



NATIONAL RESEARCH UNIVERSITY
HIGHER SCHOOL OF ECONOMICS

Sergey Matveev

THE PROBLEM OF SOVEREIGNTY IN THE LIBERAL CONSERVATISM OF FRANÇOIS GUIZOT

BASIC RESEARCH PROGRAM

WORKING PAPERS

SERIES: HUMANITIES
WP BRP 63/HUM/2014

*Sergey Matveev*¹

THE PROBLEM OF SOVEREIGNTY IN THE LIBERAL CONSERVATISM OF FRANÇOIS GUIZOT²

The problem of sovereignty is one of the key issues of political philosophy as it prompts a key political question: “Who has the supreme state power?” Who is sovereign: the people, the representation, the monarch or God? The research of this topic was one of the most popular and fruitful areas in political philosophy of the 19th century. In his meditations on sovereignty François Guizot was seeking answers to specific questions, such as the causes of decline of the Revolution and the fall of the Napoleonic Empire, the fate of the Bourbon dynasty and vitality of the 1814 Charter. An examination of Guizot’s sovereignty conception would help to reconstruct an important part of political theory of this thinker, shed light on the philosophical roots of French liberalism, demonstrate the ideology’s relation to democratic tradition and reveal complex thinking concerning the status of the sovereignty problem in political practice.

Keywords: François Guizot, sovereignty, liberal conservatism, politics, power, society, democracy

JEL Classification: Z

¹ National Research University the Higher School of Economics (Moscow, Russia). The Poletaev Institute for Theoretical and Historical Studies in the Humanities (IGITI). Research assistant; Email: SMatveev@hse.ru

² This study (research grant № 13-05-0037) was supported by The National Research University – Higher School of Economics’ Academic Fund Program in 2013-2014.

The problem of sovereignty is rarely touched in the works of contemporary political theorists; however, it occupied a central position in the political thought of post-Napoleonic France. The research of this topic was one of the most popular and fruitful areas in political philosophy of the 19th century. Its attraction for scholars corresponded to the level of its relevance in post-revolutionary conditions. Out of scholasticism it stepped into the arena of ideological and political clashes, whose³ participants were seeking answers to specific questions, such as the causes of decline of the Revolution and the fall of the Napoleonic Empire, the fate of the Bourbon dynasty and vitality of the 1814 Charter.

The causes of weakening interest in the sovereignty problem are complex and diverse. Half a century ago, Jacques Maritain in his *Man and the State* noted that “no concept produced so many opposite points of view and led jurists and political theorists of the 19th century into such a hopeless deadlock as did the sovereignty concept”.⁴ Maritain predicted the disappearance of the sovereignty problem from political philosophy of the late twentieth century. This would happen not because it became obsolete and did not correspond to realities, not because of the dead-end disputes it produced, but because of the fact that, being considered in its original meaning and in the context of the scientific sphere it belonged to, this concept (as well as the problem) was wrong, in fact, and was destined to disorient philosophers if they kept using it in the belief that this concept had been long and too broadly used to reject it.⁵ The sovereignty problem does not have a solution, as it is impossible to find the real sovereign – be it a monarch, a people, or any other subject. The emergence of any real sovereign would lead to tyranny, whether in the name of a monarch or a nation.

Jean Bodin, the founder of the contemporary sovereignty theory, denied the secular power the right to possess “over-secular” sovereignty, though admitted that the king is a sovereign for his subjects. According to Bodin, a sovereign is not a part of the people or a political society, but is morphed into a transcendental whole, that is his sovereign living being, and by means of which the management of another whole, the immanent whole or a political society, is being performed. When Bodin says that the sovereign represents the image of God, this idea should be understood in all its fullness; it means that the sovereign is subordinate to God but responsible only to Him – beyond the political whole, just like God outside the universe.⁶

³ Yu.A. Krasheninnikova, Publichnost i parlamentarizm v politicheskoi teorii F.Guizot // Polis (Politicheskie issledovaniya). 2002. №3 (68). P. 164–165.

⁴ J. Maritain. *Man and the State*. M., 2000, P. 35

⁵ Ibid. P. 36.

⁶ Ibid. P. 37–42.

