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Fernanda Gallo

A Transnational Perspective on Constant's *Commentaire sur l'ouvrage de Filangieri* and the Risorgimento, 1826–1860¹

The *Commentaire sur l'ouvrage de Filangieri* was Benjamin Constant's first work translated in Italian, published for the first time in Livorno in 1826 and followed by 7 Italian editions in 15 years (1826-1841) and a last one in 1855. Considering that the book was indexed in 1827, Ticino's presses played a fundamental role in the majority of the editions, in particular the Elvetica press in Capolago. This work firstly describes the circulation of the different editions between Switzerland and Italy; secondly it focuses on the *Commentaire* through Constant's interpretation of religion and his criticism of Filangieri, bearing in mind the relationship between political liberty and religion in both authors. Considering the circulation of the *Commentaire* in Italy during the Risorgimento, the final aim of the paper is to demonstrate that Constant's idea of religion was quite influential on Risorgimento political thought and helps us to understand why Italian patriots, who were often religious people, were usually against the power of the Catholic Church.

Although the *Commentaire sur l'ouvrage de Filangieri* is probably one of Benjamin Constant's most neglected books, it has also been considered the work that represents, together with the *Principes de politique*, the synthesis of his political thought.² Stephen Holmes has maintained that it should be regarded as “a yardstick by which to gauge Constant's mature views”,³ and Kurt Kloocke has stated that it is the boldest and most complete exposition of his political doctrine.⁴ It was published in two

1 This work was supported by the Swiss National Science Foundation under the Sinergia grant “Milan and Ticino (1796–1848). Shaping spatiality of a European Capital”. I wish to thank, in particular, Prof. Carlo Moos for his comments on this text.

2 Vittorio Frosini, Introduzione, in: Gaetano Filangieri, *La scienza della legislazione*, Frosini (ed.), Rome 1984, vol. 1, p. xviii.

3 Stephen Holmes, *Benjamin Constant and the Making of Modern Liberalism*, New Haven, London 1984, p. 269, n. 89.

4 Kurt Kloocke, *Benjamin Constant. Une biographie intellectuelle*, Geneva 1984.

volumes between 1822 and 1824 as a commentary on the Neapolitan jurist Gaetano Filangieri's *La scienza della legislazione*, published in Naples from 1780 to 1791.⁵ The international success of Filangieri's book is well known;⁶ indeed, between 1786 and 1791, there had already been a French translation of *La scienza della legislazione* by Jean-Antoine Gallois. For the third French edition, which appeared in Paris in 1822–24 with the title *Œuvres de G. Filangieri traduites de l'italien. Nouvelle édition accompagnée d'un commentaire par M. Benjamin Constant et de l'éloge de Filangieri par M. Salfi*,⁷ the publisher Dufart had commissioned Constant to write the *Commentaire*. This edition was published with the *Éloge* of the political Calabrian exile Francesco Salfi, who had reinterpreted Filangieri's work after the revolutions of 1820–21 in Cadiz, Turin and Naples, in the process highlighting its modernity.⁸ In this *Éloge*, Salfi mounted "a passionate defence of Filangieri's ideas precisely when Constant was claiming that the Neapolitan thinker could no longer furnish a modern polity with any useful solutions".⁹ Constant did indeed collaborate with the Neapolitan King Gioacchino Murat, supporting the latter's initiatives in favour of monarchical constitutionalism, but he did not look kindly on the republican nature of the 1821 Italian revolutionary movement and especially on the secret society of the Carbonari.¹⁰

Constant probably first read Filangieri's *La scienza della legislazione* at the beginning of the nineteenth century. Filangieri had attained some fame in France at the time: when his widow and two children were exiled to France, Bonaparte received them in Paris, showed them his copy of *La scienza della legislazione*, which was in

5 The Neapolitan writer had planned seven volumes but, because of his early death aged 36, in 1788, he only managed to write the first four volumes. In 1791, the index and a fragment from the fifth book, which is on religion, were published posthumously.

6 On this topic, see the very important introduction to the most recent edition of the *Commentaire* in Benjamin Constant, *Œuvres complètes. Commentaire sur l'ouvrage de Filangieri*, Kurt Kloocke, Michel Lutfalla and Antonio Trampus (eds.), Berlin 2012, vol. 26. See also Antonio Trampus, *La genèse du Commentaire sur l'ouvrage de Filangieri et son contexte dans la politique internationale des années 1820–1821*, in: *Annales Benjamin Constant* 36 (2011), pp. 51–60; Antonio Trampus, *La genesi e la circolazione della Scienza della legislazione. Saggio bibliografico in Rivista Storica Italiana*, 117 (2005), pp. 309–359; Antonio Trampus (ed.), *L'opera di Gaetano Filangieri e la sua fortuna europea*, Bologna 2005.

7 The first French edition appeared in Paris in seven volumes from the Cuchet press, and the second one, edited and checked, was printed in 1798 and was also divided into seven volumes. Gaetano Filangieri, *Œuvres de G. Filangieri traduites de l'italien. Nouvelle édition accompagnée d'un commentaire par M. Benjamin Constant et de l'éloge de Filangieri par M. Salfi*, Paris 1822.

8 Vincenzo Ferrone, *La società giusta ed equa. Repubblicanesimo e diritti dell'uomo in Gaetano Filangieri*, Rome, Bari 2003, p. 290.

9 Maurizio Isabella, *Risorgimento in Exile*, Oxford 2009, p. 144.

10 On the relationship between Constant and Murat, see Vincenzo Ferrone, *The Politics of the Enlightenment. Constitutionalism, Republicanism, and the Rights of Man in Gaetano Filangieri*, London 2012, pp. 176–195; Dennis Wood, *Benjamin Constant. A Biography*, London 1993, pp. 215–229.

his study, and said of Filangieri that “ce jeune homme, [est] notre maître à tous”.¹¹ It is unclear just how Constant became aware of Filangieri’s work, but we know that by 1803 he had already engaged with his ideas on religion, as demonstrated by notes published by Patrice Thompson in *Deux chapitres inédits de l’esprit des religions (1803–1804)*.¹² The most plausible hypothesis is that Gallois, the French translator of *La scienza*, had talked about Filangieri with Constant when they were colleagues at the *Tribunat* (to which Constant had been elected in 1799) after the publication of the first French edition of *La scienza*.¹³ Constant was therefore acquainted with the work of Filangieri at least fifteen years before he wrote the *Commentaire*. The latter was thus not only a commissioned book but also one closely tied to its historical context.

