More than Kings and Less than Men

TOCQUEVILLE ON THE PROMISE AND PERILS OF DEMOCRATIC INDIVIDUALISM

L. JOSEPH HEBERT JR.

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More than Kings and Less than Men

To my Mother and Father

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Meliora sunt vulnera diligentis
quam fraudulenta oscula odientis.

Introduction
Why Tocqueville? Why Individualism?

Why Tocqueville?

For Alexis de Tocqueville (1805-1859), democracy was in question. After the French Revolution (1789), which had ushered in democracy (and then tyranny) by such bloody means; the reign of Napoleon (1799-1814), who manipulated the ideals of freedom and equality to found an empire; the brief restoration of the Bourbon dynasty (1814-1830); and Louis-Philippe's attempt to rule as "the Citizen King" and "King of the French [people]" (1830-1848); what Frenchman would not have had questions about democracy? In the European society of Tocqueville's day, one had to question (if one did not blindly assert) whether democracy was eternal or ephemeral, providential or diabolical. As a consummate rhetorician writing for a broad European audience, Tocqueville was prudent to adopt this quizzical stance in his great work, *Democracy in America* (1835-1840). In fact, Tocqueville attributed the celebrity he achieved through his first volume largely to the perception that he had probed the strengths and weaknesses of democracy without showing partiality to the "great parties" (royalist and republican) then dividing the political scene (400).[1]

Yet Tocqueville's impartiality was no mere pose designed to elicit easier acceptance among a divided readership. Nor was it the result of an ambivalence, real or feigned, to the phenomenon of democracy and the questions his contemporaries were asking about it. Tocqueville's balanced stance was rather the fruit of the passion, genius, and erudition he brought to these same questions. In tracing the path of democracy, examining its penchants, pointing out the achievements that it promotes or impedes, and judging "what we ought to hope or fear from" democracy, Tocqueville strove "to see, not differently, but further than the parties" (13, 15).[2] He declined to adopt a reflexive view, regarding democracy as all good or all bad, or to take for granted its ultimate effect on European society. Tocqueville thought there was more, not less, to say for both sides of the debate over democracy than was evident in the usual arguments. He was very much concerned with the question of how democracy could be made "prof-

itable to man," as its proponents promised it would be, and yet he felt a "religious terror" at the prospect that the forces unleashed by democracy might prove "fatal to humanity," as its opponents warned (6, 13). Tocqueville saw both a peculiar promise and definite dangers in democracy, and he considered the realization of both to be possible, while regarding neither as wholly inevitable. In his writing he sought to articulate a "new political science" capable of enhancing democracy's benefits and avoiding or mitigating its harms (7, 676).

At first glance it may seem that democracy is not in question for us. Contemporary parties in the United States and Europe do not question the merits of democracy or propose it as anything new. In those parts of the world where democracy is new or nonexistent, many—Americans, Europeans, and local citizens—assume that democratization is the only path compatible with the public welfare. Iraq presents a striking example: in the vociferous debate over the United States' decision to depose Saddam Hussein, few questioned that the transition from tyranny to legitimate government in Mesopotamia, if possible, meant the establishment of democracy rather than the restoration of a (once) legitimate monarchy.

At second glance the status of democracy today may not be so obvious. The troubles in Iraq have given prominence to the question, always relevant in modern international affairs, of democracy's exportability. Oddly enough, the nation that believed its manifest destiny was to bring democracy to its own continent and foster it abroad is now painfully unsure of the conditions for establishing democracy and how they might apply to its present foreign commitments. Domestically, democracy is also not as secure as it may seem. In America, the left and right are increasingly divided, not over whether we should have democracy, but over what it entails in such fundamental life spheres as religion, science, and family relations. In Europe, the traditional setting of democracy in the nation-state is giving way to the evolving institutions of the European Union, which has plausibly been accused of running a "democratic deficit." Countries that have recently transitioned from communism to democracy face the decision whether to cling to the authoritarian past, cede significant elements of self-government for the sake of EU membership, or attempt to chart some other route to freedom and prosperity. Everywhere, the competence of democratic states to handle global issues is being challenged by the influence of multinational corporations and international organizations.[3]

In light of these facts, it may be easier now than ever before to see the advantage in returning to an author like Tocqueville, for whom democracy was very consciously and profoundly in question. Still, one might doubt whether a book finished in 1840 can teach us much that is relevant to contemporary problems. To this reasonable doubt there are at least two decisive answers.