The “sovereignty” concept was ultimately formed during the rise of the absolute monarchy in Europe. Whereas in the Middle Ages the king was merely a suzerain of suzerains, each of which enjoyed own rights and power, the Early Modern Period gave to philosophy the theory of the divine rights of kings. Because people agreed with the cornerstone right of the king’s power and let his successors govern it, it lost any right for self-governance, thus the natural right to rule a political society was fully granted to the king since then. In this way, the king was entitled to the supreme power which was natural and unalienable to such a degree that the dethroned kings and their successors kept this right for life, completely regardless of their subjects’ will. Such was the way that the solid foundation of royal sovereignty gave birth to the principle of legitimism that would play a tremendous role in political philosophy and statehood of post-Napoleonic France.

Thomas Hobbes wrote that the consent of irrational beings is determined by nature while “the agreement of these creatures is Natural; that of men, is by Covenant only, which is *Artificiall*: and therefore it is no wonder if there be somewhat else required (besides Covenant) to make their Agreement constant and lasting; which is a Common Power, to keep them in awe, and to direct their actions to the Common Benefit [...] And he that carryeth this Person, as called SOVERAIGNE, and said to have Sovereign Power; and every one besides, his SUBJECT.”⁷

The “sovereignty” concept was introduced into emerging democracy by Jean Jacques Rousseau. He claimed that the Social Contract “gives the body politic absolute power over all its members also; and it is this power which, under the direction of the general will, bears, as I have said, the name of Sovereignty.”⁸

The reconstruction of François Guizot’s conception of sovereignty would help recreate an important part of the thinker’s political theory, shed light on the philosophical roots of French liberalism, demonstrate the ideology’s relation to democratic tradition, and see a complex reflection concerning the status of the sovereignty problem in political practice.

Guizot touches upon the sovereignty problem in three treatises written in different political conditions and at different stages of the philosopher’s life. The first essay, *Political Philosophy: On Sovereignty*⁹, is entirely dedicated to the above issue. Guizot never finished it. For a long period of time it had been held in the archives of the Val-Richer Abbey and was first published by Pierre Rosanvallon in 1985. The philosopher meditates on sovereignty in his essay,

⁷ T. Hobbes. *Leviathan M.*, 2001. P. 68.

⁸ J.-J. Rousseau. *Of the Social Contract or the Principles of Political Right*. // Rousseau, J.-J. *Politicheskie sochineniya*, St. Petersburg, 2013. P. 118.

⁹ F. Guizot. *Political Philosophy: On Sovereignty* // *Klassicheskiy frantsuzski liberalism*. M., 2000. P. 507–588.

*On Democracy in France*¹⁰, that he wrote in January 1849, shortly after his resignation and the 1848 Revolution in France. The most balanced outlook of the problem is presented in his historico-philosophical treatise, *Three Generations: 1789–1814–1848*¹¹, as well as in his memoirs¹².

Many contemporary reference books on philosophy lack a definition of the concept of “sovereignty.” More preferable for philosophers is the approach of Carl Schmitt who wrote that “sovereignty is the supreme involuntary power of the ruler”¹³, while the sovereign stands beyond the normally operating rule of law, yet he still belongs to it as it is in his competence to decide whether to suspend the constitution in *toto*, or not.¹⁴ The problem of the supreme power, according to Schmitt, is always a question of who the sovereign is. “Is only God sovereign, that is the one who in the earthly reality acts as His representative without meeting opposition, or an emperor or a ruling prince, or the people, i.e. those who, without meeting opposition, can identify themselves with people; the question is always about the subject of sovereignty, i.e. on the application of the concept to a specific situation.”¹⁵ In the intellectual space of the 19th century France existed several interpretations of justification of the supreme power: the traditionalist model by Joseph de Maistre and Louis de Bonald; Jean Jacques Rousseau’s conception of the sovereignty of the popular will, further developed by Benjamin Constant; and the liberal theory of the sovereignty of the abstract law. Guizot’s position was closer to the latter option as he was not concerned about the problem of reality of the supreme power subject.

