

The end justifies the means.

The nature of Belgium's 1830 political liberalism

CHRISTOPHE MAES

1. *Introduction*

In 1960 Robert Demoulin identified a serious research gap in the intellectual history of Belgium's 1830 political liberalism, claiming that its ideological influences had largely been ignored¹. Although a number of legal scholars and historians have endeavoured to fill this gap, the foundations of the liberal idiom currently remain unclear². This is remarkable, since the concept of liberty is vastly present in the Belgian revolutionary discourse³. It is well-known that, following the violent separation with the United Kingdom of the Netherlands in September 1830, the Belgian revolutionaries advocated «liberty in everything and for everyone»⁴. A possible explanation for the lack of definition in Belgian intellectual history might be found in what Horst Dippel described as "constitutional camouflage" or what Cass Sunstein has labelled "incompletely theorized agreements": people agree upon certain constitutional

practices and rights, even when the underlying constitutional theories diverge. The general strategy here is to handle difficult decisions through silence, demonstrating the social groups' mutual respect. This allows for successful constitution-making and social stability⁵. If in the Belgian case this constitutional stratagem was certainly applied⁶, this explanation does not account for the intensity of the use of liberty in and outside of the National Congress, Belgium's 1830-31 constituent assembly. More importantly, it falls short in recognizing the crucial relation between the understanding of liberty and the advocacy for specific governmental forms; a relation which was prominently present in the works of Montesquieu, Germaine de Staël and Benjamin Constant, the most influential sources for the Belgian founding fathers⁷.

This article will fill a historiographical gap by accounting for the conception of "liberty" in the Congress. I will not only argue that the political ideology of the majority of the Congress was highly influenced

by de Staël's and Constant's conception of "liberty", but that this was equally essential for the Congress's decisive institutional choices⁸. First, I will give a brief overview of the various liberal tendencies towards which the congressmen directed their attention. Secondly, I will analyse de Staël's and Constant's insights on "liberty" and compare them with the views within the Belgian National Congress. Furthermore, this article will be limited to de Staël's and Constant's works, since Montequieu's influence on de Staël and Constant, as well as his impact on the Belgian governmental form has already been established in several articles⁹.

2. *The influence of French political thought*

It is largely accepted in historical scholarship that the Belgian political theorists of 1815-1830 were mainly directed to France in the development of their political theories, and mainly to ideas originating from French Restoration liberalism¹⁰. The classical liberal doctrine, which emerged from a reaction against monarchical absolutism and privileges, can generally be understood as the fundamental concern to protect and to encourage individual liberty. Since in the political sphere decisions have to be taken collectively and bind the community, political liberalism cannot be the mere application of individual liberty¹¹. Political liberalism therefore aspires to find political institutions that enable human liberty to govern itself. It does so by enabling the individual citizens to form voluntary associations to promote their beliefs and ideas in the context of collective decision-making.

To ensure this, political liberalism endorses the adoption of procedures for limiting governmental power and making the latter accountable to the citizens¹².

In France, liberalism developed in the wake of the French Revolution with the aim of reconciling the legitimacy of the State with the emancipation of society¹³. Although all liberals endeavoured to conserve the principles of 1789, French liberalism featured contrasting propensities. The form of French liberalism, promoted by Guizot, Royer-Collard and the *Doctrinaires*, endeavoured to strengthen the State, as the latter was perceived as the political body that could best express and protect the general interest against private interests. The *Doctrinaires* aimed to liberalize the political institutions, but simultaneously favoured a strong state with close ties between the middle class and the administration. This entailed that the popular masses should be excluded from any role in the political power. The *Doctrinaires'* liberalism was thus conceived in support of the State, not against it¹⁴. A second form of liberalism was mainly promoted by the group of Coppet around Germaine de Staël and Benjamin Constant¹⁵. It distinguished itself from the *Doctrinaires* by promoting individualism and more pronounced constitutional and extra-constitutional limitations to political authority¹⁶. Whereas the *Doctrinaires* (and the liberal Catholics alike) had only a limited consideration for the individual and favoured a strong central authority, the Coppet liberalism endorsed the importance of the individual's sense for initiative, its ability to critically evaluate politics and institutional forms, and the belief in human perfectibility¹⁷. Although Lucien Jaume has identified lib-

eral Catholicism, promoted by Felicité de Lamennais, Charles Montalembert and Henri-Dominique Lacordaire as a third form of liberalism, it would be more accurate to dissociate it from liberalism and consider it as a variation of political Catholicism¹⁸. Roberto Dagnino's contribution in this issue shows that Liberal Catholicism, which emerged in France out of more traditional forms of political Catholicism and which genuinely promoted modern liberties as the reflection of human dignity and moral freedom, always remained attached to the central role of the Church and the Catholic community. Contrary to liberals, who considered individual freedom as the source and the legitimation of the legal order, the liberal Catholics considered freedom to be merely the fruit of Christian religion. Human developments relied on the "Truth" and "divine grace", rather than on human capabilities. For liberal Catholics the legitimation of the State derived from its status as protector of the Christian community against despotic rule, rather than from the protection of the inalienable individual rights¹⁹. As further digression on political Catholicism would go beyond the scope of this article, I will limit the analysis to political liberalism in the Belgium context²⁰. It is nevertheless important to consider that, although the liberal Catholic point of departure differed from the liberal one, the points of views came to converge into shared claims for modern liberties and liberal institutions, prompting both groups into a "Union of Oppositions" against William's regime and resulting in the Belgian Revolution.

In Belgium, it was especially the Coppet liberalism that was appealing to the revolutionaries, as the liberalism of the Doc-

trinaires was mostly considered too «narrow-minded»²¹. Between 1815 and 1830 Constant and de Staël's theories were eagerly discussed by Belgian journalists, lawyers, and public law theorists. Ironically, those men, who would form the liberal vanguard of the Belgian Revolution, had been educated at the new universities of Ghent, Louvain and Liège which had been established in the context of William's unpopular reform of higher education²². A key figure in those liberal circles was the constitutional theorist and Constant adept Pierre-François Van Meenen. Van Meenen, who was considered to be an intellectual authority in liberal circles, voiced his liberal ideas and opinions in the *Courrier des Pays-Bas*, based in Brussels and one of the most influential Belgian journals of the time. Its editorial board also comprised influential liberals like Charles De Brouckère, Sylvain Van de Weyer and Jean-Baptiste Nothomb²³. Another important circle of liberals which strongly adhered to de Staël's and Constant's insights consisted of several Liège-based students of professor in Constitutional Law Pierre Destriveaux: the perspicuous journalist Paul Devaux; the charming leader of the local revolutionary corps and founder of the Provisional Government, Charles Rogier, who had met Constant personally in Paris in 1827; and the eloquent lawyer and publicist Joseph Lebeau, who had been publishing counterfeit works of Daanou, De Staël and Thiers under William's regime²⁴. Catholics did not remain indifferent to Coppet liberalism either. Even Etienne-Constantin de Gerlache, the president of the National Congress in 1831 and the key figure on the Catholic side, circulated in the orbit of Constant²⁵. All of these men would eventually get elected in the National Congress,

imbuing the debates with their liberal conceptions²⁶. Their influence is all the more important as most of them held seats in the Commission for the constitutional draft, which would form the blueprint for the actual Belgian Constitution of 1831²⁷.