The importance of the historical context of the *Commentaire* is highlighted in Helena Rosenblatt’s *Liberal Values*, where she underlines the influence of contemporary politics on Constant’s work. She notes that, between the publication of the first and second volumes of the *Commentaire*, in 1822 and 1824 respectively, the Genevan thinker had first been defeated at the elections of 13 November 1823 but was then elected on 26 February 1824. The goal of the *Commentaire* was to answer political adversaries on both sides: “[...] on the right were the Ultraroyalists [...], who wanted to bring back an authoritarian, Catholic monarchy. On the left were those liberals who were losing their respect for constitutional principles and their faith in political liberty.”¹⁴ Indeed, one of the most important arguments of the *Commentaire* is the need for a liberal constitution to guarantee individual liberty. This political context gives to the book its particular character of a political manifesto that presents Constant’s liberal doctrine.

11 Pierre Cordey, A propos du *Commentaire* sur l’ouvrage de Filangieri. Filangieri, Constant et les libéraux, in: *Le relazioni del pensiero italiano risorgimentale con i centri del movimento liberale di Ginevra e Coppet*, Rome 1979, p. 164; Pierre Cordey, Benjamin Constant, Gaetano Filangieri et la *Science de la législation*, in: *Les conditions de la vie intellectuelle et culturelle en Suisse romande au temps de Lumière*, Geneva, Paris 1996, pp. 324–325; Vittorio Frosini, Filangieri e Constant. Un dialogo tra due secoli, in: *Gaetano Filangieri e l’illuminismo europeo*, Naples 1996, pp. 363–364.

12 Benjamin Constant, *Deux chapitres inédits de l’esprit des religions (1803–1804)*, Patrice Thompson (ed.), Geneva 1970.

13 Kloocke, Lutfalla and Trampus, Introduction, in: Constant, *Commentaire* (see note 6), especially pp. 48–49.

14 Helena Rosenblatt, *Liberal Values: Benjamin Constant and the Politics of Religion*, Cambridge 2008, p. 166.

Constant's *Commentaire* and the Risorgimento

Constant's commentary is varied and detailed because he analyses almost all the topics in *La scienza*, and for that reason scholars have researched this work from different points of view. Some of them, especially those with expertise on the Enlightenment or specialists in the history of political thought in southern Italy, have focused their attention on the differences between Filangieri and Constant's political and historical contexts, describing the chasm that divided the two writers.¹⁵ These scholars concentrate especially on Filangieri's point of view and are therefore more prone to analyse the cultural setting of the Enlightenment rather than that of early nineteenth-century liberalism,¹⁶ and to compare Enlightenment constitutionalism with the new liberal thought; as a result, they try to answer Constant's critiques from Filangieri's perspective.¹⁷ Although critics like Venturi, Galasso, Ferrone or Donato criticise the scant attention that Constant paid to Filangieri's historical circumstances, they nevertheless stress the importance of the *Commentaire* itself, noting that it serves as a milestone by which to measure the passage from the Enlightenment to liberalism¹⁸ Conversely, experts on Constant analyse the position of the *Commentaire* in the context of his thought as a whole, stressing its importance as a synthesis of his liberal doctrine. They have focused on various aspects, such as Constant's famous concept of *laissez faire et laissez passer*, his ideas on economic freedom,¹⁹ his discussion of property and the "theory of the minimal State",²⁰ or his ideas on slavery.²¹

There are also important studies that have underlined the relevance of the *Commentaire* for Italian patriots during the Risorgimento, such as the work of Ettore Passerin d'Entrèves,²² Pierre Cordey²³ and Vittorio Frosini.²⁴ Nevertheless, it should still

15 Franco Venturi, *Riformatori napoletani*, Naples, 1962, vol. 5, p. 656. On this point, see also Giuseppe Galasso, *La filosofia in soccorso dei governi: La cultura napoletana del Settecento*, Naples, 1989, pp. 453–484.

16 Clorinda Donato, Benjamin Constant and the Italian Enlightenment in the *Commentaire sur l'ouvrage de Filangieri*, *Historical reflections/Réflexions Historiques*, 28, 2002, pp. 439–453.

17 Vincenzo Ferrone, *La società giusta ed equa: Repubblicanesimo e diritti dell'uomo* in Gaetano Filangieri, Rome and Bari, 2003, pp. 284–314.

18 Venturi (see note 15), p. 655. On the *Commentaire*, see also Eugenio Di Rienzo, *Antichi e moderni: Filangieri e Constant*, in: *Nuova Rivista Storica* 138 (2004), pp. 365–396.

19 See the recent study by Jeremy Jennings, *Constant's Idea of Modern Liberty*, in: Helena Rosenblatt (ed.), *The Cambridge Companion to Constant*, Cambridge 2009, pp. 69–91.

20 Mauro Barberis, *Benjamin Constant. Rivoluzione, costituzione, progresso*, Bologna 1988, pp. 290–300.

21 See, for example, Jennifer Pitts, *Constant's Thought on Slavery and Empire*, in: Rosenblatt (ed.), *The Cambridge Companion to Constant* (see note 19), pp. 115–145.

