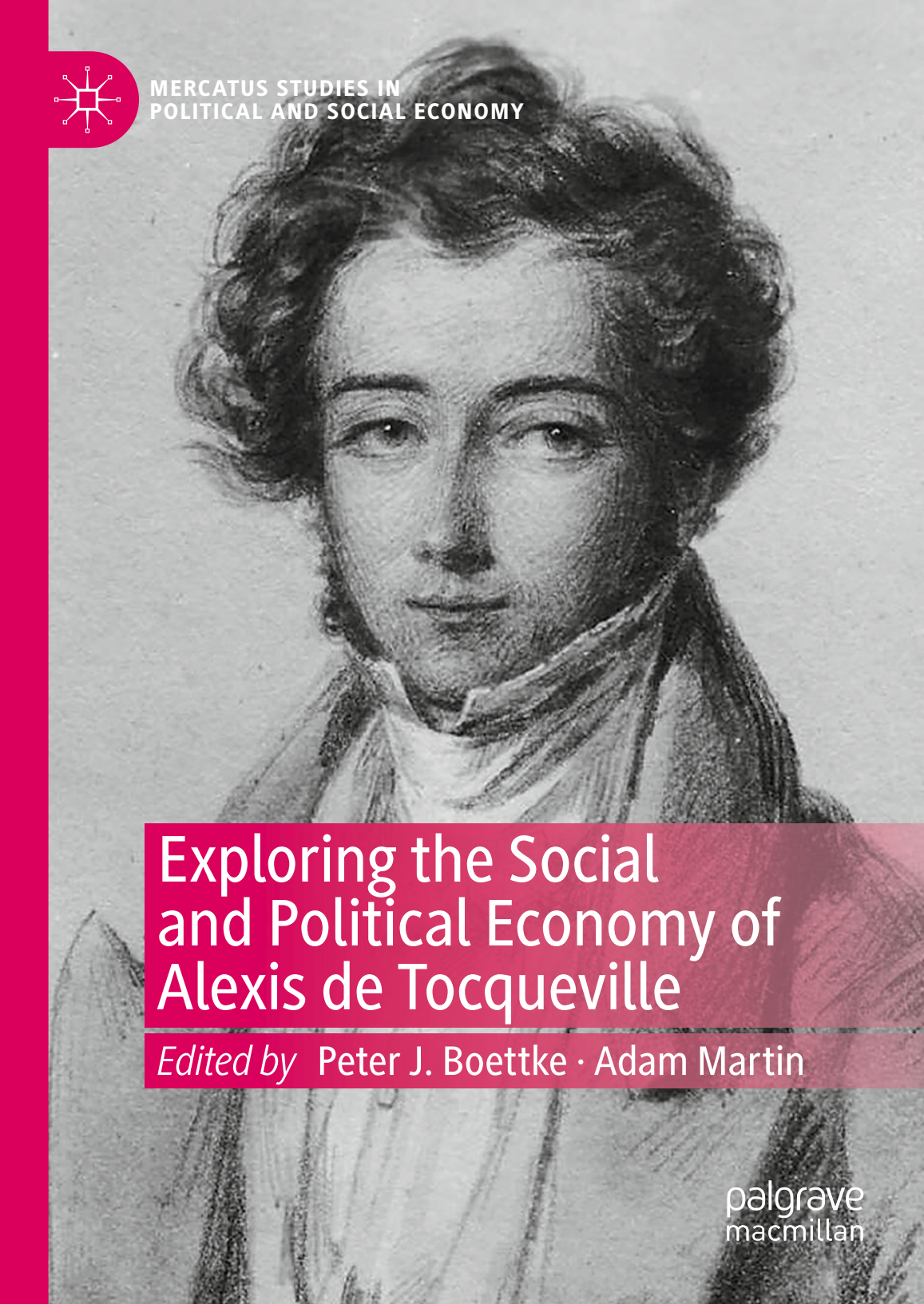
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CHAPTER 1

Introduction

Peter J. Boettke and Adam Martin

The Tocqueville Gap

Interest in the social thought of Alexis de Tocqueville comes in waves. The frequency with which books cite his work peaked in the 1940s, again in the 1960s, and then in the late 1990s—probably driven by the social capital bubble in the political science literature. We suspect it is time for another surge of interest in Tocqueville's thought. Concerns about polarization and incivility in political discourse suggest that this may be a critical juncture for civil society and the United States. Open doubts about liberalism and the rise of nationalist, anti-globalist rhetoric beg for a Tocquevillian analysis. And an increasing focus in public discourse about the fate of marginalized groups echoes Tocqueville's own approach (Fig. 1.1).

Not only is interest in Tocqueville spread unevenly across time, it also varies tremendously by discipline. Table 1.1 lists the number of hits for Tocqueville on JSTOR for a variety of disciplines. This covers only articles

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Fig. 1.1 Google's N-Gram results for "Tocqueville," generated on September 20, 2019. (Source: Jean-Baptiste Michel∗, Yuan Kui Shen, Aviva Presser Aiden, Adrian Veres, Matthew K. Gray, William Brockman, The Google Books Team, Joseph P. Pickett, Dale Hoiberg, Dan Clancy, Peter Norvig, Jon Orwant, Steven Pinker, Martin A. Nowak, and Erez Lieberman Aiden∗. *Quantitative Analysis of Culture Using Millions of Digitized Books*. **Science** (Published online ahead of print: 12/16/2010))

Table 1.1 Tocqueville citations since 1900 in articles on JStor.org

Field	*Tocqueville articles*	*Journals searched*
Economics	1012	183
History	4538	343
Law	1745	134
Political science	5166	220
Sociology	3086	150

Source: Author's creation based on JStor.org

written since 1900 to capture modern interest.[1] The numbers clearly indicate that Tocqueville has had far less influence in economics than in other social scientific fields. We refer to this as the Tocqueville Gap.

Of course, economists are probably less likely to cite their own forebears than scholars from other disciplines are. But even these numbers also understate the Tocqueville Gap in several important ways. First, economic scholarship is overwhelmingly focused in journals. These numbers exclude books and book reviews, which would increase the disparity with fields like political science. Second, many of the hits of economics are in

[1] The numbers are not much different with a 1950 cutoff. All searches were on September 23, 2019.

journals like *The American Journal of Economics and Sociology*. Finally, there is substantial overlap with journals that double count as economics and political science: 415 articles, about 41% of the economics total. Subtracting that overlap from both economics and political science indicates that Tocqueville is cited about 10% as much in economics as in his home discipline.

Richard Swedberg (2009) has tried to bring Tocqueville's often-implicit economics into the conversation of contemporary economics and economic sociology. He highlights Tocqueville's emphasis on entrepreneurship, or the "spirit of enterprise" (p. 11). He notes that Tocqueville carefully studied Say before embarking on his American voyage (pp. 81–83). Say places entrepreneurship at the center of economic activity, elaborating on and transmitting Adam Smith's thoughts on the division of labor into French. Swedberg also notes how far Tocqueville's dynamic, social view of economics differs from that of his pen pal John Stuart Mill's very static and materialist analysis (pp. 91–99). Swedberg quotes Tocqueville on his desire to start a journal that would "emphasize the most immaterial side of this science, to try to introduce ideas and moral feelings as elements of prosperity and happiness" (p. 3). As we note below, these features of Tocqueville's thought—strange as they are to most economists—help account for the Tocqueville Gap.

Tocqueville in the Mainline

Few other economists have engaged with Tocqueville more substantively. Hayek uses Tocqueville as a sort of totem for what he dubs "true individualism." True individualism recognizes the spontaneous and unplanned character of social phenomena and, in contrast with false individualism, does not imagine that society can be re-organized from the top-down as if it were a blank slate (Hayek 1946). Since he associated false individualism with French rationalism, he feels compelled to cite Tocqueville's Anglophile credentials (Hayek 1960, p. 111). So great was Hayek's admiration for Tocqueville that he originally proposed naming the Mont-Pelerin Society the Acton-Tocqueville Society (Hayek 1992, p. 233). And the title of Hayek's most famous work, *The Road to Serfdom,* derives from Tocqueville's idea of a road to servitude (Hayek 1944, p. 256). His argument is that Tocqueville's warning about "socialism means slavery" went unheeded

and instead "we have steadily moved in that direction of socialism. And now we have seen a new form of slavery arise before our eyes, we have so completely forgotten the warning that it scarcely occurs to us that the two things may be connected" (1944, p. 67). But aside from a few citations to scattershot insights from Tocqueville's analysis, this is largely the extent of it.

Swedberg focuses on economics as the study of commercial life. This omits one important connection between economic theory and Tocqueville running through public choice economics. Again, here, there is little engagement, with one towering exception. While not an economist, Vincent Ostrom was a founding member of the Public Choice Society (then the Committee on Non-Market Decision Making) and one of its early presidents.[2] He wrote extensively on the use of economic reasoning in political science. He cites Tocqueville throughout his oeuvre. *The Intellectual Crisis in American Public Administration* references Tocqueville over a dozen times. *The Political Theory of a Compound Republic* and *The Meaning of American Federalism* reference him over 20 times each. Most notably, *The Meaning of Democracy and the Vulnerability of Democracies* is subtitled *An Answer to Tocqueville's Challenge*. Similarly, Elinor Ostrom—also a president of the Public Choice Society—develops these Tocquevillian themes in her own work and, as an outsider to the discipline, won the Nobel Prize in Economics in 2009. It behooves scholars interested in Tocqueville's usefulness to modern economics to examine their work closely.

The Meaning of Democracy furnishes a useful hypothesis for why Tocqueville is so neglected. Ostrom considers Tocqueville's question of whether democratic societies are viable from the perspective of public choice theory. In his examination, however, he argues that the parts of public choice best able to grapple with this question have been "thrusts on the peripheries" (p. 89) dealing with the problems of intersubjective generation and transmission of knowledge. Like Hayek, Ostrom thinks that an overly rationalist and asocial conception of economic life is incapable of

[2] Wade (1985) argues that the relative neglect of Tocqueville is strange among public choice economists, claiming that there is substantial overlap in how they approach the study of politics. His primary touchstones for public choice are Buchanan and Tullock, who are more philosophical than most public choice economists. Neither Buchanan nor Tullock cite Tocqueville with any frequency.

grappling with the crucial questions raised by Tocqueville. Those questions require thinking not just about equilibrium states but about the *process* of social learning which is necessarily embedded in language communities. Ostrom thinks that the *right sort* of social science can underwrite a literal Tocquevillian science of citizenship that could be taught as a precursor to practicing the art of democratic association (Chap. 11). What is the right sort of social science? It involves economics, but not of the standard variety.

Continuing to adhere to an orthodox way of applying "economic reasoning" to non-market decision making does not allow for learning to occur. An openness to uncertainty, social dilemmas, anomalies, and puzzles as presenting problematics, allows for learning, innovation, and basic advances in knowledge to occur. This is why all scholarship in the social and cultural sciences needs to be sensitive to the artifactual character of language and the intellectual constructions that are used to frame inquiry. Different ways of conceptualizing the intellectual enterprise within and among the social and cultural sciences is of basic importance in working out the essential relationships of ideas to deeds in human society (Ostrom 1997, p. 99).

The right type of social science to inform a Tocquevillian science of citizenship is process-oriented, takes account of social dilemmas, allows for innovation and learning, and places language and ideas at the center of analysis. This Tocquevillian science and art of association is analytically grounded in classical political economy. As we know, Tocqueville himself was schooled in the writings of Jean-Baptiste Say. Say was in many ways, the French popularizer of the Scottish Enlightenment thinkers Hume and Smith. The style of thought that these thinkers all practiced can be summarized as beginning with an animating human actor. This actor has no superhuman characteristics or capabilities, just the ordinary motives of humankind. These individuals are ordinary flesh and blood human beings, warts and all. They find themselves not in isolation, but social situations defined by institutions or rules of individual conduct and social interaction. Social science was born in the study of the systematic examination of how alternative institutional arrangements impact the ability of individuals to engage in productive specialization and peaceful social cooperation. Economic life does not exist in a vacuum. But understanding the systematic tendencies of human action and social interaction that follow from examining the structure of incentives and the generation and communication of unique knowledge within alternative social systems of exchange and production formed the core of the *mainline of economic*

science and the discipline of political economy from its first systematic synthesis in Adam Smith onward. Tocqueville's observations of the necessary conditions for effective self-government within a democratic society were part of that mainline understanding of economic and social life.

An important feature of this mainline tradition of economics is that it is deeply connected to other disciplines, from philosophy, law, political science, history, and sociology. When Hayek favorably compared his mentor Ludwig von Mises to Tocqueville, it is because Mises freely transgressed then-calcifying disciplinary boundaries (Hayek 1992, p. 153). A full view of the process of knowledge generation requires attention to the social framework within which discoveries and errors take place, a framework that is not the result of incentives alone. Hence the title of this volume examining Tocqueville's political *and social* economy.

We offer the following essays in that interdisciplinary spirit. They provide ample evidence that mainline economics is fertile soil for Tocquevillian analysis, a framework within which his important insights can be brought into conversation with twenty-first-century social science. Appropriately, the articles in this collection were mostly written by non-economists, but they come from emerging scholars familiar with mainline economics. They follow from this desire to see a new science and art of association emerge that meets the demand of a self-governing democratic society. In an interview reproduced in the back of Aligica and Boettke, *Challenging the Institutional Analysis of Development* (2009), Elinor states: "Self-governing, democratic systems are always fragile enterprises. Future citizens need to understand that they participate in the constitution and reconstitutions of rule-governed politics. And they need to learn that 'art and science of association.' If we fail in this all our investigations, and theoretical efforts are useless" (159).

What Lies Ahead

The first part of the book examines Tocqueville's thought and its impact on subsequent thinkers. Rory Schacter (Chap. 2) examines Tocqueville's views regarding American constitutionalism and the political theory advanced in *The Federalist*, analyzing the relationship between the sociological concept of a democratic "social state" and the formal constitutional framework established by the American founders. Brianne Wolf (Chap. 3) explores Tocqueville's thoughts on federalism, using the Second Bank of the United

States as a focal point. She contrasts Tocqueville's views on federalism with the modern public choice literature, explaining why Tocqueville favored some forms of centralization. Luke Foster's contribution (Chap. 4) also addresses Tocqueville's propensity to look for counterweights to potential pitfalls in American democracy. He argues that Tocqueville was ultimately skeptical about the power of liberal learning to serve as a check on democratic impulses and suggests some ways in which it may be more constructive than Tocqueville thinks. Matthew Slaboch (Chap. 5) delves into Tocqueville's philosophy of history, exploring the extent to which Tocqueville's thought prefigures ideas like path dependence. He then applies Tocqueville's analysis to the post-socialist experience in Eastern Europe and Russia. Sarah Gustafson (Chap. 6) elucidates Tocqueville's attitudes toward the free exchange of ideas. Like Plato and Rousseau, she argues, Tocqueville saw democratic society as potentially fragile in the face of intellectual challenges. This raises the fraught question of what limitations on the free exchange of ideas such a view commends.

The second part of the book focuses more on applications of Tocqueville's thought to contemporary issues in social science and philosophy. Kaitlyn Woltz (Chap. 7) offers a Tocquevillian analysis of mass incarceration in the United States. She argues that modern prisons isolate prisoners from the associational life vital to democratic society and open the door to despotism. Andrew Humphries (Chap. 8), extending the Tocquevillian themes in Elinor and Vincent Ostrom's work, argues that cultivating the art and science of association requires rethinking pedagogical practices. The form of education, not only its content, affects the habits of mind and heart that make (or fail to make) for good citizenship. Maura Priest (Chap. 9) likewise takes up the idea of citizenship, building on Tocqueville's analysis to develop a model of collective virtues. Virtues, she argues, may be important for collective entities in the same way they are for individuals. Vlad Tarko (Chap. 10) explores how the art of association has developed on one of the technological frontiers of the twenty-first century. He argues that open-source software communities may provide a workable model for reviving the art of association in online communities. Junpeng Li (Chap. 11) investigates the recent popularity of Tocqueville among Chinese communist party leaders, arguing that the key link is the concept of "collective individualism" in both pre-revolutionary France and modern China. Katelyn Jones (Chap. 12) uses Tocqueville as a launching point to discuss American exceptionalism in foreign affairs, arguing that from the beginning to today it has always been a concept with both negative and positive aspects.

Mainline economics offers a fruitful venue for closing the Tocqueville Gap. When scholarship from the past is closed off due to reductionist approaches, we lose access to a vast reserve of insights. By bringing together a wide range of disciplines, mainline economics offers a drill with which to mine the history of thought to enhance contemporary political economy and social philosophy. In Elinor Ostrom's *Governing the Commons* (1990, 216), she concludes by examining the implications of her studies of communities wrestling with the problems that common pool resources presents to them, and in doing she invokes the analytical power one can find in Tocqueville (among other classic thinkers) concerning how self-governing democratic societies work to turn situations of conflict into opportunities for social cooperation. We hope the following essays contribute to that project.