3. *The problem of the governmental form in the constitutional debates of 1830-31*

Inspired by the bitter recollections of William's increasingly absolutist rule, the National Congress aimed at limiting the government's autocratic propensities and securing individual freedom against public authority. Royal sovereignty and all forms of privileges prevailing under William's regime had to be abolished. Simultaneously and under pressure of the international coalition, there was a tendency to moderate the revolutionary drive. With the excesses of the French Revolution still vividly in mind, the congressmen wished to avoid popular derailment²⁸. Hence, liberty and stability became the two topics that dominated the congressional debates as the congressmen sought to set up a state apparatus that was institutionally balanced and adapted to the societal nature and needs, providing the necessary guarantees to individual liberty²⁹. It is therefore no surprise that the governmental form was discussed at the outset of the constitutional debates, especially since the choice for a specific form of government would strongly influence the new state's institutions. Two positions dominated these debates: the call of republicans for a republican state system with an elected head of state, and the appeal of the liberals and the Catholics for a constitutional

monarchy. Whereas the broader discussion between republicans and liberals revolved around deep-seated beliefs in the "res publica" on the one hand, and the development of individuals on the other, with their respective ramifications concerning the strength of the state, the reliability of the political procedure, the role of public education, etc., in Belgium the discussion quickly focused on the issue of political participation³⁰. Although all congressmen agreed that the people could no longer be excluded entirely from governance³¹, the issue of participation enabled the liberals and Catholics to frame the republicans and their aspirations for a republic as a call for a radical direct democracy, convincing the hesitant congressmen to opt for a monarchy³². Yet, the underlying question was also inherently connected to two fundamental claims that had directed the revolution, *i.e.* liberty and equality. The liberal journalist and Congressman Paul Devaux perspicuously elucidated the issues at stake:

[...] what [the republicans] wish for above all else, [...], is not that everything should be done for the greatest wellbeing of the people, but that everything should be done by the people. They make the grave error of placing the forms, the means above the purpose. [...] In the outcome liberty and justice were sacrificed, but in the forms equality was perfectly upheld³³.

According to Devaux the republicans understood liberty as self-governance by the people through the active participation of virtuous citizens in public affairs, the latter committing their efforts entirely to the public good. As the citizens were the ones to make political decisions, they were all equally entitled to elect the head of state from amongst their midst. Consequently, the republicans favored a presidential sys-

tem with a strong executive power, combined with direct democratic forms or at least a representative system based on universal suffrage. For the moderate liberals, however, the republican reliance on a great number of people which were all equally involved in societal self-regulation, would ultimately lead to the self-destruction of society, as the latter would be unable to appease the passions and contain the individual self-interests.

4. *The Ancients versus the Moderns*

If Devaux's intention was surely to depict the republicans as radical democrats, his intervention equally grasps the core of the two conceptions of liberty that were prevalent at the time. Arguably, his reference to Ancient republics, as well as his allusion to liberty as a means or as an end was inspired by the works of de Staël and Constant³⁴. As the cataclysm of unpredictable forces during the French Revolution had rendered the old constitutional structure inadequate for the post-revolutionary era, de Staël and Constant had both reflected on institutions adapted to the modern age³⁵. In their search for the causes of the French revolutionary lapse of 1793, they had laid bare the anachronistic error which had clouded the minds of the revolutionary leaders. Transposing historical institutions and ancient governmental forms into the modern time-frame, the French Jacobins, believing that «all the violations of civil liberty would be redressed by the enjoyment of political liberty in its widest sense», had ended up mixing up the objectives to pursue and the means to reach those objectives³⁶. The at-

tempts of the French revolutionaries to apply the ancient governmental instruments in the modern context had eventually led to the Terror of '93.

For the Coppet group it was clear that the French revolutionaries had erred on the ends of liberty by confusing the liberty of the moderns with the liberty of the ancients. This idea of a confusion between both kinds of liberty had appeared in de Staël's *Des circonstances actuelles qui peuvent terminer la Révolution et des principes qui doivent fonder la République en France* and was endorsed by Constant when he corrected de Staël's 1798 manuscript. Constant later systematized de Staël's intuition, which appears most clearly in his 1819 speech *De la liberté des anciens comparée à celles des modernes*³⁷. According to de Staël and Constant, in ancient republics liberty was conceived as purely political: the political community acquired its autonomy through the participation of the citizen in public affairs. Simultaneously, the sphere of individual freedom was neglected, which made Constant conclude that if the individual was sovereign in public affairs, he remained a slave in his private relations³⁸. In modern societies, on the contrary, liberty was understood as the citizens' private pursuit of individual goals and the enjoyment of individual rights, protected by and against public authority³⁹. If "pure democracy" had its merits in Antiquity, the historical, sociological, economical, and geographical changes had made it obsolete for the Moderns. The ancient institutions of small belligerent city-states, which relied on slaves for much of the economic welfare were not adapted to the large, commercial nations, where the majority of the citizens had to provide in their own needs, leaving them with little or no time to at-

tend to matters of state. Consequently, the preoccupation of the citizens had shifted from political participation and individual self-realization (the means to good government) to individual happiness (the result of good government)⁴⁰.

But the French radicals had also erred on the means to establish liberty, by advocating unlimited sovereignty and social leveling. Constant and de Staël disapproved of these inflated abstract theories on inconsiderate self-sacrifice for the public good and egalitarianism, since those theories were too radical, inappropriate to the human nature and practically too difficult to accomplish. On top of that, due to the absolute character of sovereignty, political power became limitless. This legitimated all the decisions taken in name of the sovereign, as nothing could interfere with the right of the sovereign people to exercise its sovereignty. As a result, unlimited political power became subject to potential usurpation by individuals who could claim to represent the sovereign and coerce unrestrictedly the members of the community into the so-called "general will of the community"⁴¹. Although de Staël and Constant believed, together with Rousseau, that the universality of citizens was the subject of sovereignty, they claimed that the legitimacy of authority should depend on its object (the respect for individual rights) as much as on its subject (the political community). Hence, sovereign power had to be restricted by the respect for individual rights⁴². For the Coppet group, this could only be achieved by accepting a property-based political system with limited governmental power, underpinned by political equality.