22 Ettore Passerin d'Entrèves, *Gaetano Filangieri e Benjamin Constant*, *Humanitas*, 7 (1952), pp. 1110–1122.

23 Cordey, *Benjamin Constant* (see note 10), pp. 324–325.

24 Frosini, *Filangieri e Constant* (see note 13), pp. 361–374.

prove illuminating to consider the circulation of the book during the Risorgimento from a specifically transnational perspective, thereby highlighting the international debates to which it was connected. Renewed scholarly interest in recent decades has analysed the Risorgimento as a transnational phenomenon that relied on foreign contacts, ideas and relations to make the “creation” of a new nation possible. The transnational approach, which has been adopted by many scholars of the Risorgimento,²⁵ has demonstrated that it was truly an international phenomenon, which found itself at the centre of a European-wide process of change. Within this contextual approach to transnational political history, the history of the circulation of books has become especially important due to the assumption that political ideas became widely held political ideologies and that the study of the circulation of ideas among political and cultural actors is the best way to understand them. As Eugenio Biagini suggests: “[...] the ideas have a social and political influence, since people’s behaviour is deeply influenced by what they think, and especially by what they believe firmly.”²⁶ Drawing on Maurizio Isabella’s complex approach to the history of the Risorgimento, which “accord[s] due weight to themes that are marginalized by the ‘new cultural history’”²⁷ such as politics and ideology, new light can be shed on the history of the *Commentaire* during the Risorgimento through a combination of modern history, the study of political culture, the history of ideas, and an examination of the themes of transnational religious history. I will first reconstruct the history of the Italian editions of the *Commentaire* before discussing the transnational debates and context to which it was connected.

25 Isabella, *Risorgimento* (see note 8); Maurizio Isabella, *Nationality before Liberty? Risorgimento Political Thought in Transnational Context*, *Journal of Modern Italian Studies* 17, 2012, pp. 507–515; Stefano Recchia and Nadia Urbinati (eds), *A Cosmopolitanism of Nations: Giuseppe Mazzini’s Writings on Democracy, Nation Building, and International Relations*, Princeton, 2009; Gilles Pecout, *The International Armed Volunteers: Pilgrims of a Transnational Risorgimento*, *Journal of Modern Italian Studies*, 14, 2009, pp. 413–426; Lucy Riall, *Garibaldi: Invention of a Hero*, New Haven and London, 2007; Lucy Riall, *Travel, Migration, Exile: Garibaldi’s Global Fame*, *Modern Italy*, 19, 2014, pp. 41–52; Lucy Riall and Oliver Janz, *Special Issue: The Italian Risorgimento: Transnational Perspectives. Introduction*, *Modern Italy*, 19, 2014; Danilo Raponi, *Religion and Politics in the Risorgimento. Britain and the New Italy (1861–1875)*, Basingstoke, 2014; Axel Körner (ed.), *1848 – A European Revolution? International Ideas and National Memories of 1848*, Basingstoke, 2000; Axel Körner, *America in Italy: The United States in the Political Thought and Imagination of the Risorgimento, 1763–1865*, Princeton, 2017. This trend of studies is not limited to the Risorgimento, see for example Christa Wirth, *Memories of Belonging: Descendants of Italian Migrants to the United States, 1884–Present*, Leiden, 2015.

26 Eugenio F. Biagini, *Liberty, Retrenchment and Reform: Popular Liberalism in the Age of Gladstone, 1860–1880*, Cambridge, 1992, p. 2.

27 Isabella, *Risorgimento* (see note 8), p. 5.

A bestseller of the Risorgimento

Despite the relevance of the *Commentaire* to the understanding of Constant's political theory and the close connection with the contemporary political situation in France, prior to 2004 the book had only been republished once, in 1840 in Paris by Aillaud and Dufart.²⁸ Moreover, there was only one review of the first volume of *Commentaire*, in the *Courrier Français* in 1822, where Jean-Pierre Pagès defined Constant's *Commentaire* as the continuation of, and complement to Filangieri's work.²⁹ The work was published in Spain in 1836, together with the translation of Filangieri's *Ciencia de la legislación* by Juan Ribeira,³⁰ while in German just a few passages from the book were translated by Karl von Rotteck and Carl Theodor Welcker in *Das Staats-Lexikon* in 1834.³¹ The first and only translation into English of the *Commentaire*, by Alan Kahan, was published in 2015 with the title *Commentary on Filangieri's Work*.³² In Italy, by contrast, the book enjoyed from an early date a very real success. The catalogue of Constant's works published in Italian in Italy and Switzerland shows us that it was not only Constant's first work to be translated into Italian (in 1826), but that there were also seven further Italian editions in 15 years (1826–1841) and yet another in 1855, in Milan.³³

The first Italian edition was published in Livorno in 1826 with the title *Commentario alla "Scienza della Legislazione" di G. Filangieri scritto dal Signor Benjamino Constant. Prima traduzione italiana* (translator unknown). The *Commentaire* was

28 A new edition, published by Les Belles Lettres in Paris and edited by Alain Laurent, appeared in 2004. Laurent explains in a short introduction the relevance of the book to an understanding of Constant's idea of economic freedom. The last and most important publication of the book is in the *Œuvres complètes* (see note 5).

29 Jean-Pierre Pagès, review of *Œuvres de G. Filangieri traduites de l'italien. Nouvelle édition accompagnée d'un commentaire par M. Benjamin Constant et de l'éloge de Filangieri par M. Salfi*, in *Courrier Français*, 144, 24 May 1822, p. 6.

30 B. Constant, *Comentario sobre la ciencia de la legislación de Filangieri*, in G. Filangieri, *Ciencia de la legislación*, Tercera edición, revisada, corregida y aumentada, 10 vols in 5 tomes, Paris, [1836]. For an analysis of this translation, see Jesús Astigarraga, *I traduttori spagnoli di Filangieri e il risveglio del dibattito costituzionale (1780–1839)*, in: Antonio Trampus, *Diritti e costituzione. L'opera di Gaetano Filangieri e la sua fortuna europea*, Bologna, 2005, pp. 231–290, and Jesús Astigarraga, *Political Economy and Legislation: The great success of Filangieri's Scienza della legislazione in Spain (1780–1839)*, *Nuevo Mundo Mundos Nuevos* (online), coloquios 2006, published 18 March 2006.