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CHAPTER 2

Tocqueville's "New Political Science" as a Correction of *The Federalist*

Rory Schacter

Introduction

When Tocqueville writes famously in the introduction to the first volume of *Democracy in America* of the need for a "new political science" for a world made "altogether new" by a universal democratic revolution, he implies that the earlier "new" political sciences would no longer suffice. Neither the new science of natural rights as taught by Hobbes, Locke, and other early moderns (which aimed to replace the classical model of political science as represented above all by Aristotle) nor the modified modern republicanism of Montesquieu, nor the social contract theory advanced by Rousseau can meet the constitutional needs of the post-revolutionary European state or the newly formed United States. For the American reader of Tocqueville's writings, there is another implication: the constitutionalism of the new American republic as articulated most famously in *The Federalist Papers* will likewise not suffice.

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The authors of *The Federalist*, like the larger group of founders of which they formed a leading part, conceive of their constitutionalism as a political venture of universal significance. "It has been frequently remarked," writes Hamilton in *The Federalist* No. 1, "that it seems to have been reserved to this country, by their conduct and example, to decide the important question, whether societies of men are really capable or not of establishing good government from reflection and choice, or whether they are forever destined to depend for their political constitution on accident and force" (Hamilton et al. 2003: 27). Tocqueville and Publius are united in their estimation that the *example* of America is of decisive significance for the cause of free government in the modern era. Yet Tocqueville, analyzing the empirical example of the newly formed United States, comes to different conclusions regarding those two cardinal faculties of constitutionalism named by Hamilton—reason and choice.

Bringing Tocqueville's political science into critical dialogue with the vision of *The Federalist Papers* offers, I want to argue here, a contribution to our understanding of American constitutional development broadly conceived. I take up a suggestion in what follows of George Thomas (2011: 275–78, 294) that we ought to recognize that at the "root" of the study of American constitutional developmental lies the interaction between the general principles of a polity and the particular historical circumstances. By focusing on this relationship, we may address foundational questions and translate them into questions relevant for the present. The relation between general political principles and particular historical circumstances is *the* great subject for both Tocqueville and Publius.

For Tocqueville, "history was the continuation of politics by other means" (Furet and Mélonio 1998: i). This nice phrase holds out the idea that the study of political development—and for Tocqueville history is primarily *political* history—has political implications itself. The authors of *The Federalist* turn to history too, yet they hope to show one of its greatest alleged lessons wrong: they conceive of a republic that can be both large *and* free, both democratic *and* republican. Tocqueville views the possibility of successfully carrying off those political pairings with great skepticism, and his new political science is his grand attempt to address them—and their inherent tensions—more fully than had his American counterparts, the statesman-thinkers Hamilton, Madison, and Jay.

My intention here is not merely to draw up a list of Tocqueville's objections to *The Federalist*'s arguments for and conception of republican government (though I will present the key points); nor do I wish to enter into

the interminable debate of the historians over the accuracy of Tocqueville's portrait of Jacksonian America. Rather, I want to probe the theoretical foundations of Tocqueville's critique of the American founders' constitutionalism (as articulated especially by the authors of *The Federalist*). More important to our contemporary concerns than merely historical questions is the theoretical and methodological question of how best to approach the study of constitutional foundations.

The two volumes of *Democracy in America* which contain Tocqueville's "new political science" are vast. And *The Federalist Papers* itself presents numerous, not always well-connected arguments. I must therefore limit myself to what can be only an overview of the cardinal issues at stake. I shall set out a general comparison of Tocqueville and *The Federalist* in what follow, building toward the final section, where I offer a brief critique of Tocqueville's own critique, focused on whether law can be understood primarily as either a cause, or an effect, in modern political development. I use the thought of *The Federalist* as a non-arbitrary, historically germane foil to better expose lurking complexities in Tocqueville "new political science."

Tocqueville's Diminution of the Founder's Founding

According to what we may loosely label the traditional view, the most fundamental constitutional "development" in American history was the coming into being of the constitution itself (a notion that reminds of that far older traditional view according to which the greatest miracle of the Bible was the creation itself). Moreover, the basis of this founding act, according to the self-understand of the American founders, was the principle of natural individual rights and the right of the people to free government by consent.

Tocqueville, though well aware of the avowed principles of the American Founding, felt compelled to go behind those principles to seek their historical cause within the broader context of a universal, unfolding "democratic revolution." Thus, his thought raises the question, whether one must understand fundamental constitutional developments as essentially the after-effects, or epiphenomena, of more primordial changes in the underlying social and economic—that is, sub-political—realm. *The Federalist*, both in its arguments and *in concreto*, rejects this notion. The American people must *choose*, and to this real fact of choice Hamilton, Madison, and Jay bring their great powers of persuasion.

The issue, then, centers on what one may call the idea of *constitutional choice*. To what extent can we say statesmen, or a people, can choose their form of constitution or political regime? How formative an effect on a people itself does such a choice have? In the classical Aristotelian view (also present in Plato), there is a choice among types of regimes. Choice is limited by circumstances, yet some potential for choice is always present. There is, above all, the general possibility of a shift toward, or away from, vesting power with the people. The struggle between aristocrats (i.e., oligarchs) and democrats is perennial.[1] On this view, there are in political regimes founding moments, often associated with revolutionary violence. In the classical sense, a "founding" is a planned beginning that "gives a certain form and principle of rule to society" (Mansfield and Winthrop 2000: xliv). *The Federalist* follows this thinking where it speaks of the regimes-types tried in ancient and modern times, and in proposing a new model—the large, modern mixed republican regime with its representative democracy and federal system. *The Federalist* insists that the classical political philosophers had failed to see the true potential for this type of mixed regime. This innovation, a break with the classics, is most significant. Still, the upshot is that there is, in fact, *greater* choice—that is, room for compromise and synthesis in the founding of a regime—than the ancients or the earlier moderns realized or thought possible.

At least on the surface, Tocqueville would seem to greet Publius' enlargement of the realm of constitutional choice more or less with dismissal. Tocqueville discusses the American Revolution and Constitution, but he does not accept them as truly formative events. As for the US Constitution, Tocqueville says it was the work, not of the founders themselves, but of "a great people, warned by its legislators" of grave problems requiring remedies (Tocqueville 2000: 106). To learn these remedies, the people listened to the advice of the Federalists—a party Tocqueville calls aristocratic and to whom he offers significant praise. Still, these remedies did not form the people itself (Mansfield and Winthrop 2000: xliv). According to Tocqueville, we should not view the American people as relatively unformed matter shaped into a polity by the founding itself. The American Revolution is not a new beginning but a transition or path correction—an outcome of remedies wisely applied to a body (or bodies) already mature and well-formed.

[1] For the classic discussion of this idea, see Aristotle, *Politics*, 1278b12, 1280a7, 1290a12–29, 1293b33.

The corollary of this judgment of the American Revolution is the surprisingly little weight that Tocqueville gives the political theory and the political actions of the Founders themselves. Tocqueville hardly mentions the crucial period of movement toward formal independence (1765–1776), and he makes no comment on the development and growing clarity of the Americans during this period concerning their own guiding political principles. This silence is noticeable in Tocqueville's failure to address the contribution of these political principles to the early state constitutions or to the federal constitution (West 1991: 157).

Tocqueville's silence concerning these historical developments is no mere oversight. Rather, it is a pregnant silence. With it, Tocqueville wishes to emphasize what he sees as the true formative development of the American democratic polity. He identifies, not the Founders' generation, but Puritans of New England's arrival, as the true seed (*germe*) of American democracy. He claims that the Puritan colonies represent a point of departure that provides the key to almost the whole of his work (2000: 27). The main implication of this assertion is that the Americans did not become democrats in America, but arrived as ones. The colonies of New England already possessed the key feature of democracy, in Tocqueville's view: the "democratic social state," defined by general political equality. Equality here means, not complete economic equality among all members, but the fundamental *absence* of a real aristocracy—that is, of political forms and institutions capable of sustaining hierarchical, unchanging in-egalitarian classes over generations.

Tocqueville well knew the Puritans were only one particularly influential group among many in the American colonial period. He selects the Puritans as the exemplary case because he wishes to illuminate the force of equality—that is, the democratic social state—in America. America functions as the exemplar of democracy as a *fact* (a new "social state"), and the Puritans function as the exemplary American case. Tocqueville claims America is the country of his day where equality and the democratic social state have developed most fully; he does not claim equality has *completely* developed there. When, in the Notice to volume II of *Democracy in America*, Tocqueville says he has not undertaken to show "the reason for all our penchants and ideas" but only to "bring out the extent to which equality has modified the one and the other," he offers the best general explanation for his great focus on the Puritans and his odd historical narrative of American history up until 1776 in Volume I (2000: 399). He shines a spotlight on certain historical features—and the result is that other historical facts are left off to the side or cast into the shadows.

Social State: The "First Cause" of Political Development

Let us consider what precisely Tocqueville means by a "democratic social state," so that we may see why the concept of "social state" seems to preclude a political founding in the commonly understood sense.

Tocqueville's concept of "social state" lies at the core of his "new political science." After announcing himself as the bringer of a "new political science" in the introduction to volume I of *Democracy in America*, Tocqueville speaks of "political science" on four more occasions in the first volume. On each occasion he cites the innovations of modern political science that were known and applied—including the advantages of bicameralism, the novelty of American-style federalism, and the neutralization of press bias via formal freedom of the press (Mansfield and Winthrop 2000: xliii). The concept of social state, however, is new in Tocqueville, although he does not take credit for its invention. He speaks of it as if it were a well-known concept—perhaps, as Mansfield and Winthrop suggest (2000: xliii), part of his rhetorical strategy to encourage its broad adoption—though he appears to have been the first to use it. What is primary for Tocqueville about "democracy" is that it represents a social state—one of the two main or fundamental social states, the other being "aristocracy." Whenever we encounter the term "democracy" in Tocqueville, we must remember he has in mind "democratic social state," defined by its "equality of conditions." By "democracy," Tocqueville does *not* in the first place mean political democracy. The "democratic social state" is deeper than a mere form of government. "Social state" shapes and influences both political mores (*moeurs*) and the laws of the regime. It shapes civil society as much as, and often more than, formal political institutions (Zuckert 1993: 4).

"Social state" is a difficult concept to pin down, since Tocqueville presents it as both an effect and a cause (Mansfield and Winthrop 2000: xliii). It is, he says, the "product of a fact or of laws or of both together which then becomes the first cause" of most of the laws, customs, and ideas of a nation, modifying those ideas it does not produce (2000: 45). Although "social state" plays such a central role in Tocqueville's political science, he does not offer a thematically explicit discussion of it anywhere in *Democracy in America* (Zuckert 1993: 4). There are earlier or first causes which bring about the social state, and yet these prior causes show no necessary and fundamental connectedness. It is only the social state that differs from other, prior causes by having a determinate character and unity, according

Tocqueville's theoretical analysis (Zuckert 1993: 5–6). Thus while the causes of equality are many, it is now a unified *fact* which has arrived. Aristocracy is finished. Henceforth, the democratic social state functions as *the* wellspring or cause of all subsequent major political and moral effects.

The content of a particular social state is best defined, according to Tocqueville, as the mores (*moeurs*) which animate it and which it sustains. In a striking passage, Tocqueville states: "I have placed [the notion of mores] in my mind as a central point; I perceive it at the end of all my ideas." He adds that making the reader feel the importance of the mores of the Americans (as an image of democratic mores tout court) was his "principal goal" in writing *Democracy in America*. Tocqueville's notion of mores is most broad. He says he applies the expression not only to "mores properly so-called, which one could call habits of the heart" but also "to the different notions that men possess, to the various opinions that are current in their midst, and to the sum of the ideas of which the habits of the mind [*esprit*] are formed." He comprehends by mores "the whole moral and intellectual state of a people" (2000: 274–75).[2]

There is in Tocqueville's presentation no political realm set off from the economic, or cultural, or religious. The democratic social state fills the entire horizon; it hides or envelopes the strictly political by politicizing all realms. He expresses the basic premise of his political science with his argument that in the long run political society cannot fail to become the expression and mirror of civil society (West 1991: 158–59; cf. Tocqueville 2000: 27–39). Tocqueville's historical narrative, which severely de-emphasizes the significance of the American Revolution and of the founders in creating the Constitution, is the corollary of his theoretical conception. In Tocqueville's analysis, larger sub-political (general or "social") forces envelope the actual historical American founding, hiding it from view. Tocqueville returns to the roots of American democracy, its nascent form: American civil society, formed over a long period, is the true source of its laws.

Tocqueville's presentation strikes one, in this respect, as anti-liberal or illiberal structurally, since it runs contrary to the classic modern liberal conception whereby the liberal state stands or falls by the distinction between the "private sphere" and the "public sphere." For Tocqueville presents what the "private sphere," the bulwark of freedom and tolerance and the repository of individual rights in the traditional conception of

[2] Interestingly, Tocqueville says (2000: 275) that he defines and deploys the French expression *moeurs* "in the sense the ancients attached to the [Latin] word *mores*."

liberal democracy, as highly permeable: it provides little if any shielding from what Tocqueville famously labels the "tyranny of the majority." The theory of social state, therefore, implies a critique not only of liberal political philosophers but also of their students Hamilton and Madison. Let us turn now to the details of that critique.

Majority Tyranny and the Insufficiency of Madisonianism

Scholarship on the genesis of Tocqueville's writing of *Democracy in American* confirms that Tocqueville studied *The Federalist Papers* with great care and took copious notes to prepare for writing his own work (Brown 1988: 45; Schleifer 1980: 87–101, 145–48). Here I follow the suggestion of Bernard Brown that we should view *Democracy in America* as an "interpretation of *The Federalist* by a master theorist," asking how much was borrowed, how much changed, and how much was rejected of the mother thoughts ("*idées mères*")—to use Tocqueville's phrase—of Publius (Brown 1988: 45–6).

Tocqueville's concept of social state and its accompanying focus on mores furnish an overarching critique of *The Federalist*, yet that critique is essentially implicit. When we turn to *Democracy in America* to examine Tocqueville's explicit references to *The Federalist* in search of the details of his critique, we encounter a confusing presentation—one which masks the general critique of *The Federalist* implied by Tocqueville's political science taken as a whole. What is so confusing about Tocqueville's presentation? What might have been his reasons for presenting things as he did?

On the surface at least, Tocqueville's view of *The Federalist* seems highly positive. Tocqueville's main references to *The Federalist* are laudatory rather than critical. Tocqueville cites *The Federalist* to support his arguments concerning the problems of a weak federal system. He praises the entire party of Federalists (as noted above) for wisely educating and guiding the American polity during the period of the Constitution's formulation. He offers *The Federalist* as an authority on the American federal courts. He cites with approval Hamilton's general arguments for a strong federal government possessing "energy," and agrees that the president's decisions under the federal constitution should not be subject to a council, lest this weaken the government and diminish its authority and effectiveness. Finally, he cites Madison and Jefferson as wise counselors on the threat of "majority tyranny" emanating from the legislative branch (2000:

81, 193, 249). Where then is the criticism? In fact, surface appearances are here somewhat deceiving, and much of the deception is intentional on Tocqueville's part. His reasons are rhetorical or pedagogical. While the explicit references to *The Federalist* are positive, once again Tocqueville's real critique is essentially implicit, and comes into view only by surveying his account of American democracy as a whole.

The explicit references to *The Federalist* just cited all focus on the problem of majority rule broadly conceived. At first glance, Tocqueville would seem to stand with Madison on the problem of majority tyranny. In an early draft of *Democracy in America*, excised from the final published edition, Tocqueville (quoted in Brown 1988: 47) wrote:

> How democracy will leads to tyranny and will happen to destroy liberty in America. See the great theory of this point exposed by *The Federalist*. It is not because powers are not concentrated; it is because they are too much so that the American Republics will perish.

Tocqueville agrees that the problem of majority tyranny via the concentration of power in a legislature is a greater threat to liberty than the potential breakdown of legislative authority and the reign of anarchy. Modern democracy threatens liberty not so much because it stands one place removed from general anarchy (as in the ancient democracies with their periods of mob rule), but because it destroys local liberties by concentrating the power of the majority. So far, Tocqueville agreement with Madison seems more or less unqualified.

In volume I, part 1 section 8 of *Democracy in America*, Tocqueville argues that "the greatest danger to the American Republics" stems from the "omnipotence of the majority" (2000: 248). In this section he cites Madison's remarks in *The Federalist* 51 at length, seconding them by quoting a letter of Jefferson to Madison on the dangers to liberty posed by the tyranny of the legislature. In a footnote to the chapter, Tocqueville clarifies he is speaking, "not of the federal government, but of the particular governments of each state, which the majority directs despotically." Tocqueville seems then to follow the logic of Publius so far as concerns the individual states. He recognizes the logic of Publius' separation-of-powers argument for combating at the federal level destructive tendencies of republican government. He notes, in the spirit of Madison, that such separation among the branches of government exists at the state level is tenuous at best. In sum, Tocqueville shares Madison's deep concern that

a state legislature may become hostile to local liberties. And yet, when he turns his eye to the United States as a whole, his judgment concerning majority tyranny takes a turn away from Madison.

