429–459.
Fink, Beatrice C. 'Benjamin Constant on Equality'. Journal of the History of Ideas. 33:2 (1972), 307–314.
Fontana, Biancamaria. 'Introduction' to Benjamin Constant: Political Writings, ed. and transl. Biancamaria. Fontana Cambridge: Cambridge University Press, 1988.
Ghins, Arthur. 'Benjamin Constant and the politics of reason'. History of European Ideas. 44:2 (2017), 224–243.
Hall, Stuart. 'The West and the Rest: Discourse and Power', in ed. Bram Gieben and Stuart Hall. The Formations of Modernity: Understanding Modern Societies An Introduction. Book I. Cambridge: Polity Press, 1992.
Hesse, Barnor. 'Escaping Liberty: Western Hegemony, Black Fugitivity'. Political Theory. 42:3 (2014), 288–313.
Hoekstra, Kinch and Quentin Skinner. 'The liberties of the ancients: a roundtable with Kinch Hoekstra and Quentin Skinner'. History of European Ideas, 44:6 (2018) 812–825.
Jacob, Annie. 'Civilisation/Sauvagerie: Le Sauvage américain et l'idée de la civilisation'. Anthropologie et Sociétés. 15:1 (1991), 13–35.
Kahan, Alan. 'From Constant to Spencer: Two Ethics of Laissez-Faire', History of European Ideas.
Koselleck, Reinhart. 'Modernity and the Planes of Historicity'. in R. Koselleck. Futures Past. Cambridge MA: The MIT Press, 1985, 3–20.
Koselleck, Reinhart. 'The Eighteenth Century as the Beginning of Modernity', in The Practice of Conceptual History: Timing, History, Spacing Concepts. transl. Todd S. Presner et. al. Stanford: Stanford University Press, 2002, 154–169.
Kuhn, Thomas. The Structure of Scientific Revolutions Chicago: University of Chicago Press, 1970, second edition.
Machiavelli, Niccolo. The Discourses on the First Ten Books of Titus Livy, ed. Bernard Crick, Trans. Leslie J. Walker London: Penguin, 1983.
Mill, J. S. On Liberty, in ed. John Gray, On Liberty and Other Essays Oxford: Oxford University Press, 2008.
Montesquieu, Charles de Secondat. The Spirit of the Laws. transl. and eds. A. Cohler, B. Miller and H. Stone Cambridge: Cambridge University Press, 1989.
Plato, The Laws. ed. Malcolm Schofield, trans. Tom Griffith Cambridge: Cambridge University Press, 2016.
Pocock, J.G.A. The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition Princeton: Princeton University Press, 1975, second edition 2003.
Pollock, Sheldon. 'Introduction', to Forms of Knowledge in Early Modern Asia. Durham NC: Duke University Press, 2011.
Ramgotra, Manjeet. 'Republic and Empire in Montesquieu's Spirit of the Laws', Millennium. 42:3 (2014), 790–816.
Ruggiero, Guido. The Renaissance in Italy: A Social and Cultural History of the Rinascimento. Cambridge: Cambridge University Press, 2015.
Sala-Molins, Louis. Le Code Noir ou le Calvaire de Canaan. Paris: Presses Universitaires Françaises, 1987.
Springborg, Patricia. Western Republicanism and the Oriental Prince Cambridge: Polity Press, 1992.

Tully, James. '"Two Concepts of Liberty" in Context' in B. Baums and R. Nichols (eds.), Isaiah Berlin and the Politics of Freedom: "Two Concepts of Liberty" 50 Years Later. London: Routledge, 2013. 23–51.
Tyler, Colin. 'Rethinking Constant's Ancient Liberty: Bosanquet's modern Rousseauism'. History of European Ideas.
Vincent, K. Steven. 'Benjamin Constant, the French revolution, and the problem of modern character'. History of European Ideas. 30:1 (2004), 5–21.