31 Karl von Rotteck and Carl Theodor Welcker, *Das Staats-Lexikon: Encyklopädie der sämtlichen Staatswissenschaften für alle Stände*, Altona, 1834. On this topic, see Gisela Schlüter, *Neue Aspekte einer kontroversen "Gesetzgebungswissenschaft" bei Filangieri und Constant*, *Historische Zeitschrift*, 295, 2011, pp. 78–104.

32 Benjamin Constant, *Commentary on Filangieri's Work*, trans. and ed. by Alan S. Kahan, Indianapolis, 2015 [from now on I will refer to this edition].

33 *Catalogo delle opere di Benjamin Constant pubblicate in lingua italiana in Italia e in Svizzera*, Milan, 1967.

subsequently indexed in June 1827, and five further editions up to 1838 were published in Ticino, Switzerland. The translation was the same as that of the Livorno edition, but the word *Comento* replaced *Commentario* in the title. The publishing house responsible for the 1828 edition was Tipografia Ruggia,³⁴ a press that, from 1823 onwards used the name “Italia” to deceive the Austrian censors, and printed in Lugano some of the most important works by the patriots of the Risorgimento.³⁵ The editions of 1833, 1835 and 1838 (two of them) were published by the famous *Elvetica press* in Capolago (1830–1853),³⁶ whose publications were considered the “preparatory school” of nineteenth-century Italian political thought.

Although the *Elvetica in Capolago* press was founded by five citizens from Canton Ticino who were somewhat conservative, the cultural directors were the Italian liberal exiles Aurelio Bianchi-Giovini (1799–1862) and Carlo Modesto Massa (1799–1889). The latter became the publisher’s legal representative in 1839 – when the firm was beset by financial problems due to the impact of censorship upon the market – until 1847, when another Italian radical exile, Alessandro Repetti (1822–1890), took the lead. It was a turning point in *Elvetica in Capolago* history. By publishing two works edited by Carlo Cattaneo – *Documenti della guerra santa d’Italia* and *Archivio Triennale delle cose d’Italia* – the press became one of the main agents of Risorgimento struggles and, especially after 1848, the principal mean of expression of the democratic and federalist ideas of Cattaneo’s supporters. Between 1830 and 1848, the *Elvetica in Capolago* was at the centre of a broader change in Ticino politics, that was witnessing wider liberal reforms. Ticino was also affected by the presence of many liberal Italian exiles hosted in the canton by an intellectual elite that backed Italian struggles for independence and by liberal politicians such as Stefano Franscini. For instance, many exiles, such as Cattaneo, Giacomo Ciani or Repetti himself, were granted citizenship from Ticino in order to circumvent pressure from the Austrian police on the government of the canton.³⁷ At any rate, it was during the first liberal and moderate phase of the press’s activities that Constant’s *Comento* was published,

34 See P. Callisto Caldelari, *Bibliografia Ticinese dell’Ottocento: Libri, opuscoli, periodici*, Bellinzona, 1995.

35 See Giuseppe Martinola, *Un editore luganese del Risorgimento: Giuseppe Ruggia*, Lugano, 1995; Martinola, *Gli esuli italiani nel Ticino*, 2 vols., Lugano, 1980–1994; Carlo Agliati, *Le edizioni Vanelli e Ruggia di Lugano 1823–1842*, Lugano, 1998; Fabrizio Mena, *Stamperie ai margini d’Italia: Editori e librai della Svizzera Italiana 1746–1848*, Bellinzona, 2003.

36 They were printed in fact by Tipografia Patria of Bellinzona, a press that worked for the *Elvetica*.

37 Cattaneo became honorary citizen of Ticino only in 1858. Regarding the important role of the *Elvetica* press during the Risorgimento, see Rinaldo Caddeo, *La tipografia Elvetica di Capolago: Uomini, vicende, tempi*, Milan, 1931; Caddeo, *Le edizioni di Capolago: Storia e critica*, Milan, 1934; Fiorenzo Bernasconi, *Per un catalogo delle edizioni di Capolago*, Bellinzona, 1984; Emilio Motta, *Le tipografie del Canton Ticino dal 1800 al 1859*, Lugano, 1964; *Centocinquanta anni di attività grafico-editoriale, 1830–1980: Dalla Tipografia Elvetica di Capolago alla Stampa commerciale e alla Archetipografia di Milano* Cavallotti Editori-Libritalia, Milan, 1981.

together with Filangieri's *Scienza della Legislazione*. These publications were the result of a collaboration between Ticino and Italian liberal intellectuals and are representative of the transnational aspect of Italian nationalism during the Risorgimento. Each successive edition of the *Comento* published in Switzerland is physically smaller than the previous one both because of the book's popularity and in order to elude the Austrian police: the books crossed the border not with regular couriers but through the agency of smugglers, traders with double-bottomed barrels or counterfeit rounds of cheese, women with unusually large dresses, priests, pharmacists or accomplices, such as public officials or the police. For this reason, the last Swiss edition is very small indeed, thereby enabling it to be widely distributed. The seventh edition (1841) was published in Brussels by the Tipografia della Società Belgica, which was another "exiles' press"; and finally there is Borroni and Scotti's publication in Milan in 1855, an edition which has one noteworthy feature: it alternates the chapters of the *Comento* with the chapters of *La scienza*.

Further evidence for the importance of the *Comento* for Italian patriots are the reviews of the *Commentaire* published in Italian journals. It is interesting that two different reviews appeared in *L'Antologia*, a journal directed and edited by Vieusseux and published in Florence between 1821 and 1831. One review was of the first French edition in 1825, the other of the first Italian edition of *Comento*, in 1826.³⁸ It is interesting to note that, although the *Comento* circulated for the most part in Lombardy and the Veneto,³⁹ it was read in southern Italy too. The Neapolitan Pasquale Villari wrote the introduction to the 1864 edition of *La scienza*, commenting that "Benjamin Constant, with his *Comento sulla Scienza della Legislazione*, wrote a good book; but it is not a presentation nor a good critique of Filangieri".⁴⁰ Although the reviews of the *Commentaire* were both positive and negative, the relevant point is that it was read by many Italians between 1826 and 1855.