5. *Political equality and property as the basis of the political system*

Political equality meant that individual rights of citizens were all equally protected by the law. It equally implied that individuals were naturally unequal, as their individual skills and human nature differed, equality could only be legally established. In this respect, hereditary privileges were to be abolished as they reflected a static and rigid conception of status which conflicted with the natural inequality of men⁴³. For de Staël and Constant natural inequality and political equality in society would provide a competitive setting, where only the most capable men would distinguish themselves by acquiring property⁴⁴. Since property corresponded with the natural and human differences in character, talents and industry, both considered property as a key issue. Differences in fortunes might bear defects, but as the French Revolution had shown, these defects could not be adjusted by artificial social leveling. Property fitted perfectly well with the idea of natural inequality and was useful as it established and preserved stable and uniform ties between individuals. It also allowed for the integration of self-interests in the political system, leaving behind abstract theories of virtue and self-sacrifice. It equally allowed for a dynamic and flexible "open aristocracy", attributing political access to the most talented individuals, assuring a "government of the bests", providing in liberty and happiness to the greatest number, and enabling the improvement of the political system through education⁴⁵.

This conception of political equality and property was particularly interesting for the Belgian middle class, which was

prominently represented in the National Congress. The congressmen repeatedly stressed the importance of individual liberty, conceived as the possibility to act at will and without any constraint in everything that is individual. This individual liberty was the «first need of men»; a need that had «taken root in society» and could not be undone anymore as it was «necessary for man to act freely in his personal sphere», since he was «sovereign in the limits of his attributions»⁴⁶. The choice to enshrine individual rights in a separate title in the Constitution “Des Belges et de leurs droits” equally points to this conviction. Yet, these views on liberty did not entail socio-economical equality, nor did they imply unrestricted participation of the citizens in public affairs. If the congressmen dismissed the exclusive access to public affairs on the basis of hereditary privileges⁴⁷, they also warned for inflated abstract political theories, and concepts as «equality» and «unbridled freedom» which had turned the lower classes into an uncontrollable force, steam-rolling the societal order under the false pretence that, through freedom, it had acquired the right to absolute equality⁴⁸. Especially the debates on bicameralism, which at times reveal remarkable resemblances with de Staël’s and Constant’s terminology, provide key insights on the majority view⁴⁹. Abbé De Smet remarked that political equality, which provided stability, should not be confounded with absolute equality, since it could lead to democracy as well as to despotism⁵⁰. Helias d’Huddegem assessed that «There does not exist on earth such a thing as absolute equality. There only exists a relative and proportionate equality. [...] As men are equal in liberty, [...] in society, men are unequal in power»⁵¹.

Others argued that political equality did not exclude inequalities of fortune, which were inevitable in society and should be considered a «natural form of aristocracy», or an «aristocracy of talents»⁵². In the same vein Nothomb endorsed a conditional equality, «[...] in the sense that the conditions to which the law submits the exercise of political rights are such, that everyone would be able to fulfill them, either through the natural course of events, or through the free use of their talents»⁵³. The previous day Blargnies had already claimed that, for this reason, political rights should only be attributed on account of merits and property⁵⁴. Many congressmen considered the existence and the protection of property and the resulting socio-economical differences to be essential conditions for the preservation of stability within society. According to Helias d’Huddegem, men were not only reunited in society to protect their person, but their property as well. Without property, society could not be sustained. And as property could only be conserved by power, the propertied class should have a right to this power. The propertyless, on the other hand, should be stimulated to follow the natural way of acquiring property in order to access public affairs, instead of usurping it: «[...] the disorder starts when some want to enjoy the rights of others, since they can only enjoy them by usurping them»⁵⁵.

At the same time, property was considered to be an adequate tool for assessing the capability to participate in power, which in the eyes of the congressmen, was crucial for good governance⁵⁶. The importance of social promotion for talented citizen was probably most apparent when Lebeau intervened several times during the session of December 29th in favor of capacity rep-

resentation. «Capacity», as Lebeau spoke, «is the best of possible guarantees». The representatives' capacities would show themselves through their property, as well as during the public discussions of the legislative assemblies. As such, «the representative government is the government of capacities». Echoing Sieyès' views on representative government, Lebeau refused to see the representative mandate as a right, nor a reward, but as the allocation of a function to the most talented men of experience. In this regard, Lebeau believed that political mandates could best be accumulated. The most enlightened men would be found amongst the members of the legislative chambers and, consequently, the members of the executive power and administrative councils should be appointed from amongst the chambers⁵⁷. Other congressmen, like Pierre-François Van Meenen criticized the call for an extensive democratic suffrage on the same grounds. The community members were not entitled to the full trusteeship of society, but to political participation according to their stakes in society⁵⁸. The Congress eventually endorsed political equality by inserting it formally in article 6 of the Belgian Constitution⁵⁹.

6. Representation

Their distrust of direct democracy, as well as their endorsement of political equality had led de Staël and Constant to favour representative government. Both argued that a representative system based on popular elections was perfectly tailored to the modern understanding of liberty, since it

was adapted to large nations, allowing for the "masses" to delegate the protection of their interests to adequate representatives whilst looking after their own needs⁶⁰. In line with Sieyès' sociological reasoning, they explained representation as the political application of daily individual operations, where people seek proxies to act in their interest in order to obtain certain results⁶¹. Simultaneously, a public spirit, without which liberty could not last, would be formed through the elective system⁶².

The best part of the Belgian Congress equally favored the representative system. Pierre Destriveaux explained his preference for the representative government in terms that remind of Constant's distinction between Ancients and Moderns:

For too long have we been accustomed to consider the ancient republics as the true sanctuaries of freedom. [...] abandoning the abstractions of the *pure* forms of government, we know that the forms can be merged, blended, and modified for the benefit of our needs. First of all, the collection of interests and rights, the *public affair*, should be guaranteed in its entirety, as well as in its detail; the political administration should be in function of the community, not the specialty; the state should be *everyone* and never *one* or *several individuals*. This system of community in the interest does not entail the participation of everyone to the action; it is not in our modern states, in an agricultural and industrial country like ours, that we can conceive the idea to transport all classes of society in one *forum* where they exercise directly the rights of which sovereignty is composed; consequently, there must be particular delegations and institutions to which the masses remain alien⁶³.

The republicans also admitted, though more reluctantly, the principle of representation, rejecting an «ultra-liberal» democratic state system⁶⁴. Goffint and Lardinois refuted the claim that the repub-

licans had ever promoted the direct participation of the people in public affairs⁶⁵. For Pirson, the actual republics and monarchies had nothing to do with those in ancient times⁶⁶. And although the committed republican Seron endorsed an extensive form of political liberty, he explicitly abandoned the Greek models of direct democracy, admitting the representative system instead:

What we ask for is a representative government in accordance with the nature of things; establishing happiness for men; protecting the good against the bad; where the law is above the will of men; where the will of men is never substituted to the will of the law; it is, in one word, a government such as the North-Americans have. [...] Our reasoning has improved since we've read and meditated on Adam Smith and the writers who have walked on the tracks of this renowned economist. I believe sincerely that more a people is industrious, commercial and rich, more it is made for liberty, since the more it is well-off, the more it has the means to instruct itself, and the more it is instructed, the more it will love the public affairs, or, this is the same, liberty⁶⁷.