Just as with many other questions, Guizot begins to consider sovereignty by reviewing the history of the problem, revealing a historical existence of different forms of this phenomenon: “With regard to governance, our fathers saw the divine right of kings rising on the ruins of the right of the strongest; we ourselves witnessed the sovereignty of people being proclaimed on the ruins of the divine right of kings. By rejecting the former master, people did not lose hope to eventually get the ruler who would not lose power and who they would have neither need nor right to overthrow.”¹⁶ Guizot criticizes traditionalists and partisans of the popular will for logical imperfection of their conceptions: “When people intended to justify the sovereignty of kings, they said that kings are the image of God on the earth. When they wanted to justify popular sovereignty, it was announced that *vox populi, vox dei*.”¹⁷

¹⁰ F. Guizot *De la démocratie en France*. Paris, 1849.

¹¹ F. Guizot *Trois générations, 1789–1814–1848*. Paris, 1963.

¹² F. Guizot *Mémoires*. Vol. 1–8. Paris, 1858–1867.

¹³ C. Schmitt. *Political Theology*. M., 2000. P. 16.

¹⁴ *Ibid.* C. 17.

¹⁵ *Ibid.* P. 21–22.

¹⁶ F. Guizot. *Political Philosophy*.... P. 508.

¹⁷ *Ibid.* P. 514.

In admitting God to be the only sovereign, Guizot in fact deprives sovereignty of the real subjectivity. The political explanation of this is obvious: the doctrinarian centrist was guided by the goal of eliminating the threat of legitimization of tyranny both from the “right” and from the “left.” He admits that “because no authority in this world is and cannot be what it ought to be, no one has the right to call himself a sovereign.”¹⁸ Indeed, acknowledging any real subject as a sovereign would mean recognition of his absolute power and impeccability, that is the reification of symbols. Criticizing theories which reify sovereignty, Guizot concludes: “...one should deny the existence of any sovereignty on the earth; or, if it does exist, we must pay due respect to it, give up any resistance and submit.”¹⁹

According to Guizot, no absolute power can be legitimate as it potentially suggests arbitrary rule, hence, there can be neither sovereignty, nor a sovereign on the earth.²⁰ Neither the people (or its representatives), nor a monarch would claim involuntary authority and exist beyond the normally operating rule of law. If man, by nature, is imperfect and subject to misapprehension, no impeccable and perfect authority, vested with *sovereignty by right*, can either fall into the hands of man or come out of the depths of human society. However, according to Guizot, neither people nor their rulers wished to acknowledge this fact: some endlessly sought protection of the absolute legitimate power, while others sought sovereignty by right, and, with it, unrestricted legitimacy that does not depend on anyone.²¹

Thus Guizot challenges the fundamental attribute of human (false) sovereignty – its absoluteness. This follows in the footsteps of Benjamin Constant, who claimed that “with the word “absolute,” neither liberty, nor, as we will see subsequently, peace, nor happiness, is possible under any institutional arrangements.”²² According to Constant, “no authority on the earth is unlimited – neither the rule of the people, nor the rule of individuals naming themselves its representatives, nor the rule of kings, under whatever name they governed, nor the rule of law, which, depending on the form of government, being merely the expression of the popular will or a sovereign, must stay within the same boundaries as does the authority it stems from.”²³

Guizot translates the problem of uniform sovereignty into pure abstraction, claiming that the only legitimate by nature is reason, truth, justice or, “saying in language, more appropriate to philosophy, this is the unshakable Being, whose laws are reason, truth, justice.”²⁴ At the same

¹⁸ Ibid. P. 517.

¹⁹ Ibid. P. 526.

²⁰ Ibid. P. 517.

²¹ Ibid. P. C. 515.

²² B. Constant. Principles of Politics Applicable to all Representative Governments // Klassicheskiy frantsuzskiy liberalism. M., 2000. P. 32.

²³ Ibid. P. 33.

²⁴ F. Guizot. Political Philosophy... P. 509.

time, the thinker states that these categories are comprehensible for man: "...if man had not been able to comprehend the truth, he would have never known that he can be wrong, so the concept of mistake alone is evidence of the fact that man is capable of learning the truth."²⁵ Guizot further develops the conception of Jacques Necker who said that "real sovereignty belongs only to eternal reason and justice."²⁶

Eighteenth century enlighteners, who glorified the cult of reason, changed only the source of sovereignty, but did not challenge the absolute power principle. For Rousseau, the sovereign is impeccable, therefore, a decision reached by society after a discussion, making all subjects accountable before the sovereign "binds the Sovereign to itself; and that it is consequently against the nature of the body politic for the Sovereign to impose on itself a law which it cannot infringe."²⁷