Religion and political liberty in Constant's *Commentaire*

The *Commentaire* gives a general overview of Filangieri's work, but it should also be considered as Constant's liberal pamphlet. Filangieri's reflection on religion is, for Constant, "the most imperfect of all".⁴¹ The role of religion in Constant's political thought has been studied in some depth, with scholars highlighting the influence of

38 For the first review, see *L'Antologia*, 17, 1825, pp. 20–44; the second is in *L'Antologia*, 24, 1826, pp. 233–242.

39 Passerin d'Entrèves (see note 24), p. 1111.

40 Pasquale Villari, *Intorno ai tempi e agli studi di Gaetano Filangieri*, in G. Filangieri, *La scienza della legislazione*, Florence, 1864, vol. 1, p. xxxviii.

41 Constant, *Commentary* (see note 31), p. 358.

his German Protestant sources.⁴² Much less attention has been paid to how Constant's ideas on religion affected the Risorgimento elite, who witnessed at the time the shift from the idea of civil religion as the principal bulwark of political freedom – an idea that reached its apogee during the Jacobin triennium (1796–1799) – to the notion of religious sentiment as the main force in support of the struggles for national emancipation.⁴³ Filangieri was indeed an advocate of the idea of a civil religion that helps each citizens to love their duties.

In *La scienza*, Filangieri claims that scaring citizens with the threat of a judicial sentence is not sufficient to guarantee political liberty, because sentences simply create a sort of “negative honesty” and fail to sustain the efforts that virtue requires: “fear can diminish the number of criminals, but it will never create heroes” (*La scienza*, I, 34).⁴⁴ Filangieri knows that liberty often requires heroes, noble passions and virtues, and that religion sustains political liberty because it is “the bond of peace on which social virtues are based” (*La scienza*, I, 14), but only if it is not intertwined with the government, when it becomes fanaticism. Religion is also the necessary condition to reform legislation, because, by rewarding citizens who obey the law and, conversely, punishing those who infringe it, religion teaches citizens to love laws. This is the reason why, if one enemy of the good legislator is fanaticism, another is atheism: religion helps the public authority to expand the sanction of the law because it can avoid or obtain what law cannot prescribe (*La scienza*, VI, 12). It fortifies the passions of citizens, thereby leading them to obey the law (*La scienza*, VI, 15). Filangieri is aware that religion may also be an enemy of political liberty and that its degeneration can be terrible, but it remains a crucial element in legislation (*La scienza*, VI, 12). The Neapolitan author

42 Tzvetan Todorov, Religion According to Constant, trans. by Arthur Goldhammer, in: Rosenblatt, The Cambridge Companion to Constant (see note 21), pp. 275–285; Bryan Garsten, Constant on the Religious Spirit of Liberalism, in: Rosenblatt, The Cambridge Companion to Constant (see note 21), pp. 286–312; Laurence Dickey, Constant and Religion: “Theism Descends from Heaven to Earth”, in: Rosenblatt, The Cambridge Companion to Constant (see note 21), pp. 313–348; Denis Thouard, Un fondement religieux du libéralisme? Considérations en marge du tome XIX des OCBC, *Annales Benjamin Constant*, 36, 2011, pp. 97–109. On Constant's German Protestant [OR: Protestant – MT1] sources, see Kurt Kloocke, Le concept de la liberté religieuse chez Benjamin Constant, *Annales Benjamin Constant*, 10, 1989, pp. 25–39; James Mitchell Lee, An Answer to the Question: What is Liberalism? Benjamin Constant and Germany, *Annales Benjamin Constant*, 29, 2005, pp. 127–141; Rosenblatt, Liberal Values (see note 16), pp. 26–29. For the most recent discussion of this topic, see Arthur Ghins, Benjamin Constant and the Politics of Reason, *History of European Ideas*, 44 (2018), pp. 224–243.

43 On the relationship between religion and politics in the Risorgimento: Giorgio Spini, *Risorgimento e protestanti*, Milan, 2008 (1956). For an analysis of the influence of Constant's *De la religion considérée dans sa source, ses formes et ses développements* on Risorgimento patriots: Maurizio Viroli, *As If God Existed: Religion and Liberty in the History of Italy*, Princeton, 2012, especially section II.

44 Gaetano Filangieri, *La scienza della legislazione*, critical edition under the direction of Vincenzo Ferrone, Venice, 2003, I, p. 31. All subsequent references to this source will be in the form: *La scienza*, vol., page.

argues that the legislator has to try to introduce new rituals and ceremonies to “vulgar religion”, which is the definition of the religion linked to superstition and fanaticism. These rituals must be consistent with the traditions of the people, and, when society has accepted the new religion, the legislator can proclaim it as “the religion of the State and the government”. So, this new religion proposed by Filangieri is chosen by the legislator, invited by the government and defined by the law, and aims to preserve and perpetuate the virtue and happiness of the people and, consequently, the political liberty guaranteed by the law (*La scienza*, VI, 88).

Despite the differences between Filangieri and Constant’s ideas on religion, the development of Constant’s ideas on religion evolved in part, as Patrice Thompson has demonstrated, from a reading of Filangieri.⁴⁵ In the chapter entitled “Des rapports de la morale avec les croyances religieuses”, preserved at the Fonds Constant in Lausanne and dated 1803, Constant argues that human nature can be divided into two different dimensions, the infinite and finite nature, a reference to Filangieri’s theory of the development of religious ideas from the reign of Uranus (infinite) to Greek polytheism (finite), then to Christianity (infinite). These methodological divisions are the prerequisite for Constant’s separation between the religious sentiment and the religious forms. This distinction is based on the idea that the religious sentiment meets the requirement to communicate with the invisible forces of nature, while the religious forms regulate the means of communication. Religious forms are always dogmatic and static, while the religious sentiment is invariably free, but the latter must always manifest itself in the guise of a religious form.