Seron's reference to Adam Smith was significant, as it revealed once more the 19th century understanding of representation as the adequate reflection of the social into the political of which the principal themes were the nature of production and wealth, and the effects of the division of labor⁶⁸. Still, for most republicans, the representative system was only a temporary arrangement, a «bastard government», instrumental to the evolution from a despotic reign towards the definitive form of the republic based on the sovereignty of the people⁶⁹. Others, such as Wyvekens, utterly rejected Montesquieu's and Constant's theories, considering that their vision of monarchy erroneously accorded the primacy of individual liberty over political liberty⁷⁰.

7. *Census and mixed government*

The endorsement of political equality and property at the base of the representative system eventually resulted in the acceptance of article 47 of the Constitution which provided in a census requirement to be determined by an electoral law. The article provided for a high census, between 20 florins and 100 florins. After a fierce discussion on the electoral law in February 1831, proposals in favour of a lower, "more democratic" census were rejected⁷¹. With remarkable resemblance to de Staël's insights, Devaux defended the choice for a censitary electoral system:

Our principle is freedom before everything, and if a certain heredity, a certain aristocracy, a certain electoral census is necessary to the preservation of this freedom, we will go as far as to admit it. The results are everything for us; the forms, the means are almost everything for [*the republicans*]; we submit the means to the end, they do the opposite. Although in the forms it would be more favorable to equality, we challenge universal suffrage, since it is fatal to liberty in the results⁷².

In their search for additional safeguards for the representative system, de Staël and Constant had turned to the idea of mixed government. Democracy in itself was not creative, nor self-sufficient. In its purest form it was a self-destructive force driven exclusively by the arbitrary and unrestrained passions of the people. It could only end up destroying itself through its own principles⁷³. Consequently, de Staël argued that democracy could only be salvaged by refuting it partially:

[...] in order to come close to the results of its model, pure democracy, it should move away from it through its forms⁷⁴.



Charles Picqué, "Belgian provisional government", painting, 1831

Paradoxically, if one wished to establish solid representative institutions that would guarantee liberty in the long term, aristocratic elements had to be added⁷⁵. As democrats had the ability to break ground and establish social progress, so did the aristocrats know how to conserve these achievements and mitigate the democratic passions. A modern democratic system could, in other words, only be realized with the help of non-democratic means⁷⁶. Had the former French democratic representative system, operating through a unicameral legislative assembly, not shown that it was not sufficiently stable to secure liberty on the long term? Hence, strongly influenced by de Staël's father Jacques Necker, the former Minister of Finance to King Louis XVI, de Staël and Constant both endorsed an English-styled constitutional monarchy with a representative system consisting of a census-based elected assembly and an aristocratic assembly. The English system successfully blended liberty and stability,

while its pragmatism realized a good balance between all social classes and their interests⁷⁷. Yet, in a Montesquieu-esque fashion, both theorists claimed that, since a representative government did not imply a generic state model, it could be established in a variety of possible institutional arrangements and molded to specific circumstances and particularities of a country⁷⁸.

Likewise, the congressmen believed that governmental forms could be merged and adapted to time and to specific communities, as long as it provided liberty in its result⁷⁹. Consequently, the Belgian congressmen searched for a suitable combination of political models. History had shown that absolute monarchy sacrificed everything for governmental stability. A republic, on the contrary, stood exclusively for social movement. None of them had resulted in liberty and happiness for the people. Following Coppet's intuition, liberals and Catholics alike contended that a combination of both in the form of an English

fashioned parliamentary constitutional monarchy would form the most natural middle way⁸⁰. Nothomb spoke in this sense of a "republican monarchy", stating that, contrary to the Ancients, who had failed to combine republic and monarchy, this governmental form would be more successful. He argued that when a revolution had achieved its objectives, it needed to end. And where a (democratic) republic enabled a revolution, an (aristocratic) monarchy was needed to end it. On a later occasion he explicitly referred to de Staël and Necker in his plea for an English styled bicameral form. The majority of the Catholics deviate in the same vein from Lamennais' support for a republic, advocating a constitutional monarchy «as republican as possible»⁸¹. Both the liberals and Catholics accepted that in order to come closest to the results of democracy, it should move away from it through its forms. Devaux crystalized very well the essence of this point of view in his plea for an aristocratic high chamber:

[...] if one would create a single assembly, it will either be dragged along by a democracy, unimpeded by the limits which the constitution has assigned it to, or it will eventually become aristocratic. If one wants a democratic chamber without inconveniences, vote for the senate⁸².

This dynamic vision of mixed government combined a democratic tendency or 'fluctuating power' in a lower legislative chamber with an aristocratic tendency or 'persisting power' in a high chamber⁸³. The representative institutions were supplemented with an executive power, consisting of a hereditary monarch who acted as 'pouvoir neutre' and who was supported by responsible ministers who were drawn out of the elected parliament. Only this type of government would withstand the test of

time as it encompassed societal changes and was adaptable to the emergence of political regimes as well⁸⁴.

Combining individual and political liberty

Still, as various scholars have pointed out, French liberalism has often erroneously been understood as the fundamentally undemocratic counterpart of republicanism⁸⁵. Liberalism and republicanism were not actually part of a binary system of oppositions. French liberalism emerged out of the classical republican language at a moment when, confronted with the crisis of monarchy, republicanism had been incapable of reconciling order and freedom under a stable political structure⁸⁶. In this sense it is revealing that Constant did not consider the distinction between ancient and modern freedom as an antagonism. If political freedom remained subsidiary to quasi-unconditional individual liberty, it formed an essential guarantee for the preservation of the latter⁸⁷. If de Staël believed the political community to be a citizenry of proprietors, her reflections described merely the means through which representative government could function in times of crisis. The 'true depository of power' was not the political elite to which power had been delegated, but civil society at large. If governmental power was to endure in times of crisis, the majority of citizens had to be connected with government and its institutions through the political process⁸⁸. Constant, for his part, warned that the seclusion of individuals into their private confines for the enjoyment of their individual rights would leave the public authority with too much

power to wield. Vesting all powers in public authority without any checks to it would eventually lead to the oppression of individuals, even if this authority was primarily exercised by a representative body. An assembly with unrestricted power, and with extensive prerogatives would be more dangerous than the most absolute despot. In a system of representative government, it was essential for the represented to actively and continuously control and monitor public authority⁸⁹. Moreover, Constant argued that individuals should continuously “judge governmental action” by “examining the source and the content of law”. This was not only essential for their own development and progress, but it also formed a strong guarantee for the proper functioning of public authority⁹⁰. Hence, Coppet liberalism searched for a combination of freedom the Ancients and freedom of the Moderns, stressing the importance of participation of the individual citizen in public life and the individual appreciation and critique of public action⁹¹. More specifically, they understood public civic institutions which promoted the formation of a broad public opinion (the press, education, magistrates, jury, municipal powers, elections...) as a reinforcement of the representative system, since it realized the moral education of citizens, whilst unburdening them from some responsibilities⁹².