Rousseau's sovereign is real, single, but composed of many individuals, therefore he "neither has nor can have any interest contrary to theirs; and consequently the sovereign power need give no guarantee to its subjects, because it is impossible for the body to wish to hurt all its members."²⁸ Guizot is outraged with the easiness with which Rousseau, who didn't know, of course, the darkest days of the French Revolution, endues popular sovereignty with "impeccability that is only capable of legitimizing it."²⁹ The great Genevese does not deny the sovereign the absoluteness and reality: "The Sovereign, merely by virtue of what it is, is always what it should be."³⁰ As he reads these lines, Guizot exclaims: "What a surprising shyness even in the times of great bravery! Rousseau didn't dare to deliver the final blow on human pride and say that [...] no one in this world [...] has the right to call himself sovereign."³¹

Guizot urges to give up endless search for the sovereign on the earth because any such sovereign would be a tyrant. But the thinker believes that man is in instant and absolute need of power: "This is a demand for the actually existing ultimate power, which, whether in general form, or in any particular case, makes a final decision and demands obedience."³² In other words, there must be laws, subject to compulsory implementation, and opinions based on which decisions are being made. When we talk about human deeds, then searching for the truth must have a goal, resistance must have a limit and the will must have an incontestable ruler. In the

²⁵ Ibid. P. 510.

²⁶ A. Craitu. *Liberalism Under Siege: The Political Thought of the French Doctrinaires*. Oxford, 2005. P. 128.

²⁷ J.-J. Rousseau. *Op. cit.* P. 129.

²⁸ Ibid. P. 130.

²⁹ F. Guizot. *Political philosophy...* P. 516.

³⁰ J.J. Rousseau. *Op. cit.* P. 130.

³¹ F. Guizot. *Political philosophy...* P. 517.

³² Ibid. P. 512.

opinion of Guizot, such are the conditions of human existence – a short period of human life, and immediacy of needs.

Through the problem of sovereignty, Guizot comes to the division of powers principle. Factual sovereignty, no matter where it exists, is subject to division, which is necessary to prevent usurpation of power and bring people under the rule of “the only legitimate sovereign” (reason, truth, justice). Factual sovereignty is thought of as a fruit of effort, “a result of approach and collision of powers, equal and capable of making one another jointly search for the truth in order to unite only in its womb.”³³ In contrast to Montesquieu,³⁴ Guizot concentrates not on the balance of powers, calling this idyl “an empty word” and “chimera,” but on their struggle and work. Wise management of this struggle with the purpose of merging powers “in the womb of genuine unity” is a hard task fraught with the danger of one branch of power gaining excessive supremacy over another.³⁵

Admitting the reciprocal limitation of power within the real sovereignty, Guizot calls into question the second important attribute of human sovereignty – unity. Again, the thinker agrees with Constant, who was convinced that “until sovereignty remains unlimited, there is no way to secure individuals from the rule.”³⁶

Disagreement between Constant and Guizot (between liberalism and liberal conservatism) begins on the point of popular sovereignty (democracy). For Constant, “supremacy of the common will over any individual will”³⁷ is an important, indisputable and unshakable principle. Constant cautions with conservative arguments of opponents of popular sovereignty, noting that during the Restoration period attempts were made to malign the popular will principle “and all maladies it causes, and all crimes committed under pretext of implementing the common will give visionary strength to speculations of those who want to determine the source of might of governments.”³⁸ However, admitting popular sovereignty *per se*, Constant urged the restriction of it, believing that philosophers who conferred unlimited powers to popular sovereignty were wrong.³⁹ Nevertheless, Constant, following Montesquieu, believed that the rule of a small group of most prepared people, “sanctioned by the general consensus”, could grow into the common will. In other words, the universal suffrage is a sufficient filter to realize popular sovereignty and ensure the highest legitimacy of power.

³³ Ibid. P. 537.

³⁴ C. Montesquieu. *The Spirit of the Laws* Vol. 1. St. Petersburg, 1839. P. 280.

³⁵ Ibid. P. 539.

³⁶ B. Constant. *Op. cit.* P. 32.

³⁷ Ibid. P. 26.

³⁸ Ibid.

³⁹ Ibid. P. 28.