First, Tocqueville is far more than a nineteenth century writer. He is an author of immense intellectual stature who, in writing *Democracy*, applied his powers for almost ten years to the study of American democracy, the nature of modern democracy in general, and the future of democracy in the modern world. In his day Tocqueville was celebrated by both conservatives and progressives,[4]

and is still admired by figures on the left and right in ours. His magnum opus, *Democracy in America*, is almost universally regarded as the greatest book on America ever written.[5] Readers have perennially been impressed not only by Tocqueville's impartiality, but also by his prescience.[6] Passages of *Democracy* that seemed fanciful when he wrote them came to sound like descriptions of contemporary events. Though many have quibbled with details of Tocqueville's account, his reputation for sagacity has largely increased with time.[7]

The best explanation for Tocqueville's far-sightedness is nothing but the depth of his vision. Pierre-Paul Royer-Collard, a statesman, philosopher, and correspondent of Tocqueville's, compared *Democracy* to the *Politics* of Aristotle and Montesquieu's *Spirit of the Laws*.[8] We know that Tocqueville was classically educated and that he wrote *Democracy* with a library of political thought at his side—from Plato, Aristotle, and Cicero to Tacitus and Plutarch to Machiavelli, Descartes, Pascal, Hobbes, Locke, Montesquieu, and Rousseau.[9] From the way he lived with these great minds and applied their thought to the problems of his present and future, it is evident that Tocqueville himself possessed an intellect of uncommon independence and depth. As a political philosopher, he was thrilled by the opportunity America presented to observe the workings of a political and social system hitherto unknown to humanity (28ff), and in seizing this opportunity he left us with an invaluable guide to understanding how the treasures of philosophic thought bear on the whole picture of modern democracy.

The second defense of Tocqueville's relevance is that his very distance from us helps us constructively to question our assumptions as modern democratic citizens. When he published *Democracy* Tocqueville had been a foreigner in America and was an aristocrat in what he called democratic times (14, 247).[10] He wrote as an outsider, but also as a friend to democracy (666). Unlike other prominent thinkers of the modern age, Tocqueville was not hostile to or dismissive of liberal democracy,[11] but he was able to look at democracy dispassionately and see its flaws and dangers as well as its great promise. Even more importantly, he was willing to call attention to these dangers even at the risk of offending modern readers (400). It is easy to dismiss Tocqueville's criticisms as the murmurs of a dispossessed aristocrat, and accept only what is congenial to us. It is much more useful, however, to remain open to the possibility that Tocqueville is a real but "hard friend" of democracy[12] whose criticisms may be sound medicine for what ails us.

In this spirit, the present volume will undertake a study of Tocqueville's political thought, especially as found in *Democracy*. Though this ground has been covered before, we shall attempt to demonstrate that there is yet more to be gleaned from careful attention to the concept of democracy as Tocqueville defines it, and the distinctive political philosophy informing his judgment of and advice to modern democracy. Through a close reading of *Democracy* and related documents, we shall attempt to grasp the core ethical, psychological, and even metaphysical principles of Tocqueville's thought,[13] and to identify important continuities and discontinuities between his thought and that of authors by

whom he was influenced. In doing so, we hope to illustrate Tocqueville's own contention that a great book is not one that dogmatically prescribes to us what we ought to think, but rather one that leads us to think more deeply about the problems we must face for ourselves.[14]

Why Individualism?