If in Belgium the congressmen withheld an elitist conception of liberty and political power, much like de Staël and Constant, they believed that political liberty should not be neglected either. With a remarkable resemblance to Constant’s argument in favor of political liberty, Van Meenen pointed out during the discussion on the Treaty of the XVIII articles that giving up political

liberty and conferring the protection of civil rights and liberties entirely to public authority would ruin individual liberty⁹³. Hence, the importance of the educational system and the need for (extra-) constitutional checks like the press, a jury in criminal law and for press and political offenses, etc. These institutions would shape a strong public opinion which would react against abuses of any constitutional power⁹⁴. They would also form an adequate substitute to the oppositional role of the legislative power against the other powers, should the former fail to fulfil its task. Hence, as the congressmen were fully aware that these extraconstitutional checks were the first targets of an oppressive public authority, they embedded as much institutional safeguards as possible⁹⁵. Blagnies argued that, since the citizens were not allowed to exercise legislative power directly, they were forced to delegate it. Hence the necessity of inherent institutional safeties against power-concentration by the legislative assembly⁹⁶. To this end, the installation of a bicameral system was crucial.

8. Conclusion

If strategic considerations and pragmatism certainly motivated the National Congress to opt for a representative system under a constitutional monarchy, this article establishes that this choice was not purely instrumental. It equally resulted from a specific understanding of the notion of “liberty”, which obviously implied certain beliefs. These beliefs, as well as the congressional choices that stemmed from them, were greatly inspired by the Coppet liberalism

of Germaine de Staël and Benjamin Constant. They were the first to distinguish two forms of liberty, entailing two different governmental models. Liberty in its purest form, comprehending direct participation and social equality, could only dreamed to be established by naive idealists. And this dream was hardly innocent, as the Terror had well showed them... Political and social reality required a sacrifice in order to reach and to safeguard the happiness and the individual liberty of the citizens, which they understood as the core objective of modern society. Giving up the most radical of democratic ideas, while accepting aristocratic forms and maintaining private property as the fundamental connection between the individual and the state, would assure that this objective would be achieved. Thus, only by disengaging from the means, could the end be secured. This was a position which the majority in Belgian Congress endorsed.

At the same time however, Coppet liberalism preserved some important classical republican features that would come to underpin their views on the governmental form. These features followed from the endorsement of political liberty as the safe-

guard of individual liberty. This demanded a considerable commitment of citizens to public life (in the broad sense of the word), not only to prevent power concentrations within government power, but also to enable citizens to fully develop their autonomy and their ability for independent reasoning. Like de Staël and Constant, the majority of the Congress understood very well that this could only be achieved by establishing civic institutions which allowed for civic participation and the development of public opinion. By implementing the pivotal thought of the Coppet group in their constitutional choices, the Belgian liberals effectively inaugurated the passage from a statist tradition of absolutism and enlightened despotism to a politics centered on the autonomy of civil society and the individuals it included. This constituted the core of Belgian constitutional liberalism and would turn the Belgian constitutional edifice into an example for liberalism in Europe.

¹ R. Demoulin, *L'influence française sur la naissance de l'Etat belge*, in «Revue Historique», CCXXIII, n. 1, 1960, p. 27.

² A. De Dijn, *A pragmatic conservatism. Montesquieu and the framing of the Belgian constitution (1830-1831)*, in «History of European Ideas», XXVIII, n. 4, 2012, pp. 227-245; B. Delbecke, *De lange schaduw van de grondwetgever. Perswetsgeving en persmisdrijven in België, (1831-1914)*, Academia press, Ghent, 2012; R. Demou-

lin, *De liberale stroming tijdens het Koninkrijk der Nederlanden (1815-1830) en de Omwenteling van 1830*, in A. Verhulst, H. Hasquin (edited by), *Het liberalisme in België. 200 jaar geschiedenis*, Brussels, Delta, 1989, pp. 29-38; H. De Smaele, *Eclectisch en toch nieuw. De uitvinding van het Belgisch parlement in 1830-1831*, in «Low Countries Historical Review», CXX, n. 5, 2005, pp. 408-416; S. Marteel, 'Inventing the Belgian Revolution'. *Politics and Political Thought in the*

United Kingdom of the Netherlands (1814-1830), Unpubl. Doct. Diss., European University Institute, Florence, 2009.

³ E. Witte, *Het natiebegrip in het zuidelijke krantendiscours aan de vooravond van de Belgische opstand (augustus 1829-juli 1830)*, in «Low Countries Historical Review», CXXI, n. 2, 2006, p. 236.

⁴ The sentence was borrowed from the French priest and political thinker Felicité De Lamennais.