Guizot could not agree with this view. Joining the numerical majority is not the best form of legitimacy. Guizot believed that political theoreticians had driven themselves to a nonplus when trying to once and for all make a choice between universal suffrage and the lack of it. “Some totally denied the voting right, though they had no intention of destroying freedom. Others advocated the general voting right, though had to continually refute themselves.”⁴⁰ The error of such an approach is that its authors suggested a numerical majority always or never is the best proof of the legitimacy of power. In Guizot’s opinion, all of this is conditional and depends on the different repetition in which man and society find themselves.⁴¹ He maintains that the extent of application of the voting right should incessantly vary “because this right legally belongs to capability.”⁴² In other words, the voter corps will expand depending on the growth of educated and fulfilled persons, or as Guizot defined it, the middle class.

In realistic policy, Guizot’s sovereignty theory meant renunciation of expanding the voter corps with the purpose of non-admitting to political life of unprepared social classes who do not have property and education. Guizot, like all Orleanists, opposed the idea of popular sovereignty as in practice it boiled down to the “town square sovereignty” and individual sovereignty, or anarchy. Such sovereignty is based on simple force, being, in fact, a form of absolute power. It knows no rules, limits, constitution, laws, good, evil, past and future. Guizot’s mentor and ally, Royer-Collard, said, “Claims of a most capricious and crazy tyranny do not go as far as do claims of popular sovereignty, for there is no tyranny that would be so much free from responsibility.”⁴³ The collective subject is the most unprincipled and irresponsible politician who can bring a tyrant to power. The Napoleon monarchy is such an example.

A critical view of popular democracy was commonplace in the ideology of doctrinaires and was rooted in the experience of the French Revolution. Guizot and his fellow-thinkers, during philosophical discussions and parliamentary debates, often exemplified the darkest days of the Revolution in their critic of democratic ideas. They regarded the Jacobin terror as a direct consequence of implementing the popular sovereignty principle, which then transformed itself into a new form of tyranny. The fall of the Old Order proved illegitimacy of the divine right of kings, while the Terror challenged popular sovereignty. Opponents often accused Guizot of predictability in his anti-democratic arguments to which he parried a question: “How many times

⁴⁰ F. Guizot. *Political philosophy...* P. 578.

⁴¹ *Ibid.* P. 579.

⁴² *Ibid.* P. 584.

⁴³ V.A. Butenko. *Liberalnaya partiya vo Frantsii v epokhu Restavratsii*. Vol. 1. St. Petersburg, 1913. P. 336.

should 1793 repeat itself for you to understand the insolvency of popular sovereignty?”⁴⁴ All precautions against limitless power would be pointless if sovereignty was not divided.

In Guizot’s opinion, it is not popular or monarchic sovereignty that must reign a society, but a sovereignty that is mobile and immortal – the sovereignty of reason, “the only genuine lawmaker of humankind.” One year after his forced resignation, Guizot wrote: “Democratic idolatry (*l’idolâtrie démocratique*) is the greatest of evils that corrupt and destroy governments and freedoms, human dignity and happiness of [people]”⁴⁵. Fourteen years on, the philosopher used more moderate words and admitted that democracy could play a certain role “only through the agency of the royal power”⁴⁶. The thinker admitted that “democracy has more rights and plays a significant role in the contemporary world, more than in any other epoch, at least in big states.”⁴⁷ But this political form has little in common with popular sovereignty, and is still not the only possible, let alone best, option. Democracy is like “juice flowing up the tree from roots to branches but it is not a tree with its flowers and fruits. It is like a wind that fills the sails and drive ships forward, but it is neither the sun that lights the road, nor a compass that navigates them. Democracy has the spirit of progress but it lacks the gift of preservation and precaution. She gets easily excited and is lavish with words on the prospects of freedom, but in her intoxication she falls an easy prey of charlatans flattering her, after which she gets tyrannically outraged with freedoms she doesn’t like. She gets easily excited but resists too weakly. She is more likely to destroy than preserve.”⁴⁸ Democracy is deceitful as it makes empty promises of universal happiness and welfare. Democracy is immoral as it appeals to the rights of the darkest part of society.⁴⁹ Guizot attributed a temporary success of democracy to the “fatal mistakes of civilization”⁵⁰, mortal for humankind⁵¹.