Tocqueville numbered himself "among those who believe that there is almost never any absolute good in the laws," and his exploration of the merits and flaws of democracy reflects his view that democracy in itself is not an absolute good (13, 52). Democracy can have many meanings, but the primary meaning Tocqueville ascribed to it was a society founded on the perception of equality among citizens (45ff). One of the chief proclivities Tocqueville attributed to modern democratic citizens was a sort of love affair with equality, to the point that we cannot find fault with it and seek it above all other things (189, 479ff). This tendency can be witnessed in the way we often speak of democracy as if it were the one thing necessary for order and happiness, of equality as if it applied to all spheres of life, and of discrimination as if it were always an evil rather than a frequently necessary skill. Of course, upon deeper reflection it is hard to miss that this is not the case. Who will deny that it is good to discriminate between right and wrong, or that lives must be organized in accordance with the diverse talents and interests of unique individuals? Most tellingly, who would actually be willing to live under the government of pure democracy, where all matters are decided by the majority whatever its views?

What we usually mean to praise when we praise democracy is liberal democracy, a hybrid form of government, associated with a distinct political culture, in which the concept of liberty is at least as important as that of democracy.[15] In fact, most if not all advocates of liberal democracy place liberty above democracy when the two conflict. Take for instance Thomas Jefferson (1743-1826), whom Tocqueville calls "the most powerful apostle that democracy has ever had" (249). In drafting the Declaration of Independence, the birth certificate of our country and the first document in our organic law, Jefferson proclaimed the equality of all men, but he specified that this equality consists in the equal right of all men to liberty. Since equality in liberty means that no one is naturally subject to the jurisdiction of another, it follows that government must be "democratic" in the sense that it is rightfully established only by the consent of the governed. However, all men being equally and naturally free, no one has the right to subject himself or his fellows to a complete loss of natural liberty. Every government has the duty of securing natural rights, and no form of government has the right to abuse them, even with the consent of the governed. The Declaration does not demand that every government be democratic beyond its initial establishment—"any form of government" may in principle be legiti-

mate[16]—but it does demand that every form of government, including popular government, be liberal.

Though the specifics have changed, Americans still seem to regard liberty and democracy in this light. Equality for us is above all equality in liberty. Though equal liberty is significantly expressed in the democratic form of governance—the right to participate in public debate and political processes is a common justification of what we call "civil liberties," for example—we still believe that liberty has a more fundamental meaning that applies even against the will of the majority. This is most evident in the power we have accorded courts to overturn legislation and the acts of elected officials when they are deemed to conflict with our fundamental liberties as Americans or as human beings – especially those liberties enshrined in the Bill of Rights. It is also evident in the way this notion of rights infiltrates almost all of our activities and relationships, prompting us to question and often to rebel against even the most venerable and popular institutions when we are persuaded that they conflict with the equal rights claimed by individuals. In several important cases, such as racial or gender discrimination in public accommodations or the workplace, we even call on the authority of the state to enforce rights in the private sphere.

There are some today who claim that the pursuit of individual liberties and rights has gone too far, that the excessive imposition of "fundamental liberties" by courts erodes democratic governance.[17] This perspective also has its foundations in our civic tradition. Though the Declaration denies government the right to infringe on liberties, it also gives "the people" the ultimate authority to judge when liberties are being violated and what is to be done about it within the limits of prudence. To cede this decision to a handful of "unelected" magistrates may seem illegitimate, imprudent, or both. This objection on behalf of democratic self-governance can itself be rooted in the notion of equal *liberty*, though how this liberty for self-governance squares with the liberty of individual rights favored by present-day courts is another question.

Another objection complains that the notion of rights today is slipping from a focus on negative liberties—the freedom of citizens to act as they please within broad parameters—to an emphasis on equality of outcomes.[18] This view can be accused of pitting one condition of liberty against another, since measures aimed at equalizing "outcomes" (such as affirmative action) are often defended as rectifying circumstances that rob individuals of truly free choices.[19] Though this defense is plausible, so is the view that calling upon judges and administrators to impose their preferred version of liberty on society is ultimately less liberal than allowing citizens to work out liberty's meaning in the private sphere or debate it in the democratic branches of government.

From this two things are evident. First, the nature of modern democracy cannot be grasped without acknowledging the status of liberty as equality's peer in the modern democratic ethos. Second, it is not easy to agree on the precise demands, or even the broad meaning, of liberty. This means that a fundamental—perhaps the fundamental—question we must ask about modern democracy

is the nature of liberty and the precise relationship it has to the other leading principle of our society: equality.