⁵ H. Dippel, *Modern constitutional-*

- ism. *An Introduction to a History in need of Writing*, in «Legal History Review», n. 73, 2005, p. 164; C.R. Sunstein, *Incompletely Theorized Agreements in Constitutional Law*, in «Social Research», LXXIV, n. 1, 2007, pp. 1-24.
- ⁶ Former congressmen later described the Constitution as a «transaction [...] giving satisfaction to multiple tendencies» and an «eclectic work, containing arms for all parties». J.-B. Nothomb, *Essai Historique et Politique sur la Révolution Belge*, Brussels, Muquardt, 1876, vol. 1, p. XVIII, p. XXII; E.C. De Gerlache, *Essai sur le mouvement des partis en Belgique depuis 1830 jusqu'à ce jour suivi de quelques réflexions sur ce qu'on appelle les grand principes de 1789*, Brussels, Librairie polytechnique d'Aug. Decq, 1852, p. 1.
- ⁷ For an informed overview of the sources of Belgium's 1831 Constitution see J. Gilissen, *La Constitution belge de 1831: ses sources, son influence*, in «Res Publica», X, 1968, pp. 107-141.
- ⁸ Note that the concept of liberty does not form an autonomous object in their political philosophical work, but is analyzed in a larger framework which connects liberty to the governmental form and the emergence of the 'modern nation'. S.R. Krause, *Freedom, Sovereignty and the General Will in Montesquieu*, in J. Farr, D.L. Williams (edited by), *The General Will. The Evolution of a Concept*, Cambridge, Cambridge University Press, 2015, pp. 147-172; P. Pasquino, *Sieyès et l'invention de la Constitution en France*, Paris, Éditions Odile Jacob, 1998, p. 32.
- ⁹ E.g. De Dijn, *A pragmatic conservatism* cit.; P. Illing, *Montesquieu's Shadow: Debating reform in the Austrian Netherlands*, in «History of European Ideas», XXXV, 2009, pp. 330-336.
- ¹⁰ See e.g. the contribution of Els Witte in this issue. See also W. Lemmens, *Het onluikend liberalisme: Franse migranten, hun netwerken en journalistieke activiteiten in de Zuidelijke Nederlanden (1815-1820)*, in «Revue belge de philologie et d'histoire», LXXXIX, n. 3, 2011, pp. 1165-1191; M. Magits, *De Volksraad en de opstelling van de Belgische grondwet van 7 februari 1831. Een bijdrage tot de wordings-geschiedenis van de Belgische konstitutie*, unpubl. doct. thesis, Arts, VUB, 1977, vol. 1, p. XIX.
- ¹¹ J. Charvet, *Liberalism*, in M.C. Horowitz (edited by), *New dictionary of the History of Ideas*, Farmington Hills, Scribner, 2005, vol. 3, pp. 1262-1263.
- ¹² *Ibidem*.
- ¹³ L. Jaume, *The unity, diversity and paradoxes of French liberalism*, in R. Geenens, H. Rosenblatt (edited by), *French Liberalism from Montesquieu to the Present Day*, Cambridge, Cambridge University Press, 2012, pp. 36-37.
- ¹⁴ L. Jaume, *Le libéralisme Français après la Révolution, compare au libéralisme Anglais*, «Historia Constitucional», CCCLXXXIII, n. 4, 2003, pp. 388-389.
- ¹⁵ The group of intellectuals around de Staël and Constant (also including Necker and Sismondi) has been named after the castle of de Staël's family in Switzerland where they regularly remained to discuss their intuitions and theories.
- ¹⁶ Jaume, *The unity* cit., pp. 37, 41-42.
- ¹⁷ L. Jaume, *L'individu effacé ou le paradoxe du libéralisme français*, Paris, Fayard, 1997, pp. 91-102. For an analysis of the liberalism of the Coppet group see the essays in L. Jaume (edited by), *Coppet, Creuset de l'Esprit Libéral. Les idées politiques et constitutionnelles du groupe de Madame De Staël*, Economica, Paris, 2000.
- ¹⁸ Neither should liberal Catholicism be mistaken for an ideological synthesis of liberalism and Catholicism. See V. Viaene, *Belgium and the Holy See. From Gregory XVI to Pius IX (1831-1851). Catholic Revival, Society and Politics in 19th-Century Europe*, Louvain, Leuven University Press, 2001, pp. 65-71.
- ¹⁹ H. De Smaele, *Catholic Republicanism Revisited*, in J. De Maeyer, V. Viaene (edited by), *World Views and Worldly Wisdom. Religion, ideology and politics 1750-2000*, Louvain, Leuven University Press, 2016, pp. 63-64.
- ²⁰ For in-depth studies see K. Jürgensen, *Lamennais und die Gestaltung des Belgischen Staates. Der liberale Katholizismus in der Verfassungsbewegung des 19. Jahrhunderts*, Wiesbaden, Steiner, 1963; Viaene, *Belgium* cit.
- ²¹ E. Huytens, *Discussions du Congrès National de Belgique 1830-1831*, Brussels, Société Typographique Belge, 1844, Lebeau, 29/01/1831, vol. 2, p. 313; Ivi, De Gerlache, 03/02/1831, vol. 2, p. 442 (with reference to Constant). The liberal journal *Le Courier* (formerly known as *Courrier des Pays-Bas*) even spoke of the «système bâtarde des doctrinaires». *Le Courier*, 16/03/1831, n. 75. See also *Le Courier* 18/03.1831, n. 77; 28/04/1831, n. 118.
- ²² B. Delbecke, *Modern Constitutionalism and Legal Transfer: The Political Offence in the French Charte Constitutionnelle (1830) and the Belgian Constitution (1831)*, T. Duve (edited by), *Entanglements in Legal History: Conceptual Approaches*, Frankfurt am Main, Max Planck Institute for European Legal History, 2014, p. 450.
- ²³ E. Witte, *De Grondwet van het Verenigd Koninkrijk der Nederlanden (1815) en het ontstaan van de Belgische constitutie (1831)*, in A. Alen, A.W. Heringa, D. Heirbaut, C.J. Rotteel Mansveld (edited by), *De Grondwet van het Verenigd Koninkrijk der Nederlanden van 1815. Staatkundige en historische beschouwingen uit België en Nederland*, Den Haag, Die Keure, 2018, p. 22.
- ²⁴ A. Royer, *Les hommes politiques de la Belgique*, in X (edited by), *Revue des Deux Mondes*, Paris, Fournier, vol. 1, 1835, p. 709.
- ²⁵ Viaene, *Belgium* cit., 102.
- ²⁶ Constant is the most cited author