In the *Commentaire*, Constant firstly analyses the concept of religion that came to prevail in much of Europe during the eighteenth century, a period when the continent was divided between dogma and unbelief. On the one hand “the part of society that either chance or tradition had invested with power saw in reason only sedition or rebellion”;⁴⁶ on the other hand, unbelief had been “encouraged by the indignation that intellectual oppression produces in men”.⁴⁷ As a consequence, the European people at this time “betrayed by the use that the government made of belief, wished to see in religion only an enemy of freedom”.⁴⁸ Constant underlines all the risks of the diffusion of unbelief: “Hypocrisy claimed to command submission, but it betrayed itself, because whenever unbelief is the general rule, individual vanity, even in those who fight the irreligious tendency, likes to let doubt show. Philosophical hostility, on the other hand, violent and passionate, condemned examination as weakness, and even impartiality as betrayal”.⁴⁹ This unbelief derives from the concept of the morality

45 Constant, *Deux chapitres inédits* (see note 11).

46 Benjamin Constant, *Commentary* (see note 31), p. 227.

47 Ibid.

48 Ibid.

49 Ibid.

of self-interest, which, even if it maintains a certain “order”, had led to political “indifference” and even “servility” in the population. People had come to practise only “domestic virtues”, while “the cause of fatherland was deserted”.⁵⁰

The first point of Filangieri’s interpretation of religion criticised by Constant is the idea that the primary source of religious ideas is the primordial fear of the invisible and inexplicable forces of nature. Constant thinks that the cause of religion is neither fear, ignorance, nor authority, but something that is “in the heart of man”, that is the “fundamental law of his nature”:⁵¹ this is “le sentiment religieux”. We cannot distinguish the instinct of religious sentiment in different epochs, as Filangieri claimed to do, because the latter “manifests itself in the most primitive as well as the most civilized condition, amid the most profound ignorance as well as the most developed education”.⁵² Moreover, Constant is critical of Filangieri’s idea that priests collaborate with the legislator to destroy the ancient religion and to gradually introduce the new one through mysteries, because, in his opinion, an alliance between political power and the priesthood to replace an existing religion is impossible. If priests introduce new mysteries and rituals in the existing religion, it is to preserve the official religion: “But it is clear that the priesthood’s work had no other purpose than its own power. For at the same time that the priests followed the progress of thought and science, in order to control them and cover them with a veil, they maintained externally, insofar as individual credulity and the institutions which existed alongside them made possible, the accepted belief in all its integrity.”⁵³

So, for Constant, whoever is in power would act in a way that could undermine his own authority. Constant’s strongest criticism is that Filangieri’s conception of religion is a *utopia*, because the Neapolitan thinker considers that the legislator will purify religion in order to ensure it is in keeping with the laws and the moral principles of the state. The Genevan maintains that this idea entails the premise that the public authority is always going to act for the common good. On the contrary, Constant wrote that “something other than invitations, be they sweet or threatening, from those who govern is required for men to believe”,⁵⁴ and that Filangieri’s biggest mistake is to presume that: “[...] the government must want the good, and that it can do it. Unfortunately it is not always certain that it wants the good, and then when it does want it, it is through noninterference, through its inaction, and through its respect for the independence without which no improvement can take place that it has some

50 Rosenblatt, *Liberal Values* (see note 16), p. 193.

51 Benjamin Constant, *On Religion: Considered in Its Source, Its Forms, and Its Development*, trs. by P. P. Seaton, Liberty Fund, Indiana, 2018, p. 23. This is the first English translation of Constant’s original work *De la religion considérée dans sa source, ses formes et ses développements*, Paris, 1824.

52 Constant, *Commentary* (see note 31), p. 229.

53 *Ibid.*, p. 246.

54 *Ibid.*, p. 247.

chance of seeing its wishes fulfilled and its intentions realized.”⁵⁵ This is the meaning of the famous “laissez faire laissez passer” that closes the *Commentaire*. His concepts of the role of the government and of the relationship between religion and political power are the opposite of Filangieri’s: “Let authority remain neutral, let the laws be silent; necessity will do the rest. And in regard to institutions, there are none that are good and lasting except those that are necessary”.⁵⁶ The function of government must be negative: it must only repress the evil and let the good happen.

According to Constant, one of the main consequences of the absence of religious sentiment is slavery. The topic of slavery is at the centre of the *Commentaire*, where the brief mention of the slave economy by the Neapolitan thinker led Constant to address modern slavery in his major theoretical endeavour. The *Commentaire* is indeed nearly unique among his writings in noting that the modern’s moral advance was severely marred by the racism that led modern Europeans to tolerate the enslavement of “*les nègres*”, whom “some people unfortunately consider [...] not part of the human race”.⁵⁷ Constant’s critique of slavery as a violation of rights that is no longer necessary was a contribution towards translating the language of the Neapolitan Enlightenment into the liberal concepts of post-revolutionary Europe. This critique served to disseminate such concepts through the ranks of Risorgimento political thinkers, reinforcing the relevance of the religious sentiment among nineteenth-century Italian liberals.⁵⁸

Religion, modernity and political freedom in the Risorgimento: a transnational debate

It is clear from its wide circulation that the *Commentaire* was one of the main means of diffusing Constant’s ideas on religion, which had a great influence on Italian liberal leaders such as Cavour. According to Enrico Dal Lago: “From reading Benjamin Constant in particular, Cavour learned that true Christianity was based on the freedom of conscience rather than on the belief in the pope’s infallibility, and that humankind’s spiritual progress and true religious sentiment were, therefore, inextricably tied together”.⁵⁹ Constant’s concept of religious sentiment is indeed very important to an understanding of the Risorgimento. The *Commentaire*’s main argument is designed to

⁵⁵ Ibid.