As it happens, this is the very task Tocqueville sets for himself in *Democracy*. Though the title of his book refers to democracy and not liberty, Tocqueville's chief argument about democracy, understood as equality of social conditions, is that it will increasingly dominate the modern age, and that it will result in one of two prospects for modern civilization: equality in liberty or equality in servitude (52, 640). Throughout the book, Tocqueville passionately denounces the forms tyranny can and might take in a society dominated by the equality of citizens (243ff, 410, 663). At the same time, he proclaims himself a devotee of liberty and strives to call forth a figurative army to make liberty prevail in modern times (11ff, 643, 666). Like us, Tocqueville insists that equality must be equality in liberty. This agreement might lull us into believing that Tocqueville's analysis of liberal democracy differs from our own only in the eloquence of his accompanying observations. Were this so, Tocqueville's aristocratic perspective and classical education would be mere window dressing on a presentation of democracy that is essentially American.

This study shall argue instead that Tocqueville's foreignness runs deeper, extending to a view of liberty and its nature, goodness, and limitations that differs significantly from, whether or not it conflicts with, that embodied in dominant strains of American political thought. Though Tocqueville had great respect for the principles and practices of American government and political culture, he subtly but forcefully locates key components of our intellectual lineage in philosophic and theological concepts of liberty that he believes to be mistaken and dangerous to society (403ff). Even while frequently using America as a model of how a democratic society can successfully combat its own worst tendencies, Tocqueville indicates that, by the Jacksonian age, Americans had not fully grasped the character of the dangers they were facing or even the solutions they themselves had employed (502).[20] Though he aims these lessons at his French audience, the insights Tocqueville intends to convey can also be read as contributions to a more profound understanding of the American political experiment, an experiment our founders and greatest statesmen understood to be indicative of whether liberal democracy could "long endure" anywhere on earth.[21] And though his approach is rhetorically subtle, Tocqueville seeks to contribute nothing less to this experiment than a new sense of what liberty is and how it ought to guide and limit the concept of equality.

What does Tocqueville have to teach us about liberty? This question can be answered in terms of what liberty is, and in terms of what it is not. Tocqueville's focus in *Democracy* appears to be on the latter point. He is at pains to enumerate the threats democracy poses to liberty, and foremost among these is a phenomenon he labels "individualism." Individualism in the sense Tocqueville employs is a more (*moeur*)—an idea connected to certain habits and sentiments, or a habit connected to certain sentiments and ideas (275). The scope of this more is very broad, and we shall see that its implications run throughout the text of *Democracy*, even in those passages not explicitly referencing the term. The essence

of individualism is the willingness of each citizen to withdraw into the private sphere, and neither to act nor desire to act in relation to matters of public concern (482ff). Tocqueville sees individualism as a mistake inasmuch as it conflicts with the nature of human happiness and undermines all political institutions save those of despotism (484ff). He sees it as a particularly dangerous mistake because of its immense allure to human beings formed by the conditions of democratic society (643). In brief, Tocqueville sees individualism as a profound misunderstanding of liberty whose acceptance by democratic citizens will allow them to believe themselves free while they are in fact succumbing to a new and chilling form of despotic control (661ff).

Tocqueville does not exaggerate when he says that his principal goal in writing *Democracy* is to combat individualism (643). Accordingly, this study of Tocqueville's thought will seek to demonstrate and explain the centrality of individualism to his analysis of modern democracy. For this reason our focus may appear rather gloomy. Individualism as Tocqueville describes it is both an error and the natural tendency of democratic societies, features that lend an air of fatality to Tocqueville's frequently somber predictions of the troubles democracy will encounter. Yet these difficulties must be looked at in the proper context. Tocqueville does not think that democracy is alone in being misguided about the path to human flourishing. Rather, his political science emphasizes the proneness of all forms of government and political cultures to prejudice and passion (28). Human nature has such difficulty in "firmly grasping the true and the just," Tocqueville reasons, that political leadership must always strive to mitigate the falsehoods and injustices that are congenital to a given political society and therefore inescapable, though not unmanageable (39, 241, 518).