- in the constitutional debates, after Montesquieu: Huytens, *Discussions* cit., vol. 1, pp. 202, 247, 398, 413, 415, 452, 454, 465; ivi, vol. 2, pp. 442, 464; ivi, vol. 3, pp. 520. For de Staël: ivi, vol. 1, pp. 415, 425. Although de Staël is only referred to a couple of times in the debates, this paper will expose the key role of her theories for Belgian liberalism.
- ²⁷ W. Van den Steene, *De Belgische Grondwetscommissie (oktober-november 1830). Tekst van haar notulen en ontstaan van de Belgische Grondwet*, Brussels, Koninklijke Vlaamse Academie voor Wetenschappen, Letteren en Schone Kunsten van België, 1963, pp. 12-28.
- ²⁸ The tension between the safeguard of the acquired liberties in the wake of the French Revolution of 1789 and the concern for containment of the revolutionary excesses became a crucial tension in the Restoration period liberalism. Jaume, *Le libéralisme* cit., p. 384.
- ²⁹ Van den Steene, *De Belgische Grondwetscommissie* cit., pp. 60-61.
- ³⁰ For an overview of the main republican "phases" and arguments see P. Mouritsen, *Four models of republican liberty and self-government*, in I. Honanan, J. Jennings (edited by), *Republicanism in Theory and Practice*, London, Routledge, 2006, pp. 17-38.
- ³¹ See e.g. Huytens, *Discussions* cit., Vilain XIII, 23/11/1830, vol. 1, p. 294; ivi, De Gerlache, 15/12/1830, vol. 1, p. 471.
- ³² A.-E. Bourgaux, *La consultation populaire régionale: résistance ou résilience de la démocratie représentative belge?*, in «Administration Publique», XXXVIII, n. 4, 2015, pp. 536-537.
- ³³ Huytens, *Discussions* cit., Devaux, 20/11/1830, vol. 1, p. 212.
- ³⁴ For Constant's influence on Devaux see Demoulin, *De liberale stroming* cit., pp. 32-33.
- ³⁵ B. Fontana, *The Thermidorian republic and its principles*, in B. Fontana (edited by), *The Invention of the Modern Republic*, Cambridge, Cambridge University Press, 1994, pp. 137-138.
- ³⁶ B. Constant, *Principles of Politics Applicable to All Governments* (1806); Fr. tr. *Principes Politiques applicables à tous les Gouvernemens représentatifs et particulièrement à la Constitution actuelle de la France*, E. Hoffman (edited by), Indianapolis, Liberty Fund, 2003, p. 366.
- ³⁷ Note that there are discrepancies between de Staël and Constant. M. Ozouf, "Liberté", F. Furet, M. Ozouf (edited by), *Dictionnaire Critique de la Révolution Française*, Paris, Flammarion, 773; A. Kalyvas, I. Katznelson, *Liberal Beginnings. Making a Republic for the Moderns*, Cambridge, Cambridge University Press, 2008, pp. 127-128.
- ³⁸ B. Constant, *De la liberté des anciens comparée à celles des modernes. Discours prononcé à l'Athénée de Paris, April 14th, 1819*, in C. Louandre (edited by), *Œuvres Politiques de Benjamin Constant avec introduction, notes et index*, Paris, Charpentier, 1874, p. 262.
- ³⁹ G. de Staël, *Des circonstances actuelles qui peuvent terminer la Révolution et des principes qui doivent fonder la République en France*, J. Vienot (edited by), Paris, Lib. Fischbacher, 1906, pp. 94-95.
- ⁴⁰ Ivi, pp. 91, 162.
- ⁴¹ Constant, *Principles* cit., pp. 13, 17-21, 54, 384. See also, M. Gauchet, *Constant, Staël et la Révolution française*, in Furet, Ozouf (edited by), *The French Revolution* cit., pp. 162-164.
- ⁴² Constant, *Principles* cit., p. 31.
- ⁴³ De Staël spoke of hereditary aristocracy versus natural aristocracy. De Staël, *Des circonstances* cit., pp. 169-170.
- ⁴⁴ *Ibidem*.
- ⁴⁵ De Staël, *Des circonstances* cit., pp. 10-11, 46; Constant, *Principles* cit., Book X, pp. 163-202; See also Fontana, *The Thermidorian republic* cit., pp. 123-124.
- ⁴⁶ Huytens, *Discussions* cit., Dehaerne, 20/11/1830, vol. 1, p. 212; ivi, De Brouckère, 23/12/1830, vol. 1, p. 608; ivi, Defacqz, 21/12/1830, vol. 1, p. 583; ivi, Verbeke, 23/12/1830, vol. 1, p. 613.
- ⁴⁷ Ivi, Blargnies, 13/12/1830, vol. 1, p. 407.
- ⁴⁸ Ivi, De Roo, 20/11/1830, vol. 1, p. 219; Ivi, Goethals, 16/12/1830, vol. 1, p. 496; Ivi, Jacques, 19/11/1830, vol. 1, p. 200.
- ⁴⁹ Note that De Staël's *Des circonstances* was published for the first time in 1906. It is nevertheless very likely that the congressmen were acquainted with de Staël's insights, indirectly via Constant's works or more directly through the counterfeit versions of her works.
- ⁵⁰ Ivi, Abbé De Smet, 13/12/1830, vol. 1, p. 410.
- ⁵¹ Ivi, Helias d'Huddegem 14/12/1830, vol. 1, p. 444.
- ⁵² Ivi, Abbé Dehaerne, 14/12/1831, vol. 1, p. 462; Ivi, Masbourg, 14/12/1830, vol. 1, pp. 459-460.
- ⁵³ Ivi, Nothomb, 14/12/1830, vol. 1, p. 425. For Nothomb, this was exactly the opposite of admitting heredity and personal privileges, which hampered political equality.
- ⁵⁴ Ivi, Blargnies, 13/12/1830, vol. 1, p. 407.
- ⁵⁵ Ivi, Helias d'Huddegem 14/12/1830, vol. 1, p. 444. Compare with Constant, *Principles* cit., p. 170.
- ⁵⁶ See in this sense Ivi, Blargnies, 13/12/1830, vol. 1, 407; Ivi, De Brouckère, 04/02/1831, vol. 2, p. 457.
- ⁵⁷ Ivi, Lebeau, 29/12/1830 vol. 1, pp. 699-701; Ivi, Lebeau, 22/01/1831 vol. 2, p. 237.
- ⁵⁸ Ivi, Van Meenen, 16/02/1831, vol. 2, p. 532. Compare with Barnave's speech of 11 August 1791: «[the quality of the electorate] is only a public function to which no one has a right to, which society dispenses of and which is commended in its interest.», cited in French in P. Brunet, *Vouloir pour la Nation. Le concept de représentation dans la théorie de l'État*, Paris, Bruylant L.G.D.J., 2004, p. 115.