Guizot points to a gradual conceptual substitution of the notion, “democracy.” Through the course of time, democracy has become interpreted as equal opportunities, including the participation in government, but not as direct popular rule. Political freedom is characteristic not only of democracy alone. What prevented citizens (in the times of Orleanism) from making efforts to overcome property and educational qualifications? There “didn’t exist any aristocratic privileges”, “all careers were open”, “taxes applied to everyone, with individual freedoms guaranteed to all”? Orleanism (liberal conservatism) did not promise universal equality, but it

⁴⁴ A.Craitu. Op. cit. P. 126.

⁴⁵ F. Guizot. De la démocratie en France... P. 2.

⁴⁶ F. Guizot. Trois générations... P. 20–21.

⁴⁷ Ibid. P. 210.

⁴⁸ Ibid. P. 211–212.

⁴⁹ Ibid. P. 212.

⁵⁰ Ibid. P. 21.

⁵¹ Ibid. P. 24.

was neither guaranteed by “democracy”⁵², which, as it evolves, evades the realization of the popular sovereignty principle.

Before Guizot, sovereignty was interpreted as something inherent in any form of government. Specifically, Rousseau, idealizing “the natural state,” suggested that in this state everyone was a sovereign for himself, while humankind was not divided into “so many herds of cattle, each with its ruler, who keeps guard over them for the purpose of devouring them.”⁵³ The lack of sovereignty concentrated in one set of hands drove the great Genevan to consider primitive society as an example of freedom and happiness. Guizot believed that if the sovereign had not existed, anyone could have been a sovereign: “What’s more, he would have been a sovereign not only for himself, but against all others, with inescapability of brute force and all caprices of will unrestricted by anything.”⁵⁴

According to Guizot, forms of government exist separately from sovereignty, for they are associated with human life, while sovereignty is an eternal category. Government and sovereignty were always confused, sometimes divided, but the nature of sovereignty was always forgotten and, separated from government, it was assigned to various authorities or certain forces that are in no way entitled to it.⁵⁵

Analyzing the balance of sovereignty and power in retrospect, Guizot notes that in the first political communities, sovereignty was understood as an integral whole; it was manifested as the right of the strongest that reigned single-handedly for centuries. The weakest found themselves outside society. However, even sovereignty was not concentrated anywhere, no popular government was vested with it, but every individual enjoyed it in their habitat. The isolation and independence of individuals generated a sovereignty of the strongest, who began to apply their right as extensively as their power allowed them to do.⁵⁶ The lack of a single sovereignty concentrated in one set of hands drove Rousseau, and the liberal-democratic tradition that followed him, to consider the initial stage of social development as an example of happiness and freedom. Criticizing the liberal democracy of Rousseau’s followers, Guizot writes that they lamented the initial independence of man, forgetting that if there were not a single sovereign, anyone could be a sovereign.⁵⁷

Guizot’s liberal conservatism gives preference to sovereignty, which, after being concentrated, gained strength and was “less absurd and less burdensome.” Ultimately the

⁵² Ibid. P. 208–209.

⁵³ J.-J. Rousseau. Op. cit. P. 118.

⁵⁴ F. Guizot. Political philosophy... P. 518.

⁵⁵ Ibid. P. 517.

⁵⁶ Ibid. P. 518.

⁵⁷ Ibid.

sovereignty became confused with government and sometimes with the personality of the head of state. In an absolutist state, sovereign and government became one. “Government proclaimed itself vested with initial and unalienable sovereignty nobody had the right to control. And people themselves thought in the same way.”⁵⁸ Even though Guizot considered this situation to be significantly better than the old anarchy, the thinker admitted that such an understanding of sovereignty was erroneous.

The philosopher was convinced that government is neither the product of force, nor the result of a contract, whereas a social contract, binding people with the laws of justice and truth, is not the result of man’s creativity, nor are the laws themselves: “This is the divine contract, into which by the hand of the Almighty are inscribed the rules of all human relations, He sets mutual obligations between government and society precisely by virtue of what is supreme in relation to both of them.”⁵⁹ The thinker substantiates it with the following logical argument: man has no power to breach this contract or forget it for a long time without being punished.⁶⁰

Guizot makes no effort to make his own classification of forms of government, which many political philosophers had tried to do before him. What is more, he believes that any such classification would be arbitrary and deceitful as it is based on certain features and distinctions that were alternately sought in the forms of government or some of its manifestations. Such was the way monarchy, aristocracy, democracy was made: “...all these names not so much reveal the principle as they reflect the facts; they are borrowed from the external form of government, not affecting its internal nature and its laws.”⁶¹ Many philosophers, Montesquieu in particular, were attempting to solve this problem purely theoretically. Unlike his predecessors, Guizot thinks historically. While for Montesquieu, the principles of monarchy, despotism and republic are manifested in different times in different countries, for Guizot there exist only specific historical circumstances constructing some or other political forms, similar only in form.