Despite these theses, Tocqueville's perspective is anything but hopeless. Though he doubts there is usually "absolute good in the laws," he does believe in an absolute good that can be sought with the assistance of laws, however imperfectly adaptable those laws are to the task. By "absolute good," Tocqueville refers to the final end or purpose of a given activity, that for the sake of which everything else is done (221). In classical political philosophy, the end of human life was said to be happiness, which consists in virtue understood as the perfection of the highest faculties of human nature.[22] Although Tocqueville never declares himself to be a proponent of such classical views, there is ample reason to believe that these concepts are indispensible for understanding his thought.[23] In *Democracy*, Tocqueville calls for the intellectual leaders of modern democracy—among whom he is certainly foremost—to become "perfect master[s]" of Greek and Latin literature (452). In an 1852 speech to the Academy of Moral and Political Sciences, of which he was then the president, Tocqueville insisted that the greatest question facing political science in modern times was the proper understanding, comparison, and evaluation of the relative merits of ancient versus modern political thought (1991, 1220-21).

Though he was well aware that modern political philosophers—by some of whom he was profoundly influenced[24]—denied the possibility or goodness of classical virtue or happiness, Tocqueville repeatedly comes back to these (or

similar) notions in *Democracy* and uses them directly or implicitly to judge the potentialities of liberal democracy. In a matter no less closely connected to liberty than that of rights, for example, Tocqueville defines rights as virtue applied to the political realm, and defines virtue as that which renders a human being great (227). Greatness and happiness are Tocqueville's favored terms for the highest or most precious goods human beings seek individually and through political institutions, and though he fears these terms will sound strange to modern democratic ears, Tocqueville insists on using them at crucial junctures in his analysis (52, 509, 517, 675). Moreover, Tocqueville defines human greatness in terms of the intellectual and moral association of the individual in what he calls "the admirable order of all things," an expression akin to the ancient Greek κοσμος. Though Tocqueville did harbor certain important reservations about the adequacy of ancient political philosophy, careful consideration of the distinctive notion of liberty animating his critique of individualism will reveal the debt that Tocqueville's "different kind" of liberalism owes to Socratic thought.[25]

For Tocqueville, genuine liberty is both a source of human greatness and itself a form of greatness (11, 52).[26] Since the virtue at which liberty aims is in some sense the opposite of individualism, one can understand why Tocqueville sees individualism as a threat to genuine liberty. Yet virtue, as the perfection of the human being, also involves a sort of "manly independence" (247), so that it might aptly be called "good individualism" or "individualism well-understood."[27] As Jack Lively notes, Tocqueville did not "believe in the sanctity of private values" (1962, 222). He deplored both the tyranny of the majority over the thought of individual minds, and the withdrawal of individuals from engagement with public affairs. The individual Tocqueville exalted above society was not the private individualist but rather the exemplar of human perfection whose virtues provide a model for the common good of society itself. Though politics cannot directly produce such greatness and the happiness it makes possible, which require the free assent of each human being (1957, 117), the existence or non-existence of such virtue is a matter of public as well as private concern. Moreover, laws and mores can assist individuals in seeking virtue by mitigating their worst tendencies and encouraging their best (518). In so doing political society can provide a space in which virtue is likely or at least able to grow and flourish. This, for Tocqueville, is the absolute good at which politics ought always to aim. In order to understand Tocqueville's "new political science," then, it is necessary to explore what he means by virtue and how it can serve as a standard for delimiting the scope and nature of democratic liberty.

Tocqueville's enterprise is one of hope because he believes that he can identify in our nature not only a proneness to error but also a love of truth, not only a vulnerability to selfish passions but also a disinterested willingness to sacrifice for an objective moral order (433ff, 502). Though perfection cannot be demanded of any society, improvement always has the assistance of the better angels of our nature (89).[28] In fact, the greatest strength of democracy for Tocqueville lies in its highest promise, the promise to liberate virtue or human greatness from the artificial constraints of conventional hierarchy and prejudice. While