⁵⁶ Ibid., p. 249.

⁵⁷ Pitts (see note 23), p. 133.

⁵⁸ On the extent of the transnational exchange of ideas on slavery in Risorgimento political thought, see Körner, *America in Italy* (see note 27), pp. 199–224. See also Rosenblatt, *Liberal Values* (see note 16); and Garsten (see note 46).

⁵⁹ Enrico Dal Lago, *The Age of Lincoln and Cavour: Comparative Perspectives on Nineteenth-Century America and Italian Nation-Building*, New York, 2015, p. 74.

preserve the autonomy of religious sentiment from any oppressive attempts against it by clergy and political institutions. Thus, the idea that religious sentiment always supports liberty and that a religious people is a free people was very powerful during the Risorgimento because there was a widespread conviction that Italians needed a religious and moral reformation in order to attain political freedom. Most Italian patriots were concerned to define a religious sentiment unconnected to any specific form of worship, and in particular to the power of the Catholic Church, which was a firm opponent of national unification. While patriots yearned for a religious reformation, which they considered a prerequisite of political liberty, they were also adamant in their denunciations of the weakness produced in the Italian character by Catholicism. This distinction between an inner religious sentiment, which is the main support to political liberty, and the conservative force of a religious cult is evident in several works. Francesco De Sanctis, for instance, distinguished religious sentiment from religious dogma and was careful to differentiate the two forms: "I am not talking about dogmatic religion but religious sentiment, which is a very important foundation of education and has to be related to moral sentiment".⁶⁰ His pupil, Pasquale Villari, referred to Constant's *Commentaire* in his introduction to *La scienza* in 1864 and identified the absence of a religious sentiment and the importance given to outward forms of religious observance as the cause of Italian moral decadence: "[During the Renaissance] religious sentiment has vanished, moral sense has weakened, the cult of form has grown despite prodigious intellectual activity".⁶¹

In assessing the reception of Constant's distinction in Risorgimento Italy, we should note that religious sentiment was often associated with national sentiment: it was supposed that religious sentiment gave to the latter a character of universality and thereby bolstered the movement for national independence. Carlo Cattaneo, in his *L'insurrezione di Milano nel 1848* (1849), a commentary on the Milanese uprisings in that year, held the separation of religious sentiment from national sentiment to be impossible.⁶² Likewise Raffaele Lambruschini, in his *Dell'autorità e della libertà* (1867), refers explicitly to Constant in his distinction between religious sentiment and dogma, and his insistence on the unifying force of religious sentiment and the support it offers to national liberty.⁶³ The reason for this association between religious sentiment and national sentiment was clearly described by Giuseppe Mazzini in 1850: "The absence of a real Christian religious sentiment in Italy has to be attributed to

60 Francesco De Sanctis, *Opere: I partiti e l'educazione della nuova Italia*, Nino Cortese (ed), Turin, 1970, pp. 201–202.

61 Pasquale Villari, *Niccolò Machiavelli e i suoi tempi*, Milan, 1912, vol. 1, pp. 26–27.

62 Carlo Cattaneo, *L'insurrezione di Milano nel 1848*, Brussels, 1849, p. 18. On Carlo Cattaneo and the Risorgimento from a transnational perspective see the important study by Carlo Moos, *L'“altro” Risorgimento: l'ultimo Cattaneo tra Italia e Svizzera*, Milan, 1992.

63 Raffaele Lambruschini, *Dell'autorità e della libertà: Pensieri di un solitario*, Angiolo Gambaro (ed.) Florence, 1948.

the Catholicism professed by the Pope. It is so necessary to bring the Italians back to the pure religion of the Christ [...] I do not know, historically, of any great conquest of the human spirit [...] that is not rooted in a deep religious belief”.⁶⁴ So, according to this view, for Italians to achieve unification and independence from foreign domination, it was necessary for them to preserve and reinforce religious sentiment and to avoid both the idea of a civil religion – which might prove inimical to national freedom – and the crystallization of religious sentiment in a specific religious form, that is the Catholic religion.

Constant emphasised that “la religion chrétienne”, considered in its ancient interpretation, is the best religious form because, when Christianity appeared, it was founded on religious sentiment and was free and pure; however, when the form became too static, and its pastors had formed an alliance with political power, it distanced itself from the original sentiment and no longer supported political liberty. The kind of religion Constant has in mind is Calvinism, which he considers to be the closest to the original form of Christianity. The relevance of this idea during the Risorgimento, and a key to understanding just why seven editions of the *Commentaire* should have been published in the space of fifteen years, has to do with the eighteenth- and nineteenth-century transnational European debate on the “Protestant Supremacy” and the connection between modern political liberty and religion. Partly as a consequence of the fact that it was the centre of the Catholic Church’s political power, Italy became the target of Protestant criticism. The idea of Italian backwardness and moral weakness became widespread throughout Britain, Germany, France and Switzerland.⁶⁵ François Guizot, for instance, maintained that Italy, like the other Catholic countries, could not have known modernity and progress because it was never wholly transformed by the Protestant Reformation and its emancipatory consequences.⁶⁶ Sismondi traced the origins of the Renaissance to the Italian *comuni*, where individual virtues had developed, but he argued that the nation did not evolve with those virtues because of the absence of the Reformation.⁶⁷

Interestingly, such a view was also shared by a significant section of the Italian intellectual elite, who saw in the absence of a Protestant Reformation in Italy the paramount cause of its lack of political liberty and its moral decadence. This general trend was grasped by Hegel in his *Phänomenologie des Geistes* (1807), which defined modern political liberty as stemming from the Protestant religion. Indeed, this

64 Giuseppe Mazzini, *L’Italia del popolo: Dio e il popolo*, Lausanne, 1850, vol. 2, pp. 420, 662; also in Giuseppe Mazzini, *Scritti editi e inediti*, Milano, 1864, vol. 7, p. 326.