Tocqueville provides a clue to his basic departure from Madison on majority tyranny by his long quotation from *The Federalist* 51. Madison speaks of "the insecurity of rights under the popular form of government." Tocqueville, however, replaces the term "popular form of government" with his own term: "tyranny of the majority" (2000: 249). For Tocqueville, popular sovereignty does not merely threaten, but in most cases *implies* a "tyranny of the majority." Thus, Tocqueville repeatedly speaks of the "omnipotence of the majority" as a general condition in democracy.

For Tocqueville, majority tyranny is not merely a problem of the majority or the legislature's behavior in this or that instance. Rather, the very *existence* of popular sovereignty (the corollary of the democratic social state) tends toward tyranny. Tocqueville identifies the two main dangers that threaten the existence of democratic governments: the complete subjection of the legislative power to the will of the electoral body; and the concentration of all the other powers of government in the hands of the legislative power. He argues that the lawgivers of the Federalist Party did what they could to render them less formidable. However, in Tocqueville's view, while the Federalists did what they could, they did not—because they could not—do enough. Tocqueville joins Madison in seeking within majoritarian society institutional checks capable of resisting the pull toward centralization and the over-concentration of power. In an earlier draft of the chapter under discussion, Tocqueville presented his thought with pithy directness: "Remedies to the perils which I have just indicated. That it is necessary to direct all efforts against centralization. Even if I could not point out remedies, it would be something just to indicate the perils" (quoted in Schleifer 1980: 217). Most significantly, however, Tocqueville did not believe he had an *institutional* remedy for majority tyranny. He points out the danger, but is far less sanguine than Publius as to the capacity for a "judicious choice" (Hamilton's phrase) of institutional arrangements to solve the problem.

To give a key example: Tocqueville speaks with great zeal of the importance of civil associations for maintaining liberty in America. And yet for all his praise of associations, Tocqueville was pessimistic as to their potential long-term efficacy under democratic social conditions. In a section from an early draft of volume I of *Democracy in America* omitted from the final version (quoted in Schleifer 1980: 193, emphasis added), he writes:

> Aristocracies are natural associations which need neither enlightenment, nor planning to resist the great national association that we call the government. Because of that they are more favorable to liberty than democracy is. Associations can also form in a democracy, but only by means of enlightenment and talents and *they are never lasting*. In general when an oppressive government has been able to form in a democracy, it encounters only isolated men, not any collective forces. Thus its irresistible strength.

Associations belong by nature to aristocratic social conditions rather than to democracy. They can be imported, so to speak, into democracy. But without the unchanging social order of aristocracy to rest upon, their efficacy is blunted over time. Most important for our purposes, associations are not, for Tocqueville, a fundamentally democratic remedy for a democratic ill. They aid democracy precisely because their spirit runs counter to spirit of the democratic social state and the "moral empire" of the people taken as a whole.

Thus, as Brown puts it (1998: 57), although Tocqueville endorses popular sovereignty (at least in the abstract) as an inevitable and irresistible corollary of the equality of conditions in the democratic social state, "he cannot accept the political consequences of popular sovereignty." He saw the American president, Andrew Jackson, prostrating himself before the public, and called him a "slave of the majority." He writes in a manner full of foreboding of the irresistible "moral empire of the majority," a power greater than any party or faction. In accord with his theory of social state, the fundamental method of his political science is to grant a secondary status to political institutions. Elsewhere he writes:

> I accord institutions only a secondary influence over the destiny of men. I would to God that I believed more in the omnipotence of institutions! I would have higher hopes for our future because chance could on some given day then allow us to fall upon the precious piece of paper that would contain the prescription. But alas! It is not so, and I am thoroughly convinced that political societies are not what their laws make them, but what they are prepared in advance by the feelings, the beliefs, the ideas, and the habits of heart and mind of the men who compose them (quoted in Horowitz 1966: 296).

This sentiment underwrites his description of majority tyranny. He did not hold out the hopes of Publius that a written constitution (a "precious piece of paper") could contain prescriptions for solving the fundamental political problem of modern popular sovereignty. Institutional

arrangements of various sorts ought to be tried, but one should not view them as lasting solutions.

Crucially, Tocqueville did *not* share Madison's fear of a deep or permanent division between minority and majority factions in America (Horowitz 1966: 296). The parties, in Tocqueville's conception, do not divide the polity into true factions. Instead, the majority itself, the omnipotent public, is that being to which all parties must defer: "In the United States," he writes (2000: 237), "all the parties are ready to recognize the rights of the majority because all hope to be able to exercise them to their profit one day." In the United States, therefore, parties prostrate themselves before the omnipotent electorate, as does the president and legislature. The judiciary and class of lawyers fare somewhat better in resisting this general obsequiousness, yet they too have this drift (2000: 251–58).

And yet, this same majority—which has "an immense power in fact, and a power in opinion almost as great" and whose advance "no obstacles can stop [or even] delay"—is still docile and obedient. Tocqueville writes that in America, "however distressing the law may be," a citizen "submits to it without trouble…not only as the work of the greatest number, but also as his own: he considers it from the point of view of a contract to which he would have been a party" (2000: 230). This remark is perhaps best judged an exaggeration meant for rhetorical effect and the consumption of his French readers. Still, the import of his point remains: overall, Tocqueville and Madison, despite their common concern with the problem of majority rule, stand apart. The central issue of American politics was for Madison, as for Hamilton and Jay, how "to render government invulnerable to the onslaughts of an impassioned majority" (Horowitz 1966: 299). Publius assumes that in America there are permanent divisions of interest demanding institutional remedy. Tocqueville's rebuttal is twofold: in America, there are no such deep divisions; moreover, institutional checks alone would not suffice regardless. Tocqueville implies that the success the American Constitution has had is due primary, not to the institutional genius of the American founders, but to their good fortune at having a polity at once so enlightened and so homogeneously formed by the general equality of conditions. Tocqueville's readings from *The Federalist* led him to observe in a note dated December 29, 1831:

> This much can be stated, that it is only a very enlightened people that could invent the federal constitution of the United States and that only a very enlightened people and one accustomed to the representative system, could make such complicated machinery work, and know how to maintain powers

> within their own spheres…The constitution of the United States is an admirable work, nevertheless one may believe that its founders would not have succeeded, had not the previous 150 years given States of the Union the taste for, and practice of, provincial governments, and if a high civilization had not at the same time put them in a position to maintain a strong, though limited, central government (quoted in Schleifer 1980: 118; emphasis in original).

Again, Tocqueville's reasoning points to the fundamental and overriding significance of the American "social state" and earliest colonial founding for its political development.

The French Connection

There is a key tension that runs through Tocqueville's presentation of all subjects in *Democracy in America*. His book is not so much about American democracy, but democracy *in* America; he tells us that he has seen "in America more than America" (2000:13). He presents the universal features of democracy, which the exemplary American empirical case illuminates. One must ask oneself in each instance, therefore, how much his argument is guided by his goal of presenting America to his French readers, and so how much he is presenting modern democracy as a kind of "ideal type," to use Weber's term.

Tocqueville often seems to write in *Democracy in America* as if he accepts Madison's basic premise, because he believed Madison's approach could present an attractive alternative for France, where there were still, to use his phrase, "natural and permanent disagreements" between the interests of the different inhabitants (Horowitz 1966: 299). As regards majority tyranny and *The Federalist*, Morton Horowitz (1966: 300) has summarized the implications of this key issue with clarity: "Where Tocqueville writes as if tyranny of the majority where nothing more than despotism by the numerically dominant portion of the community he is thinking of France, not America."

The constitutional suggestions of Publius regarding a strong central government with institutional checks and balances may offer the French, in broad outline, an optimistic example of judicious reasoning. But in Tocqueville's opinion, the French ought to consider the reasoning of Publius only as a general inspiration. Publius represents a sage *republican* constitutionalism fitted to (and made possible by) the highly favorable and unique conditions in America. For France, however, Tocqueville favored, not republican government, but constitutional monarchy (Brown 1988: 59).

Publius rules out monarchy, constitutional or otherwise—and not only because it is ill suited for the American polity specifically. The cause of *The Federalist* is republican government; America is the chosen nation, the exemplar so to speak of a venture that, if carried off, shall furnish general or universal proof of the possibility of just representative government. That Tocqueville favored some enlightened form of constitutional monarchy for France is a matter all too often overlooked by interpreters of Tocqueville. This is due, in part, to his mentioning his preference for constitutional monarchy infrequently and only in passing in *Democracy in America*. But elsewhere, he makes his political preference for his native land quite clear.

In his address to the voters of Valognes in 1837 after the publication of the first volume of *Democracy in America*, he argued that, since absolute power in France had created an endless cycle of servitude followed by uprising and anarchy, a new conception of French liberty was required. He then presented to his listeners the thesis of his work: "The study of the United States showed me that republican institutions absolutely do not suit us, though it offered a glimpse of how free institutions could increase the power, wealth and glory of a people" (quoted in Brown 1988: 59–60). In his *Reflections*, published many years later, after he had served as a minister under Louis Napoleon, he once again confirmed the view that the republican form of government was not the best suited to France: "I have always considered that the Republic was a government without counterbalance, which always promised more, but always gave less liberty than constitutional monarchy" (quoted in Brown 1988: 60; see Tocqueville 1942: 189). In sum, Tocqueville's political science allows him to analyze the advantages that republicanism offered the United States, while still viewing republicanism as potentially limited compared to what he considered its only positive modern alternative, constitutional monarchy.

Tyranny of the Majority as Soft Despotism: The Problem of "Individualism"

We have so far focused on Tocqueville's references to and analysis (often only implicit) of *The Federalist* in volume 1 of *Democracy in America*. Had Tocqueville left things at this, our consideration of his "new political science" as a critique of *The Federalist* would advance no further than the core point just considered—namely, his preference for constitutional monarchy in France, substantiated by his study of the particularities of American democracy.

But Tocqueville did not leave it at this. The problem of majority tyranny reappears in volume II of *Democracy in America*. There he depicts a pervasive form of soft despotism that threatens all modern societies, whose force flows from the influence that the democratic social state has on the mores of citizens. It is fair to say volume II of *Democracy in America*, compared to volume I, is far more concerned with the universal contours of democracy than with the historical and political details of American democracy.[3]

The central theme of the volume II—majority tyranny understood as a soft despotism which reigns via majority popular opinion and a highly centralized state—is foreshadowed in volume I. Tocqueville's notes in volume I, "up to the present, the effects of the tyranny of the majority have made themselves felt more on mores than on the conduct of society." In a striking remark concerning the "moral empire of the majority," he states, "in a democratic republic, tyranny leaves the body alone and goes straight for the soul" (2000: 246, 244). The soul (or the heart) of democratic man is for Tocqueville the key to his analysis of constitutional arrangements both in America and in France. Since mores shape political behavior and development more than any other force, volume II, with its sustained focus on mores, is more important for understanding Tocqueville's view of American federalism than volume I (Broyles 1993: 306).

Tocqueville's sustained consideration of the force of democratic mores in volume II leads him to a more pessimistic general view of the future of democracy than he reached in volume I. His general pessimism stems from what he identifies as the central moral disease carried in the mores of the democratic social state: the tendency toward what he calls "individualism."

Tocqueville's new political science challenges Publius, therefore, regarding the general make-up of the passions and their connection to political life. For Madison, the fundamental political passion is envy, which is the main source of faction. But envy is not the primary passion of democratic man in Tocqueville's account. It is not passionate envy as a spur to factious domestic conflict, but rather its polar opposite, the evil of "individualism" and the lackadaisical withdrawal from public concern it augers, that Tocqueville most fears. "Individualism" is a term not invented by Tocqueville, but one which he was the first to define adequately and which

[3] For a discussion of this difference between the two volumes, see Kloppenberg (2006).

he more than any other thinker helped bring into currency.[4] "Individualism," Tocqueville remarks, "is a recent expression arising from a new idea. Our fathers knew only selfishness" (2000: 482). Unlike the "blind instinct" of selfishness (as it is spoken of, for example, by Publius), Tocqueville defines individualism at once as a defective sentiment and as an "erroneous judgment." "Less of an outsized affection for oneself, individualism is rather a misguided conception of personal independence," a flawed *moral* notion (Atanassow 2007: 1). It is a calm and reflective sentiment, in which each individual attempts to isolate himself from the public or community. He does so out of the belief he can, or must, take his destiny in his own hands. Tocqueville claims the individual acting under the modern impulse of individualism attempts to become, alone, an "entire whole" (*tout entier*). To become an "entire whole" requires one seek and hold on to unity, to identity between own oneself and the vast universe. But this mental leap is really the corollary of a de-politicization of the individual's viewpoint under mass democracy. "Individualism" acts as a moral-psychological acid that rots away the spirit of association and local self-government which volume I so extols.

Tocqueville's French term "individualism" is to be distinguished from another term he employs, *individualite*. While Tocqueville devotes whole chapters to discussing individualism, he discusses the meaning of "individuality" (*individualite*) explicitly only once in *Democracy in America*.[5] Under aristocracy, we learn, individuality becomes an obsession. "In aristocratic times, the very ones who are naturally similar aspire to create imaginary differences." The opposite is true under democracy. There, "the spirit of individuality is almost destroyed" as "the very ones who do not resemble one another ask only to become alike." Both these tendencies are faulty: the aristocrat thinks too particularly, the democrat too generally (Lawler 2001: 218). Tocqueville's expression *l'individualite humaine* should therefore be distinguished from mere aristocratic spiritedness. By this term, Tocqueville means to speak of a kind of natural individuality, a natural sense of distinctiveness and self-regard underpinning the dignity of human beings as such. Hence individualism's rampancy in

[4] See Nolla and Schleifer's editorial note (Tocqueville 2012: 92, note b), for a discussion of the term's lineage.

[5] In volume 2, part 3, chapter 26, "Some Considerations on war in democratic societies" (2000: 631–32). This 26th chapter is also the only place in *Democracy in America* where Tocqueville mentions Machiavelli or his work *The Prince* (which itself, interestingly, has 26 chapters). On the connection between individual greatness in Tocqueville and Machiavelli's philosophy and politics, see Mansfield and Winthrop (2014).

democracy points to an alarming political paradox: "that a political order built on the principle, and in the name, of individual autonomy poses formidable threats to human independence" (Atanassow 2007: 7). Thus, as Bryan Garston has remarked (2008: 371), democracy "presupposes the existence and agency of particular individuals if it is to remain something distinct from despotism, because only the sense of one's unique importance or honor can spur citizens to risk comfort for the sake of liberty."[6] Although Tocqueville's dissection of the moral and psychological makeup of democratic man goes beyond the manner of analysis found in *The Federalist*, the need for great public-spirited leaders to preserve democratic liberty is a sentiment shared by Tocqueville and Publius. However, they disagree as to the chief evils which they ought to devote their energies to combating.

The necessity of reliance on individual leadership to sustain democratic liberty poses a graver problem for Tocqueville's political science than it does for Publius'. For Tocqueville's focus on social state and underlying mores—massive, near-deterministic factors in political development—would seem to undermine the hope that individual actors could do all that much to alter the course of events. The individual actors who accomplish the most in Tocqueville's historical narrative are despots—Napoleon is the key figure and archetype—whose main contribution to democratic liberty is to crush it.[7]

As we have seen, though he admires them, Tocqueville gives the Federalists a secondary role in American history. Is this deserved? Does Tocqueville's judgment square with his own account of the "real advantages that American society derives from the government of democracy"? In the concluding section, let us turn to two intelligent critics of Tocqueville who defend, though in different ways, Publius against Tocqueville's critique.

An Appraisal of Tocqueville's Critique

It is not difficult to pick away at Tocqueville's critique of *The Federalist* by impugning details of his historical narrative. But this would still beg the question whether, with historical hindsight, we ought merely to correct Tocqueville in a Tocquevillian spirit. What is fundamental to his new political

[6] In making this point, Garston cites the argument of Sharon Krause in her *Liberalism with Honor* (2002).

[7] See Tocqueville's never completed and posthumously collected *The Old Regime and the Revolution, Volume II: Notes on the French Revolution and Napoleon* (2001).

science is his concept of social state and his accompanying focus on mores. If we accept his general approach, we could very well become modern, exacting Tocquevillians who, with much greater historical knowledge of the American founding and of American historical and constitutional development, accept his approach while broadening his scope and details. A more serious critique of Tocqueville's own critique of *The Federalist*, though, would begin by challenging him on his own theoretical turf.