The philosophical problem of sovereignty is closely associated with the principle of legitimacy, as determining the nature of a sovereign might help find the source of legitimacy of power, while “legitimate power was always man’s goal.”⁶² Many biographers referred young Guizot to the adherents of Charles Maurice de Talleyrand and François Rene de Chateaubriand, who claimed that the legitimacy of the royal power is “a protective stronghold for the peoples” and for this very reason it “must be sacred.” While Talleyrand speaks about legitimacy in general, regardless of the form of government (“Under legitimate power, be it monarchic or republican,

⁵⁸ Ibid. P. 519.

⁵⁹ Ibid. P. 525.

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² Ibid. P. 512.

heritable or electoral, aristocratic or democratic, its very existence, form and way of rule are reinforced and sanctified by a long vistas of years.”⁶³), Chateaubriand speculates only on the legitimacy of monarchy in general, and the French monarchy in particular.⁶⁴

Indeed, Guizot favored the idea of restoring the Bourbon dynasty in 1814, but his conception of legitimacy, being an essential part of political theory, significantly differed from the theories of his predecessors. Firstly, it was bound with the problem of sovereignty: insofar as no human power, by nature, can enjoy the plenitude of sovereignty, no power would equally claim to unalienability, i.e. it “cannot claim that its fall will not be legitimate in any case.”⁶⁵ To exemplify legally overthrown governments, Guizot makes historical references: “Were indeed so wrong the brave Rütli confederates who liberated Switzerland from the Austrian yoke? [...] Was indeed so unlawful their fight against [despotism of Robespierre] and replacing it with another type of rule?”⁶⁶ Guizot is convinced that one must defend the right of power, but only the right of its origin rather than the right of its actions.⁶⁷ Recognizing the existence of “legitimate and necessary” revolutions, Guizot, nevertheless, regarded them as exclusions from practice, urging parliament (in January 1848) to “restrict them as much as possible.”⁶⁸

Secondly, Guizot’s conception suggests potential legitimacy of any state system, not only monarchy, under which political legitimacy manifests itself in specific and more obvious form. However, its underlying principle and its consequences are encountered in all societies and government systems: “This trait is to be found everywhere, in any form whatsoever, connected with any institution.” In monarchy, it is assigned to the throne, in republic to the constitution.”⁶⁹ The very nature of humans gave birth to legitimism, which pervades all government systems, but only the best of them keep legitimacy (in a contemporary society this is exercised through voting).⁷⁰

Following Locke (*Treaties to Defend the Glorious Revolution of 1866*), Guizot acknowledges the right to rebellion, “Be it an old or new tyranny and whatever its opponents might me, under whatever strikes it might fall, its collapse was as legitimate as their resistance, for resistance, like any power, draws its right from its moral legitimacy...”⁷¹ But Guizot’s position clearly betrays his attitude towards the French Revolution and anti-democratism. Firstly, he reminds that resistance is connected with unlawful actions, whereas the cases it is deemed

⁶³ C-M. Taleyrand. *Memoires*. M., 1959. P. 295.

⁶⁴ F.A. Chateaubriand. *De Buonaparte, des Bourbons*. Paris, 1814. P. 6-8.

⁶⁵ F. Guizot. *Political philosophy...* P. 540.

⁶⁶ *Ibid.*

⁶⁷ *Ibid.*

⁶⁸ F. Guizot *L’Histoire parlementaire de la France*. Vol. 5. Paris, 1864. P. 539.

⁶⁹ F. Guizot. *Political philosophy...* P. 541–542.

⁷⁰ *Ibid.* P. 545.