65 See, for example, Raponi (see note 27); Robert Casillo, *The Empire of Stereotypes: Germaine de Staël and the Idea of Italy*, New York, 2006.

66 François Guizot, *Cours d’histoire moderne: histoire générale de la civilisation en Europe depuis la chute de l’empire romain jusqu’à la révolution française*, Paris, 1828.

67 Jean-Charles-Léonard Simonde de Sismondi, *Histoire des républiques italiennes du moyen âge*, Paris, 1840.

“Luther-centric approach”, applied to the interpretation of the philosophy of history and to the relationship between freedom and religion, was popular among Italian patriots and in particular within republican and Hegelian circles. For instance, Gian Battista Passerini, an exile in Switzerland and the first translator of works by Hegel into Italian, converted to Protestantism. For his part, Francesco De Sanctis, who was also an exile in Zurich between 1856 and 1860, in his *History of Italian Literature* (1870–1871) likewise adopted a “Luther-centric approach”.⁶⁸ Participation in this broader European debate on religion, modernity and political freedom was not only connected to the circulation of books. The influence of Constant’s *Commentaire* on the Risorgimento’s elite should also be considered in relation to their experiences of exile, especially in Switzerland.

Thanks to the transnational approach to Risorgimento studies, the experiences of Italian émigrés are now better understood within the broader frame of European liberalism and constitutionalism. In the history of the cultural and political relationships between Switzerland and Italy, exiles have always been understood to have played a fundamental role. The Risorgimento was, indeed, the first important political experience made possible through the contribution of exiles. These often chose the Helvetic Confederation as a destination, especially from 1815, when the poet Ugo Foscolo had been the first to voluntarily cross the Alps, and, moving to Switzerland, “gave Italy a new institution: exile”.⁶⁹ During their stay in Switzerland, Italian exiles enjoyed freedom of opinion and were influenced by the pervasive republican culture. Ugo Foscolo, for example, observed that the “Sacred Confederation of the Swiss Republics represents the favourite destination for people incapable of serving”.⁷⁰ Even Carlo Cattaneo was adamant that “Swiss liberty is an institution that can protect the neighbouring nations from the consequences of their mistakes”.⁷¹ Italian patriots found in Switzerland a suitable moral and political climate and this, in turn, materially and ideally helped them to qualify or modify their political ideas and praxis. Often in cooperation with Swiss intellectuals and politicians, Italian exiles created newspapers, reviews and presses, as in the case of the *Elvetica in Capolago*, or contributed to their growth, especially by translating important European books and promoting their circulation. Italian patriots, persecuted political figures and refugees found across the Alps not only an asylum, but also a workshop for the theory and the practice of politi-

68 On this see Fernanda Gallo, *The Shaping of European Modernities: Neapolitan Hegelianism and the Renaissance (1848–1862)*, *History*, 103, 2018, pp. 451–468; Fernanda Gallo, *Francesco De Sanctis interprete del Rinascimento*, *Rivista di Letteratura Italiana*, 1, 2017, pp. 59–74.

69 Carlo Cattaneo, *Ugo Foscolo e l’Italia*, in: *Scritti letterari*, Florence 1981, I, p. 536.

70 Ugo Foscolo, *Della servitù d’Italia*, Florence, 1852, p. 230.

71 Carlo Cattaneo, *Opere edite e inedite*, v, a cura di Agostino Bertani, Firenze, Le Monnier, 1881, p. 230. On the connection between the Helvetic Confederation and republicanism see Thomas Maissen, *Die Geburt Der Republic*, Göttingen, 2006.

cal liberty.⁷² The context of the peculiar relationship between Italy and Switzerland during the Risorgimento was described by Mazzini as follows: “Switzerland was then and still is a country of great importance, not only in itself, but with regard to Italy. [...] It presents the spectacle, unique in Europe, of a republican flag floating for five centuries above the Alps, though surrounded by jealous and invading monarchies, as if to be an incitement and a presage to us all. Charles V, Louis XIV, Napoleon have passed away; but that banner has remained, sacred and immovable. There is in this fact a pledge of life and nationality, not destined to be lost”.⁷³

A crucial characteristic of the Risorgimento was the dialogue between different cultures leading to a complex, entwined engendering of various cultural identities: “As a form of displacement, the experience of exile invites us to focus on how culture moves, on the relationship established between Italy and its diasporic community, and between the diaspora and the cultures encountered in the host countries”.⁷⁴ The phenomenon of exile, which, between 1799 and 1860, affected a significant section of the Italian educated classes and, relating to the analysis, translation and circulation of books, sheds new light on the amalgamation of ideas from the host country with Italian thought, thus “decontextualizing” it from the milieu in which it was originally conceived. The diffusion of the *Commentaire* in Italy during the Risorgimento, for example, indicates that Constant’s idea of religion was highly influential. It also clarifies the reasons why the patriots, who were often deeply religious, usually opposed the power of the Catholic Church. We can conclude that the “Risorgimento was anticlerical yet religious”.⁷⁵ The political thought of the Risorgimento did more than simply acknowledge the shift from civic religion to the religious sentiment. In addition, it recast the actual concept of the religious sentiment and associated it with the national sentiment, thereby going beyond the intentions of Constant and describing the kind of reformation for which the patriots yearned.

72 On the topic see Francesco Ruffini, *La vita religiosa di Alessandro Manzoni*, Bari 1931; Adolfo Omodeo, *Studi sull’età della restaurazione*, Turin, 1970; Romeo Manzoni, *Gli esuli italiani nella Svizzera*, Lugano-Milano, 1922; Reto Roedel, *I rapporti fra Italia e Svizzera nel Risorgimento*, *Archivio Storico Ticinese*, 7, 1961, pp. 347–358.

73 Giuseppe Mazzini, *Note autobiografiche*, Milano, Rizzoli, 1986, p. 267.

74 Isabella, *Risorgimento* (see note 8), p. 6.

75 Viroli (see note 47), p. xvi.