To take aim at Tocqueville's sociological approach[8] is tricky, however: social state is a fairly elastic theoretical notion with abstract properties and an expansive scope. Its particular significance is this: it represents Tocqueville's attempt to bridge—or perhaps, to blur—the distinction between political theory and political practice. It presents a bird's-eye theorician's view of the *sub*-political causes of politics. So, social state is simultaneously a "top-down" and a "bottom-up" theory of politics. To illustrate this paradoxical quality, we can turn to the actual "content" of the democratic social state. We recall Tocqueville's basic definition: social state is "product of a fact or of laws or of both together which then becomes the first cause" of most of the laws, customs, and ideas of a nation, modifying those ideas it does not produce (2000: 45). A major difficulty arises, however. Mansfield and Winthrop (2000: xlvi) summarize the issue well:

> When Tocqueville speaks of the concept of the *social state*, he seems to say that the social facts of a democratic society produce democracy and to deny that democracy as a principle imposes itself on a society so as to make it democratic. Yet in discussing the tyranny of the majority (in volume I) and mild despotism (in volume II), does he not imply that democracy is imposed on society, that the democratic social state in America comes from democracy? The relationship of democracy to America, the meaning of "Democracy in America," is something of a problem. Can one say which of the two comes first?

Thomas G. West (1991: 160) points to just this issue in his criticism of Tocqueville's understanding of the American founding. According to West, Tocqueville underestimates the power that American laws (and therefore, the *framers* of those laws) exercised over American mores and public opinion. From Publius' point of view, as West puts it (160), Tocqueville's account is "true but partial." Publius is well aware that "social conditions place limits, as well as make possible, what can be

[8] I follow Raymond Aron in applying that term. See Aron (1965). See also Manent (2006).

accomplished politically." *The Federalist* tells us that "all governments rest on opinion" and that "republican government presupposes the existence of [virtue] in a higher degree than any other form"—sentiments shared by Tocqueville. Yet, *The Federalist* also expresses the view that above all, *government forms society* because *the laws shape the passions.* Thus, for instance, Publius argues that the actions of irresponsible legislatures have "occasioned an almost universal prostration of morals," but that such things as constitutional provisions protecting contracts will "inspire a general prudence and industry, and give a regular course to the business of society" (quoted in West 1991: 159)[9] Tocqueville regards equality as a political *principle* only in a cautious, highly qualified way. The *fact* of democratic equality is the main point for Tocqueville. Equality as a normative claim tied to natural rights is something he treats with grave theoretical skepticism and political caution.

But Tocqueville, in West's opinion, fails to understand the politically transformative power of the *moral* argument for rights set out in the Declaration of Independence and laid out in *The Federalist.* While West calls his a "modest correction" of Tocqueville's "otherwise brilliant work," his argument discloses one form which a more substantial critique of Tocqueville might take, the outlines of which we may sketch now.

Let us return to the topic with which we began—Tocqueville's diminution of the founding in his narrative. If we turn to volume II and to Tocqueville's important chapter, "Why Great Revolutions Will Become More Rare," we find a somewhat different account of the founding period than the one presented in volume I (2000: 606–16). As Robert Eden has pointed out (1986: 359), in this second account, Tocqueville does show, contrary to the impression he cultivated throughout volume II, that "revolution does have a foothold in the United States":

> The antithesis between commercial democratic *moeurs* and revolutionary populism is mirrored in the national characteristics of North and South, especially when Tocqueville focuses upon blacks and the habits of tyranny which slavery promotes among the whites. The prospect of a revolution caused by inequality is the prospect of a civil war. Preserving the Union in the United States means uniting two antithetical moral traditions under one government.

[9] See *The Federalist Papers*, No. 49, 15, 44 and 85 (Hamilton et al. 2003: 310–314, 100–08, 277–84, 520–27).

Lincoln, of course, would come along to argue that the uniting of these two antithetical moral traditions was not possible in the long run. Eden points out the great similarity on many points between Tocqueville's chapter "Why Great Revolutions Will Become More Rare," and Lincoln's Lyceum Address (which he composed at roughly the same time), whose topic was "The Perpetuation of Our Political Institutions." Both Tocqueville and Lincoln focus on ambition and revolution, rather than parties or elections. Eden goes so far as to claim (1986: 359) that Tocqueville's chapter corresponds "almost point for point" with Lincoln's. This goes too far, however. For Lincoln, unlike Tocqueville, places supreme emphasis on the importance of the public's respect for the *principles* of the Declaration of Independence and the Constitution. Although Lincoln places less emphasis on the machinery of government than on the mores of the people, he places the Constitution and what it stands for above all else in his speech. His argument is a repetition or, perhaps, a magnification, of the moral argument made by *The Federalist* concerning the cause of republican government.

This brings us to the first major point of contention: both *The Federalist* and Lincoln's restatement of the views of the founders in the Lyceum Address force us to consider whether the moral rhetoric of the founding was of greater formative significance in American history than Tocqueville would seem to imply. Publius does not hector the public directly with moral teachings, but rather argues for the moral legitimacy of fundamental political *institutions* to be enshrined in a constitution. It is an open and important question whether Tocqueville underestimated the power of Publius' rhetorical appeal to natural rights republicanism.

If Thomas West criticizes Tocqueville for overlooking the true significance of Publius' moral rhetoric of republican principles, Edward Banfield takes the opposite tack: he criticizes not Publius, but Tocqueville, for a rhetorical and pedagogical project that is overbearing, self-contradictory, and illiberal. In his important essay *The Illiberal Tocqueville*, he argues that a principal defect of Tocqueville's analysis is his "assumption that only insofar as men are good can they produce a good society and that they will be good – or good enough – only if some central authority educates and guides them." By contrast, according Banfield, the American founders "accepted the necessity of taking man as he was and endeavored to arrange institutions so that in the pursuit of happiness (paltry pleasures, most often), men would be distracted from socially more dangerous activities." Tocqueville, Banfield concludes (1991: 52–3), thought

that some authority could guide men to something "better than they were by nature"; but "the founders had a much better understanding of things than did Tocqueville":

> If government can change the nature of man for the better, one would want to do so right away. But it cannot. And therefore the best course – a perilous one – is to protect him from others in his pursuit of happiness, and to hope for the best.

How might Tocqueville have responded to this charge? First, he did not accept the protection of "the pursuit of happiness" as a lofty goal. He stands with Rousseau in his fierce criticism of bourgeois life and the paltry pleasures which make it up. Still, he forced himself to accept that politically, bourgeois life had conquered and was here to stay. Tocqueville would have pointed out to Banfield that "protecting men as they are" in the democratic era is not the limited task he claims, precisely because of the psychological toll to individual and community that the extreme focus on such individual pursuits occasions. As Tocqueville argued, Americans for all their material wealth are "restless in the midst of their well-being"—somber, unsatisfied, obsessed with the pursuit of a good (happiness) which eludes them (2000: 506–08). But more significant still is Tocqueville's contention that democracy is, in comparison to pre-modern (or "aristocratic") society, like an entirely different form of humanity. This is not simply true. There is a universal sense of humanity for Tocqueville, as we saw in his treatment of the idea of *l'individualite humaine*. But Tocqueville could not accept Banfield's basic idea, which he claims he takes from the founders, of "leaving men as they are." Tocqueville's thesis is that men have *changed*. There is something new under the sun—the democratic social state.

Above all, Tocqueville saw modern political development as more fluid than, for instance, either West or Banfield. He saw centralization of power as an on-rushing current, one increasingly hostile to personal liberty.

It is true, as Bernard Brown puts it (1988: 60), that Tocqueville in all his institutional and constitutional advice sought "to salvage what was valid in the aristocratic ideal and to place it in the service of democracy." Perhaps the most significant example of this dimension of Tocqueville is his treatment of rights, which he claims, interestingly, are a holdover from aristocratic centuries (2000: 27–44, 227–28). Tocqueville does not accept the teaching of rights as expounded in the Declaration of the Rights of Man and of the Citizen in France, and in the Declaration of Independence

in America. Rights, for Tocqueville, are primary *political* rights. Rights are the embodiment of self-government and engender both individual assertiveness and moderation (Winthrop 1991: 398). Tocqueville does not accept the notion of self-evident natural rights embedded in human reason as articulated by the American founders (following Locke and others). Rights must be claimed, sustained, and animated by what Tocqueville calls (2000: 83, 226) the "spirit of the city." Rights are above all for Tocqueville linked to *honor*, to self-concern understood not as mere self-interest but rather as self-respect, as regard for one's own dignity (see Winthrop 1991: 413–423). Such honor is natural and enlarged in aristocratic times, but severely weakened by the sentiment of "individualism" under democracy.

This entire "aristocratic" approach can make Tocqueville's rhetorical efforts seem overbearing, self-contradictory, or both, given his insistence on the providential inevitability of democracy and the demise of aristocracy (this is Banfield's point). But Tocqueville attempts to explain the apparently self-undermining nature of his aristocratic advice to democratic legislators and moralists. In volume II of *Democracy in America*, having just discussed "why the Americans show themselves so restive in the midst of their prosperity," he devotes a chapter to discussing the Americans' impressive ability to combine "the taste for material enjoyments" with "love of freedom and with care for public affairs" (2000: 514–17). "The Americans," Tocqueville writes (517), "see in their freedom the best instrument and the greatest guarantee of their well-being. They love these two things for each other." Tocqueville admires the Americans for this. But he implies that the true and deeper source of their love of freedom is not mere self-interest, but something loftier. The signatories to the Declaration of Independence pledged their sacred honor to the cause of the United States. Something closer to this sentiment is what Tocqueville has in mind, and what he finds incommensurate with any explanation of American liberty based on solely on "self-interest rightly understood."

We are left with the still open question whether Tocqueville did justice to the thought of *The Federalist*, and to actions of the American founders more generally. In his chapter, "How the Americans Combat Individualism by the Doctrine of Self-interest Well Understood," Tocqueville tells us that the Americans do not always do justice to themselves in recounting their own actions. Americans, he says (2000: 502),

> are pleased to explain almost all the actions of their life with the aid of self-interest well understood…I think that in this it often happens that they do

> not do themselves justice; for one sometimes sees citizens in the United States as elsewhere abandoning themselves to the disinterestedness and unreflective sparks that are natural to man; but Americans scarcely avow that they yield to movements of this kind; they would rather do honor to their philosophy than to themselves.

Democracy in America is a very rhetorical work, and it is fair to conclude that often, Tocqueville would rather do honor to his own philosophy—his "new political science" of the social state—than to the particularities of the Americans, who, he is at pains to argue, even when they seem exceptional are still exceptions proving the rule.

His treatment of Publius is of a piece with this approach. Wishing as he did "to salvage what was valid in the aristocratic ideal and to place it in the service of democracy," he chose to present the Federalists as a fundamentally aristocratic party that, nonetheless, placed itself in the service of democratic liberty. Tocqueville, though, recasts Publius in his own image. The Federalists themselves would have rejected this aristocratic label. Their republicanism was sincere even if their disgust with the evils of mass populist politics was clear. But perhaps Madison and Hamilton would have fully conceded Tocqueville central point about the role of the Federalist Party, which, Tocqueville argues, was "only able to benefit democracy by introducing the principles of aristocracy under the slogans of its democratic adversaries" (Winthrop 1991: 424).

Tocqueville talks over the head of the people and criticizes them in the most severe terms in a way alien to the founders, a tendency Banfield condemns. Yet he has given us his own defense: he tells us he is not a flatterer of democracy because he is not an enemy of it. What this implies—perhaps a hard pill to swallow for those loyal to modern democracy—was that he was not a true *friend* of democracy either. He was a lover of humanity, not of democracy. He admires democracy's justice and he admires America. But admiration and friendship (to say nothing of love) are not the same thing. Given how much his constitutional recommendations rely on a kind of aristocratic subterfuge to be effective, we should not be surprised that his historical narrative of American political development is similarly rife with an only partly hidden agenda.

Tocqueville's ultimate compliment to the Founders is to conclude that Europe *cannot* emulate their example. Europe's political situation is different; it is not amenable to American republicanism because the rising tide of equality is not as pacific as it is in America. Still, the American

founders were not unaware of their unique circumstances. These special circumstances were, they argued, ripe to be seized. To display before European eyes the riches of American republicanism in full bloom would be, in fact, to make the situation for Europe seem all the more hopeless. Instead, Tocqueville says to his fellow Frenchman: the Americans were born rich with the riches of republican self-government, which they inherited and never became coarse and bloodied in acquiring. This is a profound half-truth. Some are born rich and squander those riches; others take the opportunity fortune accords them to accomplish greater things. The American founders belong to that latter category. Their party vanished from American history in one generation. But they completed their essential task. And since, just as Tocqueville observed, the American founding was not some complete fresh start but actually the husbanding of pre-existing republican self-government into a larger union, the founders provide a weighty example of wise democratic constitutional statesmanship. The founding was a beginning and a transition. To look at it this way is a vindication of sorts both of *The Federalist* and of Tocqueville.

This conclusion would seem to leave it ambiguous by what mechanism the American founding documents and their principles, argued for by *The Federalist*, influenced the mores of the Americans and therewith American political development. One seems left with two sorts of possible interpretation. On the one hand, one might identify the laws of the United States as forming a sort of tutelary power shaping the beliefs of American citizens. On the other, on might instead focus on the rhetoric of the American founding as functioning as the primary shaper of these mores.

A judicious answer is that such a binary choice is misguided, because of the peculiar nature of the American founding documents themselves. It is much beyond the scope of this study to consider the relation of the US Constitution, including the Bill of Rights on the one hand, and the Declaration of Independence on the other. But we may echo the spirit of Lincoln's Lyceum Address by referring to his argument that the Declaration may be read as an enunciation of the core principles of the Constitution. It would be wrong to reduce Lincoln's famous appeal to mere rhetoric. He appeals to positive law, but he justifies obedience to positive law (the US Constitution) according to natural right (as announced in the opening of the Declaration). Any distinction between positive and natural law is in fact only partial rather than absolute, in Lincoln's view, insofar as *reverence* for the written US Constitution is justified by the Constitutions' legitimation in terms of natural rights.

This peculiarity of the American regime and its foundation is also captured by Tocqueville, but in way that tends to obscure its components. As we have seen, Tocqueville takes as his entire "point of departure" in sketching out the origin and nature of American democratic mores the Puritanism of the early American colonists. The Puritan Founding, to repeat, is presented as more fundamental than the American Revolution and the political founding as embodied in the Declaration and the adoption of the US Constitution. Yet even here, the issue is deeply ambiguous, as close examination of Tocqueville's account attests. Speaking of Puritanism, Tocqueville says it was "almost as much a political theory as a religious doctrine," for it "blended in many points" with "the most absolute democratic and republican theories." Indeed, the Puritans "tore themselves away from the sweetness of their native county to obey a purely intellectual need; in exposing themselves to the inevitable miseries of exile, they wanted to make *an idea* triumph" (2000: 32; emphasis in original). Puritanism was the germ of American democracy insofar as it was the true carrier of the modern republican philosophical principles, which were not themselves of specifically Puritan origin. But the Puritans were a unique carrier of such ideals, because their Protestant Christian mores were themselves such a contrast to the prideful individual self-assertation latent in such modern philosophical morality. Tocqueville says that these "boldest theories of the human mind" were put into practice by a community "so humble in appearance" that no statesman had deigned to be occupied with it. The Puritans, he says, brought about by the act of their "own imagination" hitherto unseen forms of legislation. If we follow this logic, then, we may say that it was the philosophic authors of these "most absolute democratic and modern republicanism" who Tocqueville identifies, if almost in passing, as the true legislators of the mores of the American citizens. Tocqueville partly covers over these deeper origins, because he believes such doctrines are not sufficient, in themselves, to guarantee in practice the freedom they proclaim in theory. His true quarrel is with the modern theorists of natural rights and with those philosophers—above all, Descartes—who propose those theories of the mind upon which the doctrine of rights in turn rests.[10]

[10] This is signaled by Tocqueville's beginning the second volume of *Democracy in America* with a discussion that identifies Cartesianism as the (unconscious) public philosophy of the Americans; see Tocqueville (2000: 403–7).

For Tocqueville, that the American founding relied on the unique historical circumstances of the Puritan colonists stands as a warning for how insufficient the doctrine of natural rights is by itself. The experience of republican government in the New England colonies shows how law functioned as the tutelary power in the American experience. But the deepest origin of those laws was philosophical or theoretical, rather than political or legislative. Finally, the problem or insufficiency of the modern doctrine of natural rights is for Tocqueville still compassed by his argument that rights are fundamentally aristocratic, rather than democratic. In the American experiment, legislation founded on a doctrine of rights formed a most unlikely combination of opposites—of an aristocratic impulse coupled with a radically democratic "social state." But even regarding American democracy, where the conditions were most auspicious for such a combination, Tocqueville remained fairly pessimistic. Contrary to West's criticism, Tocqueville was indeed most cognizant of the importance of the doctrine of natural rights in the American political experience. And contrary to Banfield, he was no less pessimistic than the authors of *The Federalist* concerning human nature. If anything, his pessimism might be considered stronger than theirs. But his real quarrel is with the Founders' philosophical teachers. His deepest doubts are of the theoretical foundations of *The Federalist*. His "new political science" is addressed to a world already (and inevitably) transformed by modern philosophy.