- ⁵⁹ «No class distinctions exist in the State. Belgians are equal before the law; they alone are eligible for civil and military service, but for the exceptions that can be created by a law for particular cases». If the competence of the King to attribute nobility titles was maintained in (former) article 75 of the Constitution, it was only as an expression of gratitude to talented and committed citizens for their services rendered to the nation.
- ⁶⁰ De Staël, *Des circonstances* cit., pp. 13, 92; Constant, *De la liberté* cit., p. 281.
- ⁶¹ The theories of Smith and the Scottish school underpinned Sieyès' arguments against the privileged orders. In his *Essai sur les privilèges* (published in November 1788) Sieyès opposed against the privileges as incompatible with the relations of free trade, making from representation, through the division of labor, the principle which gave to civil society its autonomous existence. E. Sieyès, *Essai sur les privilèges*, in E. Sieyès, *Qu'est-ce que le Tiers Etat*, Paris, PUF, 1982, pp. 16-17. Compare also De Staël, *Des circonstances* cit., p. 17 with S. Sieyès, Speech of 2 Thermidor Year III, *Réimpression de l'ancien Moniteur. Seule histoire authentique et inaltérée de la Révolution Française depuis la réunion des Etats-Généraux jusqu'aux Consulat* (Mai 1789 – Novembre 1799) avec notes explicatives, Paris, Henri Plon, 1862, vol. 25, p. 292. For Sieyès' influence on Constant's idea of representation and division of labor see P. Pasquino, *Sieyès et l'invention de la Constitution en France*, Paris, Éditions Odile Jacob, 1998, pp. 31-52.
- ⁶² Constant, *Principles* cit., p. 332.
- ⁶³ Huytens, *Discussions* cit., Desriveaux, 19/11/1830, vol. 1, p. 198. For Van Meenen's endorsement of the representative system as promise for individual liberty and property see *L'Observateur politique*, administratif, historique et littéraire de la Belgique, n. 1, 2/02/1815. Observe his appreciation of the impermanence of Ancient institutions, without rebutting them completely.
- ⁶⁴ Ivi, Van Snick, 13/12/1830 vol. 1, pp. 403-404. Observe that the republicans repeatedly attempted to subject the Constitution to popular approval by referendum. Ivi, session of 20/11/1830, vol. 1, pp. 225-229.
- ⁶⁵ Ivi, Goffint, 22/11/1830 vol. 1, pp. 249-250; Ivi, Lardinois, 22/11/1830 vol. 1, p. 197.
- ⁶⁶ Ivi, Pirson, 22/11/1830 vol. 1, p. 257.
- ⁶⁷ Ivi, Seron, 19/11/1830 vol. 1, pp. 196-197; Ivi, Seron, 22/11/1830, vol. 1, pp. 250-253.
- ⁶⁸ The reflection of the social into the political is equally present in Nothomb's discourse on bicameralism in which he argued that the economic and political interests of laborers and capitalists should be adequately represented in two separate legislative chambers. Ivi, Nothomb, 14/12/1830 vol. 1, p. 425.
- ⁶⁹ Ivi, Dehaerne, 20/11/1830 vol. 1, pp. 216-217; Ivi, de Robaulx, 20/11/1830, vol. 1, p. 226.
- ⁷⁰ Ivi, Wyvekens, 19/11/1830 vol. 1, p. 202.
- ⁷¹ Even a proposal excepting certain educational professions as "capacitary" exemptions to the census was dismissed. A decisive consideration might very well have been the Congress' concern for pro-dutch tendencies among pedagogical and scientific circles. This had been reason enough to disenfranchise parts of the intelligentsia for the National Congress. See Session of 12/02/1831, ivi, vol. 2, pp. 506-508. See also Witte, *De Constructie* cit., p. 142.
- ⁷² Ivi, Devaux, 20/11/1830, vol. 1, pp. 212-213. See also Ivi, Devaux, 26/12/1830 vol. 1, p. 658.
- ⁷³ De Staël, *Des circonstances* cit., p. 121.
- ⁷⁴ Ivi, pp. 23.
- ⁷⁵ Note that this does not imply the acceptance of a static aristocratic order.
- ⁷⁶ De Staël, *Des circonstances* cit., pp. 121-163. See also Kalyvas, Katznelson, *Liberal Beginnings* cit., pp. 126-128.
- ⁷⁷ A. Craiutu, *Liberalism under Siege. The Political Thought of the French Doctrinaires*, Lanham, Lexington Books, 2003, pp. 192-193.
- ⁷⁸ B. Fontana, *Germaine De Staël. A Political Portrait*, Princeton, Princeton University Press, 2016, pp. 167-168. See in this regard also Constant's view on the role of aristocracy. Constant, *Principles* cit., note I to Book X, Ch. IV, p. 465.
- ⁷⁹ Huytens, *Discussions* cit., Devaux, 20/11/1830, vol. 1, pp. 212-213; Ivi, Desriveaux, 19/11/1830, vol. 1, p. 198; Ivi, Blargnies, 22/11/1830, vol. 1, p. 236.
- ⁸⁰ Huytens, *Discussions* cit., Nothomb, 19/11/1830, vol. 1, p. 192; ivi, Vilain XIII, 19/11/1830, vol. 1, p. 200; ivi, de Robiano, 23/11/1830, vol. 1, p. 286; ivi, Lebeau, 13/12/1830 vol. 1, p. 416; ivi, Masbourg, 14/12/1830 vol. 1, pp. 459-460; ivi, Nothomb, 14/12/1830, vol. 1, p. 425; ivi, De Gerlache, 15/12/1830, vol. 1, pp. 471-472; ivi, Van Meenen, 16/12/1830, vol. 1, p. 507; ivi, Lebeau, 18/12/1830, vol. 1, p. 545.
- ⁸¹ Ivi, Nothomb, 19/11/1830 vol. 1, p. 193.
- ⁸² Ivi, Devaux, 14/12/1830, vol. 1, p. 468. Devaux considered a second legislative chamber, tailored to the position of the aristocratic elite to be indispensable to the system's stability as it would prevent the aristocracy to "secretly plot for the ruin of liberty". Ivi, Devaux, 16/12/1830, vol. 1, pp. 509-510.
- ⁸³ Lebeau additionally argued that a differentiated, higher census for the senate would truly reflect the contrasting roles of the chambers. Ivi, Lebeau, 18/12/1830, vol. 1, p. 545; ivi, Lebeau, 17/12/1830 vol. 1, p. 530.
- ⁸⁴ P. Raxhon, *Mémoire de la Révolution française de 1789 et Congrès National belge (1830)*, in «Belgisch Tijdschrift voor Nieuwste

- Geschiedenis», n. 1-2, 1996, pp. 74-75.
- ⁸⁵ Jaume, *Le libéralisme* cit., p. 392, footnote n. 23; B. Garsten, Representative government and popular sovereignty, in I. Shapiro, S.C. Stokes, E. J. Wood, A.S. Kirshner (edited by), *Political Representation*, Cambridge, Cambridge University Press, 2009, p. 92; S. Holmes, *Benjamin Constant and the Making of Modern Liberalism*, New Haven, Yale University Press, 1984, pp. 84-87.
- ⁸⁶ J.-F. Spitz, *Républicanisme et libéralisme dans le moment révolutionnaire*, in «Annales historiques de la Révolution Française», CCCLVIII, n. 4, 2009, p. 25. See also S.K. Vincent, *Benjamin Constant and Constitutionalism*, in «Revista de Historia Constitucional», n. 16, 2015, p. 21, footnote n. 11.
- ⁸⁷ Constant, *De la liberté* cit., pp. 278-279.
- ⁸⁸ Fontana, *The Thermidorian republic* cit., 129-130.
- ⁸⁹ Constant, *De la liberté* cit., pp. 282-283; Constant, *Principles* cit., pp. 228, 332. See also L. Jaume, "Problèmes du libéralisme. De Mme de Staël à Tocqueville", *Droits*, 30 (2000), p. 156.
- ⁹⁰ Constant, *Principles* cit., p. 399.
- ⁹¹ Constant, *De la liberté* cit., p. 285. See also A. Jainchill, *The importance of republican liberty in French liberalism*, in Geenens, Rosenblatt (edited by), *French Liberalism* cit., pp. 73-89.
- ⁹² De Staël, *Considerations on the Principal Events of the French Revolution* (1818); Fr. tr. *Considerations sur le principaux événements de la Révolution Française*, A. Craiutu (edited by), Indianapolis, Liberty Fund, 2008, p. 668; de Staël, *Des circonstances* cit., pp. 93-94; Constant, *De la liberté* cit., p. 285. See also L. Lacchè, *Coppet et la percée de l'État libéral constitutionnel*, in Jaume (edited by), *Coppet, Creuset de l'Esprit Libéral. Les idées politiques et constitutionnelles du groupe de Madame De Staël*, Economica, Paris, 2000, p. 146.
- ⁹³ Huyttens, *Discussions* cit., Van Meenen, 9/07/1831, vol. 3, p. 556. See also his article "Droit Public. Article 6. Constitution. (Suite 3.)" in *L'Observateur politique, administratif, historique et littéraire de la Belgique par une société de jurisconsultes et d'hommes de lettres*, Brussels, De Mat, 1815, vol. 1, pp. 29-40, esp. p. 40: «Si la liberté politique est une des principales garanties de la liberté civile et individuelle, ce n'est que là où celle-ci existe: elle ne lui donne pas l'être; elle l'en reçoit elle-même et le perd avec elle».
- ⁹⁴ Ivi, De Foere, 26/12/1830, vol. 1, p. 656; ivi, de Robaulx, 22/01/1831, vol. 2, p. 232, footnote (1); ivi, Seron, 03/03/1831, vol. 2, p. 651.
- ⁹⁵ Ivi, Van Meenen, 14/12/1830, vol. 1, p. 429. The potential oppression of the representative majority made Devaux even reflect on the choice for a non-catholic monarch as an extra institutional fail-safe against a catholic majority. Ivi, Devaux, 12/01/1831, vol. 2, p. 129.
- ⁹⁶ Ivi, Blargnies, 13/12/1830, vol. 1, pp. 408-409. See also Ivi, De Gerlache, 24/12/1830, vol. 1, p. 629.