⁷¹ *Ibid.* P. 541.

necessary are “rare and regretful.”⁷² Secondly, Guizot maintains that this right cannot be usurped once and forever by any will, including the popular will: “If it is really proved – and this is not the case as yet – that the power mastering the fates of nations is in the people itself, that is, in the majority, people will receive from it no right to rebel against its government and change it in accordance with the whims of their own will.”⁷³

Guizot, one century before Maritain, believed that in politics the concept of “sovereignty” might be used inappropriately. Because, ultimately, no world power is the image of God (Reason), nor does it represent God. Neither a monarch, nor people can enjoy sovereignty. Guizot challenged two key attributes of real (human) sovereignty – its absoluteness and oneness. The idea that the source of legitimate power is beyond the real world, while the supreme power having no political nature goes back to Jean Bodin. This doctrine laid the basis for the traditional representation of the monarch as the holder of absolute power of God on the earth. In this sense, Guizot is closer to the original concept of sovereignty. Due to this reference to non-political authority, liberal conservatism comes closer to traditionalism.

Bibliography

- F. Guizot. Political Philosophy: On Sovereignty // Klassicheskiy frantsuzski liberalism / F. Guizot.; [transl. from the French by M.M.Fedorova] // Klassicheskiy frantsuzski liberalism. – M.: ROSSPEN, 2000. – 3. 507-588.
- T. Hobbes. Leviathan or The Matter, Forme and Power of a Common Wealth Ecclesiasticall and Civil / T. Hobbes [transl. from the English by A.Cheskis] – M., ROSSPEN, 2001. – 316 P.
- B.Constant. Political Principles Applicable to all Governments. M., 2000. P. 32. / B.Constant.; [transl. from the French by M.M.Fedorova] // Klassicheskiy frantsuzskiy liberalism. – M: ROSSPEN, 2000. – P. 23-258.
- Yu.A. Krashennnikova, Publichnost i parlamentarism v politicheskoi teorii F.Guizot // Polis (Politicheskie issledovaniya). 2002. №3 (68). P. 163–173.
- J.Maritain. Man and the State [transl. from the French by T.Lifintseva] M., Idea Press 2000, P. 196.
- Montesquieu. The Spirit of the Laws [translated from the French] Vol. 1. St. Petersburg, 1839. - 412 P.

⁷² Ibid. P. 548.

⁷³ Ibid.

- J.-J. Rousseau. *Of the Social Contract or the Principles of Political Right.* // Rousseau, J.-J. *Politicheskie sochineniya* [transl. from the French by V.V.Nekrasov, S.V.Zanin, I.A.Isaev (Ed.) St. Petersburg, Rostok P. 116-239.
- C. Taleyrand. *Memoires* [translated from the French] – M., Izdatelstvo instituta mezhdunarodnykh otnosheniy, 1959. – 440 P.
- C.Schmitt. *Political Theology.* [translated from the German, A.F.Filippov (Ed.)] M., KANON-Press 2000 – 336 P.
- The Blackwell Encyclopaedia of Political Thought* / by Miller D., Coleman J., Connolly W., Ryan A. (Eds.). Oxford, 1987.
- V. Butenko *The Liberal Party in France during the Restoration. Vol.1. 1814-1820.* Moscow, M.Stasiulevich Publishing House, 1913. (V.A.Butenko. *Liberalnaya partiya vo Frantsii v epokhu Restavratsii. Vol. 1.* St. Petersburg, Tipographis Staiulevicha 1913.)
- F.A.Chateaubriand *De Buonaparte, des Bourbons.* – Paris: Mame frères, 1814. – 88 P.
- A.Craitu *Liberalism Under Siege: The Political Thought of the French Doctrinaires.* Oxford: Lexington Books, 2005. 337 P.
- F.Guizot. *Mémoires pour servir à l’histoire de mon temps.* 8 vol. P.: M. Lévy, 1858-1867.
- F.Guizot. *De la démocratie en France.* Paris: Masson, 1849.
- F.Guizot. *Trois générations, 1789–1814–1848.* Paris: M. Lévy, 1963.
- F.Guizot. *L’Histoire parlementaire de la France. Vol. 5.* Paris: M. Lévy, 1864.

Sergey R. Matveev

The Higher School of Economics (Moscow, Russia). The Poletayev Institute for Theoretical and Historical Studies in the Humanities (IGITI). Research assistant. E-mail: SMatveev@hse.ru

Tel. +7 (495) 621-46-93

Any opinions or claims contained in this Working Paper do not necessarily reflect the views of HSE.

© Matveev, 2014