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CHAPTER 3

"The Monetary Link": Tocqueville on the Second Bank of the United States and Liberal Political Economy

Brianne Wolf

Alexis de Tocqueville is known as an advocate for local governance. He has seen the negative consequences of centralization in his native France, and worries about civic participation in the face of ever-increasing power in the

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hands of a central government.[1] Yet, despite his promotion of the local township, Tocqueville also sees a place for centralization and a strong national government. In this way, his approach to federalism differs from the prevailing accounts, especially in the public choice literature. Tocqueville articulates his theory of federalism in his account of governmental and administrative centralization and decentralization. Tocqueville scholars have asserted that his argument for centralization does not fit with modern accounts of federalism because he does not prioritize state governments but municipal ones (Winthrop 1976). Tocqueville supports federalism because of its power to inculcate civic virtue and that it allows citizens to exercise their liberties to prevent a despotic central power (Gannett 2005; Winthrop 1976; Zuckert 1983). However, his theory of centralization does leave space for a strong central government. He worries not only about centralized authority becoming tyrannical and despotic, but also about provincial interests becoming too individualistic. Tocqueville advocates for a strong national government that fulfills rights and provides a source of patriotism and unity (Kraynak 1987). Attachment to the federal government prevents the potential for competing local majority factions to tyrannize over minority interests. He wants the federal government to be able to exercise political authority to act in the interest of the common good (Bambrick 2018). Tocqueville thinks competition can lead to problematic institutions that break the bonds between citizens in democratic society.

With other Tocqueville scholars, I focus on this account, but draw from it an emphasis on the role of the national government in building a framework for a healthy political economy. These theories addressing

[1] Tocqueville explains his fears that equality of conditions will lead citizens to desire a strong central government: "I have pointed out how fear of disorder and love of well-being unconsciously lead democracies to increase the functions of the central government, the only power which they think strong, intelligent, and stable enough to protect them from anarchy" (Tocqueville 1969: 677). Hereafter, all citations will be parenthetical as (DA, page). He also explains how the central government could turn despotic if citizens lose their desire to participate in government: "I am trying to imagine under what novel features despotism may appear in the world. In the first place, I see an innumerable multitude of men, alike and equal, constantly circling around in pursuit of the petty and banal pleasures with which they glut their souls. Each one of them, withdrawn into himself, is almost unaware of the fate of the rest…Over this kind of men stands an immense, protective power…it daily makes the exercise of free choice less useful and rarer, restricts the activity of free will within a narrower compass, and little by little robs each citizen of the proper use of his own faculties. Equality has prepared men for all this, predisposing them to endure it and often even to regard it as beneficial" (DA, 692).

Tocqueville's unique federalism have not connected his centralization theory to his political economic interests such as the commercial ethos that drives American productivity (Henderson 2005), practical economic policies, especially those dealing with increased inequality from commercial society (Englert 2017; Swedberg 2009: 133), and tying economic realities to institutions, laws, and morals to provide a normative analysis of society as a whole (Drolet 2003a, b; Swedberg 2009).[2] Likewise, to develop a fuller picture of Tocqueville's political economy, I argue that we also have to consider the arguments about centralization that demonstrate why political and economic liberties are linked for Tocqueville.

At least since the Tiebout model (1956), arguments for federalism, or the value of decentralized or polycentric governance often focus on the value of competition between provincial governments to better serve the people because they can "vote with their feet" and leave jurisdictions if they do not like the services they receive. Vincent Ostrom (1999) argues, for example, that polycentric orders are desirable because no one entity holds all political authority and the various levels of authority serve as a check on one another. Polycentric governance also prioritizes the individual and individual decision-making, allowing public administration to function like a market order, where governance structures emerge as needed. This competition between provincial jurisdictions or between the federal and state governments allows for the protection of individual rights (Elazar 1987; Epstein 1992; Buchanan 1995), while others argue that this competition can be detrimental to rights that the centralized government can better preserve (e.g. Riker 1964). Arguments in favor of local governance also assert that these government entities are superior democratic institutions because they operate close to the people and therefore can better respond to their needs and allow citizens to participate in government. Elinor Ostrom argues for a polycentric approach to institutional design based on the idea of local knowledge. She puts it: "Instead of there being a single solution to a single problem, I argue that many solutions exist to cope with many different problems. Instead of presuming that optimal institutional solutions can be designed easily and imposed at low cost by external

[2] In a notable exception, Swedberg argues that just as Tocqueville separates governmental and administrative centralization, he also separates economic governmental centralization from economic administrative centralization. However, Swedberg states that Tocqueville thinks the federal government should only have the power of taxation and suggests that most other economic affairs should be handled locally because local governments know their own economic affairs best (Swedberg 2009, 28–31).

authorities, I argue that 'getting the institutions right' is a difficult, time-consuming, conflict-invoking process. It is a process that requires reliable information about time and place variables as well as a broad repertoire of culturally acceptable rules" (Ostrom 1990, 14). For Tocqueville, the value of local governments is not competition, but participation from citizens. It is this participation, more than a system of checks and balances, that limits the power of the central government (DA, 155).

Tocqueville's vision of federalism supports both local ties and ties to the national government. Other scholars of federalism suggest that its value is in balancing loyalties between the central and local governments. Jacob Levy (2007) asserts that a "divided patriotism," borrowing the term from Lord Acton, helps preserve freedom by keeping citizens' loyalties separated between the national and the local. Others similarly suggest that the goal of *The Federalist* was to establish national affection because it was assumed citizens already had a loyalty to their state governments, and that this attachment would strengthen national power (Tulis and Mellow 2018; Pears 2017; Ewing 2016). Wallace Oates (1999) asserts that some functions should be carried out by local entities because they are closer to the people and know what they need, but some policies, like macroeconomic functions and defense, should be carried out by the federal government because everyone realizes the benefits of those public goods. Friedrich Hayek (1948 [1939]) agrees with this claim, though he sees the benefit for economic competition in a federal system as long as monetary policy is stable.[3]

Tocqueville's account of the Second Bank of the United States provides an example to examine his theory of centralization and federalism as applied to his political economy. In his analysis of the United States, Tocqueville engaged two contemporary political economic debates—the tariff bill and nullification affair of 1832 and the rechartering of Second Bank of the United States. His examination of these economic issues relates to contemporary accounts of federalism as he analyzes them in the context of his discussion about dangers to the preservation of the federal union. In his discussion of the tariff, Tocqueville focuses mostly on the political consequences of this debate, except to acknowledge the separate economies of the North and South. In his analysis of the Bank, however, he is led by economic concerns, namely how the institution facilitates interstate commerce, prevents fraudulent transactions, and contributes to preserving the Union.

The debate over the Second Bank of the United States was characterized by three main political and constitutional issues: elite versus popular

[3] For more on Hayek's federalism see Galeotti (1987).

power; states' rights; and the idea of whether or not each individual could judge the meaning of the constitution represented in President Andrew Jackson's veto. Much like with the first bank of the United States, the country was in debt post-war, this time, the War of 1812. The country needed to fund the debt. In 1816 President James Madison rechartered the Second Bank of the United States to help facilitate the flow of credit for a period of 20 years. However, when the bill to recharter the Bank a third time reached President Jackson's desk, he vetoed the bill, arguing that it was unconstitutional.

Though Tocqueville seems aware of some of these realities, especially through his interviews with prominent elites, he focuses on the role of the Bank in connecting individuals across the country and promoting the preservation of the Union. In doing so, Tocqueville argues for a stronger central government. I contend that he supports the Bank as part of what he calls governmental as opposed to administrative centralization. Tocqueville thinks the Bank is key to connecting individuals across the country with a "monetary link" (DA, 389).

Through his unique approach to the controversy surrounding the Second Bank of the United States, I argue that we can understand Tocqueville's perspective on political economy in the United States and more broadly. His analysis shows that the bank issue is not only about what kind of economy America was to have or a question of constitutionality, but also a larger question about institutional design and how to secure freedom. For Tocqueville, the political economy of America is defined by both a spirit of commerce and a need for certain institutions that foster this spirit and prevent it from being overcome by problematic democratic passions. While others focus on the political and constitutional issues surrounding the Second Bank, Tocqueville thinks about the Bank in political economic terms. He emphasizes the role of rule of law, a consistent unit of exchange, and the protection of property in political economy that are necessary for a healthy liberal society. Through his focus on the crucial role of institutions, he also demonstrates the inseparability of political and economic liberty.

In what follows, I first briefly outline the political and economic context surrounding Jackson's veto of the Second Bank of the United States to show Tocqueville's unique approach to the debate. I then discuss Tocqueville's assessment of the controversy about the Bank, demonstrating how his argument for the benefits of the Bank serves as an example of his theory of governmental centralization and his unique approach to federalism, arguing that the central government should focus on prevention,

while local governments should focus on action. I then present Tocqueville's theory of political economy through his analysis of the Bank. The Bank provides a source of union between the states. By establishing a basic structure of rules and laws that facilitate commerce across the nation, the Bank allows individuals to pursue commerce and allows their interaction with one another through trade to foster bonds that can lead to the formation of both political and commercial associations. Finally, I conclude with a discussion of the inseparability of political and economic liberty for Tocqueville. The freedom to exchange is only possible when political freedom, defined for him as participation in government, the protection of rights, and the absence of tyranny, is ensured. Conversely political freedom, freedom from despotism and tyranny, is facilitated by economic liberty because the freedom to exchange inculcates the commercial spirit, giving individuals in democratic society a basis for social bonds and associational life.

The Second Bank of the United States

A prominent topic in American political economy is the question of whether the United States should have adopted a national bank. The debate over the first bank centered on two issues: whether Congress had the right to create a corporation based on the necessary and proper clause, and whether the creation of the bank and the adoption of state debt from the Revolutionary War was a violation of states' rights. While Tocqueville focuses on the political economic implications of the Second Bank of the United States, historically, the issue was treated primarily as a political or constitutional issue. Alexander Hamilton argued that a bank was necessary to facilitate the commercial transactions of the national government, such as collecting taxes and providing credit, as well as to manage to the national currency. He also thought the bank would help foster international commerce. He puts it: "They [national banks] enable the government to pay its foreign debts, and to answer any exigencies which the external concerns of the community may have produced. They enable the merchant to support his credit (on which the prosperity of trade depends) …They enable him also to prosecute enterprises which ultimately tend to an augmentation of the species of wealth in question."[4] Hamilton centered his argument on the constitutionality of the bank and on the necessary and proper

[4] Hamilton (1904), 408–9.

clause.[5] Beyond the bank, Hamilton was concerned with expanding the US economy to compete with global powers like France, Spain, and Britain.

Thomas Jefferson, on the other hand, argued that the bank violated states' rights and that while the bank may have been more convenient, it was unconstitutional:

> It may be said that a bank, whose bills would have a currency all over the states, would be more convenient than one whose currency is limited to a single state. So it would be still more convenient that there should be a bank whose bills should have a currency all over the world. But it does not follow from this superior conveniency that there exists anywhere a power to establish such a bank; or that the world may not go on very well without it.[6]

Jefferson preferred an economy governed by local powers rather than national ones, though the War of 1812 would alter his views on the benefits of this kind of economy.[7] Of course, the bank was incorporated and the economic status of the new country rose worldwide.[8]

Unlike Tocqueville's approach, the historical and contemporary debate over the Second Bank of the United States also focuses on the constitutionality of the bank more than its economic effects. After the War of 1812, US credit was unstable. The economic climate was also marked by the rise of industry in the Industrial Revolution, including the later establishment of the railway system and the expanding of the frontier. Businesses wanted reassurance of government bonds. The wealthy elite, such as Jacob Astor, who were funding government projects, wanted security for their investment as well as the possibility of earning interest (Walters 1945:

[5] Hamilton, *Opinion on the Constitutionality of the Bank*, 1791. https://teachingamericanhistory.org/library/document/opinion-on-the-constitutionality-of-the-bank-of-the-united-states/. Accessed May 1, 2019.

[6] Jefferson, *Opinion on the Constitutionality of the Bill for Establishing a National Bank*, 1791. https://teachingamericanhistory.org/library/document/opinion-on-the-constitutionality-of-a-national-bank/. Accessed May 1, 2019.

[7] "You tell me I am quoted by those who wish to continue our dependence on England for manufactures. There was a time when I might have been so quoted with more candor, but within the thirty years which have since elapsed, how are circumstances changed! …Shall we make our own comforts, or go without them, at the will of a foreign nation? He, therefore, who is now against domestic manufacture, must be for reducing us either to dependence on that foreign nation, or to be clothed in skins, and to live like wild beasts in dens and caverns. I am not one of these; experience has taught me that manufactures are now as necessary to our independence as to our comfort." Thomas Jefferson, Letter to Benjamin Austin, January 9, 1816.

[8] See Lomazoff (2018).

115–116). In response to this economic instability, Congress chartered the bank, and President Madison signed the Second Bank of the United States into law in 1816 for a period of 20 years. When Jackson became President in 1829, however, he began to lobby against the bank in response to popular opinion that the bank was unconstitutional and a corrupt institution built by and for elites. Jackson vetoed the bill to recharter the bank, and a debate ensued over Jackson's authority to exercise the veto, constitutional interpretation, and the federal government's support of elites or the common people.

In his veto, Jackson advanced three main arguments against the bank: that it was unconstitutional, violated states' rights, and encroached on the liberty of the people. Jackson focuses on the fact that the bank cannot be considered "necessary and proper", the argument originally advanced by Hamilton, if Congress continues to change its mind about the bank. Jackson is referring to the fact that the original bank was allowed to expire before a second bank was eventually chartered in 1816. He combines the constitutional argument with his complaints about the bank benefitting elites at the expense of the people. He asserts:

> It is to be regretted that the rich and powerful too often bend the acts of government to their selfish purposes. Distinctions in society will always exist under every just government… the farmers, mechanics, and laborers – who have neither the time nor the means of securing like favors to themselves, have a right to complain of the injustice of their Government. There are no necessary evils in government. Its evils exist only in its abuses. If it would confine itself to equal protection, and, as Heaven does its rains, shower its favors alike on the high and the low, the rich and the poor, it would be an unqualified blessing. In the act before me there seems to be a wide and unnecessary departure from these just principles.[9]

The Bank both violates constitutionality and therefore justice, as well as benefits the wealthiest in society. According to Jackson, the Bank acts as a proxy for what today we would call crony capitalism, using the government to benefit its patrons at the expense of the many.

In the Congressional debate over Jackson's veto, Henry Clay and Daniel Webster were among those who responded. In their replies, Clay and Webster focus on whether or not Jackson has the right to veto the bill and interpret the constitution on his own grounds. They also discuss and the

[9] Jackson, *Veto Message of the Bill on the Bank of the United States*, 1832 in Burkett (2015).

economic necessity of the bank, arguing that economic concerns led Congress to change its mind about its constitutionality. Clay asserts that if everyone obeyed the constitution only as they understood it, chaos would ensue in government.[10] He also emphasizes the importance of the bank for regulating a uniform currency, which will grow industry in the West, help the balance of trade with foreign nations, and regulate the behavior of state banks. Webster's response to Jackson's veto message similarly emphasizes Jackson's attempt to apply his own interpretation to the constitution. He asserts that Jackson's veto "denies first principles; it contradicts truths, heretofore received as indisputable. It denies to the judiciary the interpretation of law, and claims to divide with Congress the power of originating statutes."[11]

The collective focus of all sides of the debate was the political precedent that might be set by either the Bank being chartered or Jackson's veto (Lomazoff 2018). The concerns about elite versus popular power, states' right, and whether or not each individual could judge the meaning of the constitution that was represented in Jackson's veto, dominated the discussion. The role of the Bank in altering the political economy of the United States was a secondary concern, but for Tocqueville, the concerns about political economy, rather than the politics around the bank, would be primary.

The Second Bank and Centralization

Tocqueville's discussion of the Bank occurs in the context of a larger political economy inquiry: whether the Union will survive or not. He is not concerned with the constitutionality of the Bank or the Bank as an exercise of elite power. Tocqueville analyzes the Bank in terms of how it represents the relationship between centralized and decentralized power in the United States. The Bank is an important political economy issue for Tocqueville because it involves the structure of society and the rule of law. This is why Tocqueville situates his discussion of the Bank within his inquiry into what holds the Union together. He wants to understand if the

[10] Clay, *Speech on President Jackson's Veto of the Bank Bill in Senate*, 1832. https://teachingamericanhistory.org/library/document/speech-on-president-jacksons-veto-of-the-bank-bill-in-senate/. Accessed May 1, 2019.

[11] Webster, *Speech on the Presidential Veto of the Bank Bill*, 1832. https://teachingamericanhistory.org/library/document/speech-on-the-presidential-veto-of-the-bank-bill/. Accessed May 1, 2019.

strong local governance he sees throughout the United States indicates a country that will never have a unified and strong central government.

Tocqueville argues that in order for the Union to survive, its members—the states—have to understand the benefits of remaining together. Tocqueville highlights two main advantages to Union. First, though he recognizes the North and South have developed different characters based on the culture surrounding slavery, there are several material interests the states have in one another. Because the United States is geographically separated from the other great powers of the world, the states need one another to compete economically on a world stage. Political union keeps together all states that are geographically connected, and also prevents the creation of economic barriers like internal customs and taxes.[12] The Union also allows North and South to benefit from each other's specialized production through exchange. Union leads to economic prosperity in Tocqueville's view, both through maximizing internal production and trade and by establishing a strong national force that can trade with other nations because "trade makes neighbors of all the nations of the world with whom they have commerce" (DA, 370). In other words, Union provides the utmost economic liberty through free trade.

Second, there are reasons based on opinion and feeling—what Tocqueville calls "immaterial interests"—for the states to remain united. This latter reason is not patriotism or tradition, but a similarity of feelings and ideas amongst the people of the United States. For Tocqueville, citizens have similar opinions on religion and general principles of government such as freedom, equality, sovereignty of the people, and freedoms of the press and association. Philosophically, the Americans also have unique opinions relative to Europe:

> The Anglo-Americans regard universal reason as the source of moral authority, just as the universality of the citizens is the source of political power, and they consider that one must refer to the understanding of everybody in order to discover what is permitted or forbidden, true or false. Most of them think that knowledge of his own interest properly understood is enough to lead a man to what is just and honest. They believe that each man at birth receives the faculty to rule himself and that nobody has the right to force his fellow man to be happy. All have a lively faith in human perfectibility; they think that the spread of enlightenment must necessarily produce useful

[12] Tocqueville's example of geographical connection is the Alleghenies stretching through multiple states rather than acting as a barrier between states (DA, 371).

> results and that ignorance must have fatal effects; all think of society as a body progressing; they see humanity as a changing picture in which nothing is or ought to be fixed forever; and they admit that what seems good to them today may be replaced tomorrow by something better that is still hidden. (DA, 375)

Americans believe in reason, perfectibility, self-interest, and autonomy. In addition to the material factors Tocqueville lists, these immaterial factors, such as similar belief systems and opinions, play a key role in a well-structured political economy where individuals are free. Their similarity of outlook is as important a reason to maintain union as the economic benefits they stand to retain and gain. For Tocqueville, the bonds brought about by these commonalities create important links that allow individuals to work together in civil society.

However, there are two important threats to the maintenance of federal Union—slavery and the weakness of the central government. First, Tocqueville sees slavery as the main threat to the Union. He argues that power is shifting from South to North. As industry increases in the North, so too does its prosperity and population. While, as he has already argued, Tocqueville thinks the South would be foolish to separate from the Union because of the economic gains it gets from trading with the North, he also thinks the divergence in well-being between North and South creates "envy, distrust, and regrets which most often follow where it [fortune] is lost" (DA, 383). The other major cause of the potential dissolution of the Union is the weakness of the central power. Tocqueville notes that Americans resent centralization and prefer local power where they can see, feel, and participate in government.

It is against these concerns for the maintenance of the Union and the weakness of the federal government that Tocqueville takes on two contemporary political debates—the rechartering of the Second Bank of the United States and the tariff and the nullification affair. Both of these issues speak to the potential strengthening or weakening of the federal government and the conflict between federal and state power. Tocqueville argues,

> It is enough to travel through the United States in order to appreciate the advantages derived from the bank. These advantages are of several kinds, but there is one that especially strikes the foreigner: The Bank of the United States' notes are accepted at the same value upon the border of the wilderness as at Philadelphia which is the seat of its operations. The Bank of the United States is, nevertheless, the object of great animosity. (DA, 388)

In introducing the debate surrounding the Second Bank, Tocqueville points to its main advantage—connecting all the states in the Union. He notes that "the bank's battle against its enemies is only one incident in the great American fight between the provinces and the central power, between the spirit of independence and democracy, and the spirit of hierarchy and subordination" (DA, 389). The Bank represents the challenges of navigating the state and national governments' relationships in a federal system, maintaining freedom in a democratic age, and the conflict between aristocracy and democracy. Though he highlights both supporters and opponents of the Bank, his own response is affirmative. He supports the Bank because of its role in bolstering the federal government and providing a source for strong economic and political bonds throughout the nation.

Governmental and Administrative Centralization

Though we might expect Tocqueville who favors local governance to support local banks, his support for the Second Bank of the United States is an application of his argument about centralization.[13] He separates centralization into two types—governmental and administrative. He argues: "For my part, I cannot conceive that a nation can live, much less prosper, without a high degree of centralization of government" (DA, 88). Governmental centralization consists of granting the national government certain duties that affect the interests of everyone in the nation. Tocqueville gives the examples of "general laws" and "the nation's relations with foreigners" (DA, 87). This kind of centralization facilitates common bonds across the nation. It also provides a basis for justice by ensuring that all citizens are subject to the same laws. For Tocqueville, it is problematic to reduce interests of the nation to local administration because then people are apt to be particular in the administration of things that affect all.

Governmental centralization allows for impartial and reliable administration of law. The strong exercise of this power contributes to stability and order: "The Union secures the independence and greatness of the nation, matters which do not affect private persons directly. The state preserves liberty, regulates rights, guarantees property, and makes the life and whole future of each citizen safe" (DA, 366). These conditions allow indi-

[13] Kraynak (1987) and Bambrick (2018) similarly highlight that Tocqueville values centralization as long as it is an exercise of governmental authority, rather than administrative authority.

viduals to make decisions in their private lives freely without worrying about the undue influence of others. These conditions also facilitate commercial pursuits. With these institutional structures secured, individuals are free to pursue their self-interest but also free to participate in government and come to the aid of their fellow citizens.

Governmental power, which Tocqueville argues concerns the nation as a whole, could also be decentralized. This would be problematic for Tocqueville as the assurance of rights and other instances of the general welfare would then be separately administered by localities. If governmental powers were to be decentralized, liberty, equality, and the institutions that promote them could not be guaranteed for all as their administration would become particular and subject to local factions. Essentially, decentralizing governmental power would allow for more instances of majority tyranny (Kraynak 1987).

In contrast, administrative power, consists of "interests of special concern to certain parts of the nation, such, for instance, as local enterprises" (DA, 87). Administrative governance is most effective when it is decentralized. When administration occurs on the local level it involves citizens in their government and allows them to control the things that directly affect them. Yet, it is ineffective on a national level. Centralizing these kinds of duties, Tocqueville explains, "diminishes their public spirit" (DA, 88). People are less likely to get involved with things of national concern that do not directly affect them. However, they are likely to act in civic affairs when they can see the effects and realize the benefits of their actions. If the central government takes over those administrative functions, the people become "isolated" and start to become "uniform" (DA, 87; 91). In his *Ancién Regime*, Tocqueville explains how the French government dealt with local repairs after the revolution when administrative power became centralized in Paris:

> In order to run everything from Paris, and know everything there, it was necessary to invent a thousand new means of control. The paperwork was already enormous, and official procedure was so slow that I have noticed that it always took at least a year for a parish to obtain authorization to rebuild its bell-tower or repair its rectory; usually two or three years passed before the request was granted.[14]

[14] Tocqueville (1998 [1856]: 138). For more on Tocqueville's account of centralization of power in the Old Regime, especially the data Tocqueville had access to, such as the tax rates, see Gannett (2003).

France developed administrative centralization after the Revolution, and it was much less efficient and expedient than government administered by local lords. This type of centralization ensures that "there are subjects still, but no citizens" (DA, 94). Administrative centralization removes effectiveness, expediency, and incentive for citizens to participate in government.

Tocqueville provides a second argument against administrative centralization. It is unlikely the central administration could know everything that would be necessary to be able to administer local needs. He puts it: "A central power, however, enlightened and wise one imagines it to be, can never alone see to all the details of the life of a great nation. It cannot do so because such a task exceeds human strength. When it attempts unaided to create and operate so much complicated machinery, it must be satisfied with very imperfect results or exhaust itself in futile efforts" (DA, 91).[15] A central power would never be able to amass enough information to successfully address the variety of local problems that arise. Therefore, Tocqueville argues that no system of government will be effective where there is not a vibrant local government. In Tocqueville's theory of political economy, government requires both citizens who are motivated to participate at the local level and a strong central power that enforces the law, provides unity, and performs the essential duties that do not directly benefit any one individual or group's interest.

The distinguishing characteristic of whether a governmental task should be handled by the central or the local power is prevention or action. He acknowledges that while it is difficult to interest citizens in their own affairs, the central government will be even slower to act. The central government is a "complicated machinery" and because of all of the different facets and features, it is slow to solve problems. Tocqueville puts it thus: "In a word, it excels at preventing, not doing. When it is a question of deeply stirring society or of setting it at a rapid pace, its strength deserts it. Once its measure requires aid from individuals, this vast machine turns out to be astonishingly feeble; suddenly it is reduced to impotence" (DA, 91). Tocqueville is persuaded by what he has seen of the government in Paris. Once the feudal lords stopped maintaining local affairs, the small details of

[15] Tocqueville's argument here is a precursor to the argument Friedrich Hayek will make against central economic planning. In "The Use of Knowledge in Society," for example, Hayek argues "to assume all the knowledge to be given to a single mind in the same manner in which we assume it to be given to us as the explaining economists is to assume the problem away and to disregard everything that is important and significant in the world." Hayek (1945: 530).

everyday governance suffered. The central government excels at prevention because prevention requires the establishment of general rules that apply equally to everyone. The central government is good at providing uniform rules, and while these rules ensure the protection of freedoms and equal treatment before the law, they are inept at responding to unique local challenges that arise. Tocqueville prefers local governments who cannot only act quickly, but can act in a way that best responds to a specific problem. Further, local governments and those who participate in them are more likely to take responsibility for their actions (DA, 92). In this way, Tocqueville's federalism matches the emphasis on responsiveness and democratic participation in the contemporary literature. Still, local government is not a panacea, because it cannot exercise power to prevent violations of law that harm the common good and disrupt social order.

Tocqueville's Political Economy

Through the Bank, Tocqueville highlights important components of his political economy, namely the role of institutions in fostering liberty and the interconnection of political and economic liberties.[16] The Bank epitomizes the unique situation of federalism in the United States. He supports the Second Bank of the United States, even though it increases the central government's power, because it provides a source of unity and opportunity for national, commercial prosperity. The Bank facilitates economic liberty by allowing free exchange, but also supports political liberty because this free exchange depends on the rules created and enforced by the central power to make sure that no one entity benefits more than the others. The Bank represents governmental centralization, but still allows for the role of local participants in the economy and helps foster potential associations between citizens.

The institution of the Second Bank of the United States is an essential tool for facilitating economic liberty, or the freedom of exchange throughout the Union. It does so by preventing problematic democratic passions from thwarting prosperity and participation in government. Like Jackson and his followers, Tocqueville discusses the Bank in terms of state and federal relations. But unlike Jackson, Tocqueville argues on behalf of the federal government. The state banks are more likely to be

[16] For more on Tocqueville's theory of political and economic liberty throughout his work see Swedberg (2009).

subject to the interests of their particular constituents and the politics of their locality. While this would make more sense in Tocqueville's time because of the limited circulation of currency and limited transportation (Timberlake 1983), he also notes how these particular interests adversely affect national commerce.

Tocqueville's interviewees support the Bank because it provides order that allows individuals to fairly and reliably participate in commerce. The men Tocqueville interviews are generally elites who favor the Bank because of the stability it provides. In one interview with John MacLean [sic], judge of the Supreme Court of the United States, McLean argues that the regional banks, what Tocqueville calls provincial, referring specifically to Ohio, "all went bankrupt, and the people have certainly lost confidence in them. Besides the large quantity of paper that they issued gave a distorted value to the various consumer goods. Now scarcely any notes are accepted except those of the bank of the United States."[17] The actions of regional banks limit commerce, even beyond their particular region. The state banks inefficiently and corruptly administer commerce throughout the nation. An example of the assessment Tocqueville and his interviewees would later make was seen in the role of state banks in causing the panic of 1819 because of their practice of overissuing currency, though it should be noted that the Bank of the United States also played a key role in contracting the money supply.[18]

The state banks impede the common good by printing notes at their own rates. This practice causes inflation, speculation, and bubbles that are likely to burst. Tocqueville's interviewees especially like that the national bank, on the other hand, supersedes the power of small regional banks that overissue their currency. Tocqueville explains:

> The Bank of the United States always has in its hands a large number of the notes of provincial banks; any day it could force the latter to repay these notes in cash. But it has no fear of a similar danger to itself; the extent of its available resources enables it to face all demands. With their existence thus threatened, the provincial banks are obliged to exercise restraint and to keep their notes in circulation proportionate to their capital. (DA, 389)

[17] Tocqueville (1971: 87). Hereafter, all citations will be parenthetical as (JA, page).
[18] Rothbard (2007); Blackson (1989).

The state banks and the general populace do not much like this regulation and think of the directors of the Bank as a "permanent aristocratic body" that threatens "the principles of equality on which American society rests" (DA, 389). Tocqueville agrees about the potential aristocratic nature of the Bank, but sees this as a check on democratic passions that are subject to passing whims rather than seeing the negative consequences of particular policies on national commerce. An unstable currency prevents the flow of trade across the nation and would disrupt one of the key reasons for the Union. This economic liberty is necessary to foster the spirit of commerce that Tocqueville sees as a unique feature of American democracy. He explains, "The universal movement prevailing in the United States, the frequent reversals of fortune, and the unexpected shifts in public and private wealth all unite to keep the mind in a sort of feverish agitation… These same causes working simultaneously on every individual finally give an irresistible impulse to the national character" (DA, 404). This spirit allows for bonds to form between individuals as they engage in the world rather than just their private lives because of the motivation for commercial gain.[19] Commerce can be the source of associational life, and commercial associations are among the many Tocqueville lists as organizations that can foster civic participation and prevent tyrannical control of government by a central power (DA, 513).

Tocqueville's concern for political liberty in the issue of the Bank is overextending power to local leaders that would negatively affect those outside their jurisdiction. He also worries about the tyranny of public opinion fostering local interests to the detriment of the freedom of others in the nation. He explains:

> The federal government stands at a great distance from its subjects; the provincial government is within reach of all…the provincial government is supported by the interest of men of the second rank who only hope for power in their own state; and it is men of that sort who, being close to the people, have the most influence over them. Americans therefore have much more to expect and to fear from the state than from the Union and, in view of the natural inclinations of the human heart, are bound to feel a more lively attachment to the former than to the latter. (DA, 367)

[19] Of course, this process can work in reverse as well. If citizens are only motivated by well-being, they might retreat into their private lives and ignore public affairs altogether. For more on the commercial spirit see Henderson (2005).

Tocqueville worries about despots on the local level who have more access to the people and can foster divisiveness between states. While he is often thought of as fearing centralization as the key threat to freedom and the most likely cause of tyranny, here, Tocqueville expresses a concern akin to James Madison's in Federalists 10 and 51 about the power of faction. Tocqueville quotes Madison in Federalist 51 in support of his argument that the Union could fall from a lack of centralization, but also from "the omnipotence of the majority driving the minorities to desperation and forcing them to appeal to physical force" (DA, 260). Faction fighting against faction will cause anarchy and Tocqueville cites its source as "despotism" (DA, 260). His quotation of Madison from Federalist 51 is telling: "It is of great importance in a republic not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other…Justice is the end of government. It is the end of civil society. It ever has been and ever will be pursued until it be obtained, or until liberty be lost in the pursuit" (DA, 260). The national government can enforce general rules that ensure justice and equal treatment for all citizens. Local governments do not have the capacity to exercise this power, nor the interest in promoting justice. Local government promotes the interests of their constituencies and these kinds of local attachments can result in divided factions that displace concerns of justice for the satisfaction of interests. Beyond rights, tyranny of the majority also limits freedom of thought and opinion.

Tocqueville highlights the problem of democratic passions in leading people to follow majority opinion and neglect the institutions that secure their liberty. Majority opinion impedes the bonds uniting citizens and causes them to pursue interests against one another. In defining the problem of majority tyranny, Tocqueville highlights the danger to freedom as the unlimited exercise of power. He argues that the majority is not able to exercise unlimited power, even in a democracy because it created the law that naturally limits it. He asserts that "Justice therefore forms the boundary to each people's right" (DA, 250). Justice also entails taking one's concerns beyond one's immediate society, the sovereignty of the people, and appealing "to the sovereignty of the human race" (DA, 251). Everyone is subject to the law and has limits on their power. The role of governmental centralization is to enforce the laws that protect the rights of all individuals, even those whose opinion is in the minority.

For Tocqueville, rights and the rule of law are essential to a healthy democracy because they provide liberty not just for the majority and its

will, but for every individual in society. In this argument against the majority, he again emphasizes the importance of wide participation in government: "Omnipotence in itself seems a bad and dangerous thing. I think that its exercise is beyond man's strength, whoever he be, and that only God can be omnipotent without danger because His wisdom and justice are always equal to his power" (DA, 252). Tocqueville does not believe in the ability of one power to have ultimate knowledge and so all power should be limited. The problems for liberal democratic society can come from administrative centralization, certainly, but "the right and capacity to do all given to any authority whatsoever, whether it be called people or king, democracy or aristocracy, and whether the scene of action is a monarchy or republic…the germ of tyranny is there" (DA, 252). Despotism can come at the hands of a centralized authority or domination by the majority at a local level.

There is a problematic kind of patriotism—closer to egoism in Tocqueville's definition—at issue in the debate about the national bank. It is these kind of problematic democratic passions, what Tocqueville sometimes calls "decentralizing passions" that characterize Jackson's administration and the opposition he encourages to the Second Bank (DA, 393). Recall that Jackson emphasizes the Bank as an institution designed by elites to take advantage of the people and to take away the rights of states to make decisions specific to their constituents. Tocqueville argues that "General Jackson is the spokesman of provincial jealousies" and "the majority's slave" (DA, 393). The local governments of the states are more likely to have leaders who desire power from the flattery of the people and can use this favorable public opinion to take advantage of democratic tendencies. The kind of fervor felt for the state governments is similar to the individual egoism Tocqueville will later warn about in Volume 2: "Patriotism, which is most often nothing but an extension of individual egoism, therefore remains attached to the state and has not yet, so to say, been passed on to the Union" (DA, 367). In the second half of *Democracy in America*, he will call this simply "individualism" and separate it from egoism: "Individualism is a calm and considered feeling which disposes each citizen to isolate himself from the mass of his fellows and withdraw into the circle of family and friends; with this little society formed to his taste, he gladly leaves the greater society to look after itself" (DA, 506). The preference for the state banks as opposed to the Bank of the United States comes from an individualism that prefers one's personal good at the expense of the common

good. While the interest rates or currency regulation at the local level may be preferable to that particular region, it is harmful to the overall progress of commerce. Tocqueville argues that the Jacksonites fail to see the important role of a national commerce in establishing individual liberty and bonds that will connect the interests of individuals throughout the union.

The benefits of the Second Bank of the United States include strengthening governmental centralization and therefore rule of law, strengthening the commercial bond between citizens, and spreading mores that teach the habits of liberty. First, the Second Bank provides a uniform currency throughout the nation that allows for more efficient exchange and trade. Tocqueville highlights how bills can be accepted at the same rate at both ends of the country. He has already emphasized the great advantage he sees in unimpeded trade and the Bank facilitates and encourages this by ensuring that money is worth the same amount no matter where you use it. Tocqueville stresses this role of centralization and its tie to economic prosperity: "What does comfort or freedom profit a nation if it is in daily danger of being ravaged or conquered? What good are its industries and trade if another rules the seas and lays down the law in all markets? …Therefore force is often for nations one of the primary conditions of happiness and even existence" (DA, 161). The Bank contributes to the strength of the central government and ensures the United States can establish their own commercial policies rather than being subject to those of other nations.[20] The Bank of the United States also prevents provincial banks from overextending their circulation beyond their capital (DA, 389). Without a strong enough central power, the nation is subject to "internal anarchy and a check to the country's general prosperity" (DA, 384).

The Bank also strengthens the commercial bond of citizens. Tocqueville notes that "the bank forms the great monetary link of the Union, just as Congress is the great legislative link" (DA, 389). However, just as the states want to be independent of the federal power and Congress unites the interests of the people, so too does the Bank unite the local commercial interests that would otherwise compete, state to state. Because of the Union, states can trade and mutually benefit, rather than work against one another. Tocqueville argues:

[20] For more on the relationship between governmental centralization, liberalism, and republicanism in Tocqueville's theory see Engster (1998).

If the states broke up their unity, they not only would diminish their power in the face of foreign nations, but would create such nations on their own soil. A system of internal customs would then be established, the valleys would be divided by imaginary lines, the free flow of traffic down the rivers would be impeded, and there would be all manner of hindrances to the exploitation of the immense continent which God has given them as their domain (DA, 370).

Trade is an important source of union in addition to its potential for generating wealth. Trade can act as a uniting force, even when politically, factions are antagonistic to one another. Commercial interactions can prompt political discussion because individuals have occasion to speak to one another first about their business, and then about public affairs (DA, 179). Commercial transactions might also stave off violent conflict or even civil war. Indeed Tocqueville appeals to interest when he notes the benefits of exchange between the North and the South, even as he already foresees the violent conflict they will undergo over the problem of slavery.

Like Adam Smith, Tocqueville recognizes the importance of free trade for the wealth of a nation.[21] The Americans have the advantage of several different climates and natural resources at their disposal and the unimpeded flow of goods is what allows for their prosperity. He explains, "But if there are no contrary interests among the inhabitants of this vast territory, their prosperity is advanced by its very size, for unity of government makes it extraordinarily easier to exchange the various products of the soil, and by making the flow of trade smoother, unity increases the value of these products" (DA, 371). Free trade allows for the free flow of goods for both buyers and sellers, a further division of labor, and specialized production of resources and use of labor. Without the connections that trade provides, commerce would "be checked in its growth" (DA, 406). Further, the Bank provides capital for ongoing development. As scholars have noted, the Bank was supported by and benefited some of the wealthiest in society, such as Astor, Girard, and Parish, but it also encouraged them to invest their money.[22] Tocqueville was presented with this same

[21] Smith explains how regulations on trade limit its possibilities: "No regulation of commerce can increase the quantity of industry in any society beyond what its capital can maintain. It can only divert a part of it into a direction into which it might not otherwise have gone; and it is by no means certain that this artificial direction is likely to be more advantageous to the society than that into which it would have gone of its own accord" Smith (1981 [1776]), WN IV.ii.3, 453.

[22] See Smith (1969); Walters Jr. (1945).

information. In an interview with Joel Robert Poinsett, the first US diplomat to South America, he records that the US banking system in general is good because it provides much needed capital (JA, 112). The centralization of this particular economic power enables more people to participate effectively in commerce than was possible under the provincial banks.

Finally, by promoting economic liberty, the Bank fosters important mores. As we have seen, the Bank prevents local passions at the expense of the overall good of the nation. This allows individuals to make economic choices confidently, without worrying that a local bank will not accept their currency at the proper rate. Tocqueville argues that Americans have a unique commercial character. Commercial man is "a man of burning desires, enterprising, adventurous, and above all, an innovator" (DA, 404). But this character and these mores extend beyond commerce to "his politics, his religious doctrines, his theories of social economy, and his domestic occupations…into the depths of the backwoods, as well as into the city's business" (DA, 404). The Bank allows enterprising Americans to pursue their material interests freely as needed without having to return to the state of origin for commercial exchanges. In further promoting commerce, the Bank also facilitates these commercial mores that give Americans the confidence to pursue endeavors without limit.

The Bank helps check both problematic local democratic passions that hinder commerce and individual rights, and foster commercial mores that allow citizens to connect with one another and prevent the central government from overreaching. For Tocqueville, because American society is still developing and its commerce is not as advanced as that of Europe, particularly England, the American has had to learn to "provide for himself the various things that education and habit have made necessary for him" (DA, 403). This "do it yourself" attitude is a virtue in Tocqueville's view. Returning to his argument about centralization, administrative centralization is unlikely because Americans want to get involved and solve problems independently. Tocqueville notes "the inhabitant of the United States learns from birth that he must rely on himself to combat the ills and trials of life; he is restless and defiant in his outlook toward the authority of society and appeals to its power only when he cannot do without it" (DA, 189). Americans would rather pitch in immediately to help someone whose wagon has lost its wheel rather than wait for authorities to solve the problem. This is because the wagon blocks the road and prevents others from going about their business. Americans see the benefits of participation for aiding their own interests—what Tocqueville famously

calls self-interest properly understood. Self-interest and initiative are also what makes associations virtuous in Tocqueville's view. They have political and civic benefits, but in both cases, they limit despotism and facilitate freedom (DA, 192).

Conclusion: Political and Economic Liberty

The Second Bank of the United States demonstrates that Tocqueville views a healthy political economy as dependent on both federal power to enforce national laws and local power that gives citizens access to the experience of self-government. The practical example of the Second Bank also shows the value of a strong central government, even when it thwarts local administration. In his approach to federalism, Tocqueville argues that the central government should exercise what he calls governmental powers, those that secure justice, rights, and rule of law, while local governments should focus on administrative issues that more narrowly and directly affect the people of that particular locality. Tocqueville does not value provincial jealousies because they enflame the desire for majorities to dominate minority opinion, limiting freedom of thought and the rights of everyone. Further, the prioritization of local interests over national ones prevents potential bonds from forming between citizens of different jurisdictions. These bonds protect liberty by allowing nation-wide associations to form in the face of the potential threat of tyranny by a strong, centralized national government. Most importantly in the case of the Bank, the bond formed by "the monetary link" allows unimpeded trade between states. This bond does not only provide for economic liberty, it contributes to political liberty by giving citizens a basis to connect with one another outside of government, and even beyond commerce. Yet, this economic liberty is also not the liberty to change the rules of the game to benefit some groups at the expense of others, as Jackson and his followers claimed about the Second Bank. Tocqueville also argues for the importance of a central government that enforces rules that govern commercial transactions, so that the terms of exchange are fair for everyone. This is the primary reason he supports a national bank—it prevents local banks from changing the rules around credit and currency to benefit themselves at the expense of their customers.

Political liberty and economic liberty are tied to one another in Tocqueville's vision of federalism in the United States. Political liberty or the right to participate in government and the avoidance of tyranny is

ensured through access to local governments, often at the level of the municipality or township rather than simply the state. Political liberty is also guaranteed by a strong central government that can enforce the rule of law and prevent local, factional interests from tyrannizing over others. In the latter example, political liberty is tied to economic liberty. As Tocqueville demonstrates in the case of the Second Bank of the United States, when provincial interests are limited, individuals can do business with anyone in the nation. They will not be impeded by bank notes specific to states. Similarly, when there is a strong central government that has the confidence of the people, barriers between states will be lowered and individuals will be able to freely trade. Economic liberty is also essential for political liberty in Tocqueville's view. It allows individuals to connect beyond local interests or state boundaries through exchange, but also beyond commerce on political ideas. Economic liberty facilitates political liberty by encouraging associations of citizens so they can band together to check the power of federal government.

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CHAPTER 4

Tocqueville on the Mixed Blessing of Liberal Learning: Higher Education as Subversive Antidote

Luke Foster

Introduction: The Danger of Flat Souls

Was Alexis de Tocqueville democracy's friendliest critic or its most reluctant adulator? Both attitudes are in evidence throughout *Democracy in America*. Volume I focuses on the political institutions and practices of the United States, concluding with a stirring vision of the world-historical greatness of the young country, whereas Volume II steps back to consider the habits of mind and heart that flow from the democratic regime. The final Part of Volume II, "Of the Influence That Democratic Ideas and Sentiments Exercise on Political Society," returns to consider the political effects of these habits and contains the famous discussion of civil-society associations. For Tocqueville liberty and equality are in tension to the point that democracy may become a new form of despotism, but Americans excel at associating and so teaching one another the arts of

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self-rule. This concluding section's warnings that over time a democratic citizenry will drift toward desiring the state to guarantee and eventually enforce equality have justly become beloved of classical-liberal theorists. It is a familiar and prescient portrait of the trajectory of American political history from his time to ours. Yet what is less often considered, and what an account of Tocqueville's political economy can help to illuminate, is the continuing role of aristocracy in American democracy. What remains undetermined is what sort of aristocracy—an oligarchy or a genuine elite—will shape the fledgling Republic.

The opening Part of Volume II, "Influence of Democracy on the Intellectual Movement in the United States," goes beyond statecraft to soulcraft, examining the effects of egalitarianism on the mind. In many ways, this is the section in which Tocqueville the aristocratic intellectual seems least sanguine about both equality and democracy. Under a democratic regime, every claim to authority comes under suspicion by default. Even those that can be sustained, such as those of technical expertise or demonstrable skill, cause discomfort and cannot be allowed to become permanent. This analysis reflects a perennial worry about democracy: that it produces unteachable, flat souls. Plato in the *Republic* had described the situation in a democratic city as one of intellectual anarchy.[1] No moral education is possible because egalitarians do not see any legitimate ranking among their desires:

> As the teacher in such a situation is frightened of the pupils and fawns on them, so the students make light of their teachers, as well as of their attendants. And, generally, the young copy their elders and compete with them in speeches and deeds while the old come down to the level of the young; imitating the young, they are overflowing with facility and charm, and that's so that they won't seem to be unpleasant or despotic.[2]

The older and more knowledgeable do not just fear the young and ignorant—they deliberately abase themselves to speak on their level.

[1] Some interpreters of Tocqueville have given due weight to the implicit Platonism of his analysis of the democratic soul, particularly Brian Danoff, *Educating Democracy: Alexis de Tocqueville and Leadership in America* (Albany: State University of New York Press, 2010) and Joshua Mitchell, *The Fragility of Freedom: Tocqueville on Religion, Democracy, and the American Future* (Chicago: The University of Chicago Press, 1995).

[2] Plato, *Republic*. Trans. Allan Bloom. New York: Basic Books, 2016 (1968), 563a.

The next phase of the fable is familiar: absolute freedom degenerates into anarchy, and the people elevate one man who promises to restore order but gives them tyranny. Plato oriented his entire vision of political order in the *Republic* toward breaking out of this cycle by educating the soul in virtue, setting the reason over the spirit and appetite in lawful hierarchy. For Plato, then, moral education takes precedence over civic education, even if they in principle could concede and would if philosophers ruled.[3] Tocqueville certainly does not assume that it is obvious that every person is capable of self-government, because he assumes with Plato that to rule is be capable of self-regulation. In other words, democracy endures only if its citizens do not all have democratic souls. An intemperate democracy will collapse, or, more likely, will slide into a supine acquiescence in the face of administrative despotism. But his hope for the future of democracy lies in his account of how the citizenry learns to restrain itself, through the moral education that religion offers and through the civic education that participation in local institutions fosters.[4] This paper goes beyond these two forms of popular education to examine the account of elite education that Tocqueville offers. Before arriving at his (sparse) specific prescriptions for higher education, we must situate his worries about the state of the democratic soul in the context of his overarching argument for a potential complementarity between aristocratic and democratic mores. Yet his eventual verdict on universities reflects a profound uneasiness with the potential cruelty of elites.

Open and Lonely Minds

Before arriving at Tocqueville's specific prescriptions for the political role of *higher education* in particular, we must establish the frame for his argument. Americans, Tocqueville asserts to open Part I of Volume II, are

[3] In *Orators & Philosophers: A History of the Idea of Liberal Education* (New York: College Board Publications, 1986), Bruce Kimball traces the differences between the liberal arts traditions that seek to educate the young toward what is true and good in itself (the philosophical and monastic impulse) and toward service of a given polity in all its particularity (the civic and rhetorical impulse).

[4] Versions of this concern continue to be put forward by liberal thinkers. Vincent Ostrom, inter alia, argues in *The Meaning of Democracy and the Vulnerability of Democracies: A Response to Tocqueville's Challenge* (Ann Arbor: University of Michigan Press, 1997) that "The condition of freedom requires the courage to assume responsibility for one's own actions and for the way that one makes use of relevant knowledge, skill, and intelligibility to relate to others in mutually productive ways" (288) and that the habits learned in civil society must foster this courage.

overwhelmingly a practical people who like tangible results and lack the leisure or the taste for philosophizing. Yet they have tacitly arrived at the rarefied, acidic skepticism of Descartes: they do not consider a belief justified unless it has been critically examined, they believe tradition is a suspect ground for a claim, and they seek to build all of their knowledge upon certain, personal conviction. Tocqueville quips, "Americans do not read the works of Descartes, because their social state diverts them from speculative studies, and they follow his maxims because the same social state naturally disposes their mind to adopt them (De Tocqueville 2010: 700)."[5] Whereas in a traditional society one found oneself enmeshed at birth into a web of social relations, constituting a given hierarchy of loyalties and obligation, in democratic America almost all social relations can be entered or exited at will.[6] This social experience "disposes their mind" to subject all ideas to the same standard of critique. No truth claim—including such axioms as the existence of free will or the reality of other minds—commands implicit assent, and this is not liberating but the source of a deep individualism that is potentially cripplingly isolating: "So each person withdraws narrowly into himself and claims to judge the world from there" (De Tocqueville 2010: 700). This habit and stance he traces to the revolutionary moves of Luther, radicalized in Descartes and the French Enlightenment. The first subjected theological authority to the will of the sovereign individual, the second extended critique to metaphysics, and the third brought it into politics. Each extended pluralism and made it harder to create a unified community: though the Jacobins proclaimed the brotherhood of man, they in fact enshrined the self-interested rights-bearing self. But, unlike in France, each American is not entirely alone and abandoned, because there was no violent revolution to leave people "no longer tied together except by interests and not by ideas" (708–9). In fact, Americans give widespread allegiance to dogmatic forms of Christianity, a paradox that Tocqueville goes on to explore in detail.[7]

In the following chapter, "Of the Principal Sources of Beliefs among Democratic Peoples," Tocqueville observes that this Cartesian spirit is potentially crippling for political society. It could destroy common convic-

[5] I have made reference throughout to the Liberty Fund edition translated by James Schleifer and edited by Eduardo Nolla for its enormously thorough notes and textual history.

[6] The salient exception for Tocqueville is the family, which he repeatedly describes as playing an extremely central role in the lives of Americans.

[7] Thus, religion plays in the intellectual sphere a role analogous to that of the family in the social one.

tions, norms, even vocabulary. No coherence could be preserved without each citizen "consenting to receive a certain number of ready-made beliefs" on authority (713). Tocqueville takes a large step further: Even at the level of the individual psyche, "I find that dogmatic beliefs are no less indispensable for him to live alone than to act in common with his fellows" (713), since many motivations and ethical convictions cannot survive the Cartesian method. Thus, people will place their trust in some intellectual authority, although its locus may vary. Precisely because a democratic person sees himself as the equal of any particular other individual, he tends to rate too highly the wisdom of crowds and thus finds himself unable to think past the common assumptions of his time. Tocqueville deplores this state of affairs, noting the irony that the political liberation of democracy can foster an abject intellectual tyranny: "After breaking all the obstacles that were formerly imposed on it by classes or men, the human mind would bind itself narrowly to the general wills of the greatest number" (724). The choice of the Rousseauian phrase is no mere echo: Tocqueville implies that in the name of liberty man may willingly descend into collectivism. Tocqueville celebrates the fact that religion saves America from this self-abasement, providing the most common source to for convictions. Submitting to religious dogma enables democratic man to face the flux of the world with confidence in a metaphysical order that he cannot himself demonstrate. This is a more liberating, exalted submission than the inertial, default trend of the mind in democracy.

An egalitarian society can produce intellectual leveling because democratic thinking is prone to processing historical events through the lens of "general ideas," or ideological priors, and even to a pantheistic, Spinozist view of the undifferentiated unity of all things. In Chap. 7, Tocqueville charges, "All those who remain enamored of the true grandeur of man must join forces and struggle against [such pantheism]" (758). But he points to the success of hierarchical, dogmatic Catholicism in the United States, because if democratic men accept an authority at all, "they at least want it to be unitary and uniform"… "They imagine almost as easily that there is no religion as that they are several" (754–5). Equality and pluralism will in the end sort the population into either relativists or papists. Mitchell (2006) notes that *Democracy in America* initially appears to repeat a trope he dubs "The Fable of Liberalism." This is the idea that, after Luther and Descartes, the autonomous individual becomes progressively the sole arbiter of truth claims. Without transcendence, the metaphysical disagreements of the Reformation that once caused social conflict

become defused, and modern man devotes himself to the competitive acquisition of material goods to satisfy his immanent desires. But Tocqueville, Mitchell writes, both "thought that religious experience would, like everything in the democratic age, become tame and self-referential" and "intimated that the social conditions of the democratic age make new forms of religious experience possible or, if not simply possible, then prevalent."[8] For instance, American separation of church and state has made religion more authoritative in the moral realm than it ever was in Europe. And so the dialectic continues.

The Return of Repressed Aristocracy

As the analysis of American Cartesianism demonstrates, Tocqueville believes modern democracy needs pre-modern and aristocratic social forms like hierarchical religion to check its most self-destructive tendencies, in the intellectual and cultural sphere as in the constitutional one. This is to apply the Montesquieuian checks-and-balances solution to Plato's problem of tyranny to the psychology of the democratic citizen. It is also an Aristotelian counsel of mixing elements of different regimes to achieve a more stable alloy. Tocqueville is not a linear historicist: he sees aristocracy, the principle of the superior few, as a perennial human possibility and not as an obsolete or even contingent phenomenon of *ancien régime* Europe. Manent (1996) contends that the classical regime alternatives, the few and the many, are for Tocqueville no mere ideal-type heuristics such as might be applied in post-Weberian social science. They constitute the axes along which all societies must place themselves. Even "in a complete democracy [like the United States], where the seeds of aristocracy have never been sown, the aristocracy/democracy distinction remains the key to political life. Despite the unopposed dominance of the democratic social state, aristocratic and democratic individuals are still identifiable." If some aristocratic features will re-emerge in democracies over time, the most likely fissure between the few and many will be mere wealth.

And so Tocqueville considers the hegemony of the bourgeoisie in America, noting that while the rich see themselves as private citizens with none of the public duties of aristocrats, they remain somewhat resentful of

[8] Joshua Mitchell, "Tocqueville on Democratic Religious Experience," pp. 276–302 in Cheryl Welch, ed., *The Cambridge Companion to Tocqueville* (New York: Cambridge University Press, 2006), p. 281.

and aloof from democratic politics. Volume II's Part II, Chapter 20, "How Aristocracy Could Emerge from Industry" develops this theme in some detail. Having noted that wealth is never secure in a market economy and thus that even those who inherit it must devote their time and talent to acquiring more of it, Tocqueville worries that the increasing division of labor will make workers more and more narrowly specialized and thus ignorant of the production process as a whole. The owners of capital, by contrast, may become more and more powerful over their workers and over swathes of the economy.

> So every day more opulent and more enlightened men are found who devote their wealth and their knowledge to industry and who seek, by opening great workshops and strictly dividing labor, to satisfy the new desires that appear on all sides. Thus, as the mass of the nation turns to democracy, the particular class that is concerned with industry becomes more aristocratic. (983)

But even as repressed aristocracy makes its return in this fashion, Tocqueville notes that such an industrial oligarchy would be far worse than the ruling class of feudalism: it would engage with the working masses in purely transactional fashion and feel no long-term obligation toward them. It would also lack consciousness of its own position and so have difficulty policing itself through social norms. The workers would not respect the owners' title to rule, and so this elite would lack legitimacy and would require cruelty to maintain its position. Here again Tocqueville shows his debt to the classical-republican view that the few and the many will be locked in conflict in the absence of a monarchical—or likely despotic—element to assert the principle of the one and restrain them both.

But part of the genius and longevity of American democracy is that it has hit upon many informal, cultural habits that compensate for key defects of egalitarianism. Through a dense network of civic associations, Americans create for themselves the relationships of trust and mutual dependence that arise more naturally in hierarchical societies and so save each other from descending into Cartesian isolation. Part II, Chapter 5 contains some of the most familiar Tocquevillian maxims, such as "There is nothing, in my opinion, that merits our attention more than the intellectual and moral associations of America" and "In democratic countries, the science of association is the mother science; the progress of all the others depends on the progress of the former" (902). What is less often recognized is Tocqueville's insistence that association compensates for the gap created by the absence of an

aristocracy; in the United States, associations even surpass what aristocracies like the English one can achieve. "In aristocratic societies, men do not need to unite in order to act, because they are held tightly together… Among democratic peoples, on the contrary, all citizens are independent and weak… So they all fall into impotence if they do not learn to help each other freely" (898). But the inertial tendency for democracies is to compensate for the weaknesses of individuals by resorting to the state, and modern France represents this option for Tocqueville. "Wherever, at the head of a new undertaking, you see in France the government, and in England, a great lord, count on seeing in the United States, an association" (896). The experience of associating is a kind of moral education in itself, drawing citizens out of themselves and disciplining their passions.

Elite Greatness and Resistance

At times Tocqueville envisions, and even abandons his usual descriptive tone to prescribe, a third solution for democracy's existential weakness: not only will aristocratic and hierarchical elements remaining in society increase in importance, not only will democratic citizens create for themselves mores to achieve old goals by roundabout means, but wise custodians of the American regime must cultivate constitutional and cultural counterweights to egalitarianism. Such prescriptions are found in many different contexts throughout the work. In Volume I, Part II, Chapter 2, Tocqueville commends the moderating role the Federalist Party played in the early years of the Republic in consolidating the new constitutional order. The Federalists "wanted to limit popular power," as opposed to their Republican opponents who sought to expand it (282). "The Federalists struggled against the irresistible inclination of their century and country" (283). Such swimming upstream deserves praise rather than condemnation: "The transitional period when [they] held power is, in my opinion, one of the most fortunate events that accompanied the birth of the great American union" (283). The Federalists represented the interests of the coastal, mercantile class, who feared the hegemony of Jefferson's yeomanry and so governed moderately. This fertile opposition, reminiscent of republican Rome, recurs wherever there is not a despot to subjugate both parties: "These opinions [of the Federalists and Republicans, patricians and populists] were as old as the world, and they are found under different forms and given various names in all free societies" (282). Since the demise of the Federalists, who does Tocqueville think can play their role in American society?

One of the abiding defects of democratic society is its tendency to sacrifice individual greatness for the sake of material well-being. Leisured contemplation, noble self-sacrifice, and heroic devotion to freedom—the very goods for which medieval society devoted resources away from feeding the people—all find no obvious institutional home in the new order. Alan Kahan makes the case that Tocqueville's consistent intellectual and personal commitment was to marry the foundation of utilitarian welfare-maximization that democracy made possible with the greatness and perfection of individuals that aristocracy had worked to cultivate. Kahan traces the influence of the seventeenth-century dramatist Pierre Cornellie on Tocqueville's aesthetic and intellectual conception of free individuals. Heroic, chivalric characters like Cornellie's El Cid Campeador displayed a "self-image" of "moral and political independence from the sovereign," a proud independence from the monarch's whims born of self-reliance (Kahan 2015: 21) Tocqueville owes much of this analysis to Montesquieu, who had written that aristocrats' concern for their own honor at times moved them to resist even royal commands: "The prince should never prescribe an action that dishonors us because it would make us incapable of serving him" (Montesquieu 1989: IV.2).[9] The haughty nobility thus created some space for contestation even in so absolute a government as that of Louis XIV. Such an honor-driven ethos remains "equally central to Tocqueville's notions of greatness and freedom" (21), even in an age when the sovereign is no longer the crown but the will of the majority. Democracy's greater potential comes with a concomitantly greater risk: "Since the desire for freedom is universal, and greatness is born of freedom, the road to greatness is open to all… Unfortunately, those sublime pleasures may be fully felt only by a few" (Kahan 66). Majority opinion and the everyday grinding effort to satisfy material needs can create a more a more insidious mental servitude because they are more indirect.

In Part II of Volume II, in an extended discussion of this mediocre materialism, Tocqueville notes that "From Time to Time Religious Beliefs

[9] For further analysis of Montesquieuan honor, see Céline Spector, "Honor, Interest, Virtue: The Affective Foundations of the Political in the *Spirit of the Laws*, pp. 49–79 in *Montesquieu and His Legacy*, ed. Rebecca Kingston (New York: State University of New York Press, 2009). In *French Political Thought From Montesquieu to Tocqueville: Liberty in a Levelled Society?* (Cambridge: Cambridge University Press, 2008), Annelien De Dijn traces the influence of this Montesquieu identification of liberty with aristocratic mores on Tocqueville.

Divert the Soul of the Americans toward Non-Material Enjoyments" and pleads for the wise, "legislators and enlightened men," to bolster such antidotes to this mediocrity.

> Legislators in democracies and all honest and enlightened men who live in democracies must apply themselves without respite to lifting up souls and keeping them pointed towards heaven. It is necessary that all those who are interested in the future of democratic societies unite to spread within these societies the taste for the infinite, the sentiment for the grand and the love for non-material pleasures. (957)

Despite coming amid an argument for religious convictions to overcome a degrading materialism, the language of this passage sounds both theological (pointing souls toward heaven) and aristocratic ("the sentiment for the grand"). It is Burke's "spirit of a gentleman" and "spirit of religion" enlisted again as complements.[10] A reserve of religious conviction in the immortality of the soul is "the most precious heritage of aristocratic centuries" (958). But Tocqueville argues vehemently against trying to supply this deficit through official establishment or even promotion of a religion, which tends to corrupt both the faith and the state. What Tocqueville does prescribe he articulates in explicitly pedagogical terms: "The only effective means that government can use to honor the dogma of the immortality of the soul is *to act each day as if they believed it themselves*; and I think that it is only by conforming scrupulously to religious morality in great affairs that they *can claim to teach citizens* to know, love and respect religious morality in little affairs" (962; italics mine). This is a mimetic politics, in which the great set the example of conduct—perhaps as a noble lie—and the humble imitate them. Tocqueville consistently praises leaders who move peoples to aspire after greatness, and he does not envision a tutelage model of leadership as a necessity only in immature democracies but as permanent feature of politics.[11]

[10] Cf. Edmund Burke, *Reflections on the Revolution in France* in *Select Works of Edmund Burke*, Vol. 2 (Indianapolis: Liberty Fund, 1999), p. 92: "Nothing is more certain, than that our manners, our civilization, and all the good things which are connected with manners, and with civilization, have, in this European world of ours, depended for ages upon two principles; and were indeed the result of both combined; I mean the spirit of a gentleman, and the spirit of religion."

[11] See Danoff's *Educating Democracy* for a comprehensive study of this theme in *Democracy in America* and throughout Tocqueville's corpus.

Who then are these tutelary leaders to be? How will they be trained and legitimated in democratic society? Tocqueville does suggest in Volume I that a governing class will always be set apart by virtue of its leisure time for education:

> It is impossible, no matter what you do, to raise the enlightenment of the people above a certain level. Whatever you do to make human learning more accessible, improve the methods of instruction and make knowledge more affordable, you will never be able to have men learn and develop their intelligence without devoting time to the task. So the greater or lesser facility that the people have for living without working sets the necessary limit to their intellectual progress. (315)

He does not deny that the democratic many in principle have as great a capacity for intellectual prowess, nor that their motives are often less self-interested than are those of professional politicians, only that they lack the time to truly learn political judgment, and that their egalitarianism leads them to envy anyone they feel is preeminent over them. Like Plato, he worries that the necessary result will be for demagogues to manipulate the people's short attention spans. "Charlatans of all types know very well the secret of pleasing the people" (316), but genuinely public-spirited and capable leaders do not put themselves forward for the popularity contests that are elections.

Enlightenment of the Elites?

Tocqueville certainly at times defends elite governance on grounds of expertise—as in his analysis of Andrew Jackson's struggle with the Bank of the United States, in I.II.2—which would imply specialized technical training for a professional civil service, but he does also offer a case for humanistic, liberal learning in democracy. In the course of the previously discussed extended treatment in Volume II, Part I of the intellectual effects of democratic society, Tocqueville comes to many ambivalent judgments about the beauty and depth of democratic cultural products. Democratic citizenries are not ignorant; in fact, "the number of those who cultivate the sciences, letters and the arts becomes immense" and "the circle of readers expands constantly and ends by including all citizens" (773). But it is useful knowledge that draws them, rather than contemplation; *tekne* rather than *theoria*. The task of "those who are called to lead

the nations of today" is "to sustain the theoretical sciences" against this inertial tendency (785). Democracy prompts a myriad of useful inventions for everyday life and a few enormous monuments to national greatness, and so America makes the iPhone and the National Mall but lacks the patronage system and taste to produce masterworks. In literature, "there will be a very great variety and singular fertility in production. They will try to astonish rather than please, and will strive more to carry passions to charm taste" (809). The language becomes more accessible but less precise and refined. The brief Chapter 15, "Why the Study of Greek and Latin Literature Is Particularly Useful in Democratic Societies," is Tocqueville's curricular antidote.

The pattern we have seen so often in Tocqueville's analyses, of measured praise for democracy followed by an urgent assertion of the need to find aristocratic cultural and political counterweights to its negative tendencies, would lead us to expect that he might argue for classical learning to be cultivated as widely and deeply as possible to leaven the language and ideas of democratic culture. Or we might expect a call for the training of the future political class through rarefied texts. The chapter begins by noting that the ancient Greek and Roman republics, with their narrow franchises, were far more aristocratic than modern democracies. Thus, "these peoples… had to give to their literary productions the particular vices and special qualities that characterize literature in aristocratic centuries" (816). The surviving texts of antiquity, the canon of the classical curriculum, were not written to pander or to sell copies and thus in them "the search for ideal beauty is shown constantly" and thus "this study is, of all, the most appropriate for combatting the literary defects inherent in these [democratic] centuries" (817). However, Tocqueville warns that such study could have literary value but still be a political liability. The powerful prose warrants quoting at length:

> If you persisted stubbornly in teaching only literature in a society where each man was led by habit to make violent efforts to increase his fortune or to maintain it, you would have very polished and very dangerous citizens; for *since the social and political state gives them needs every day that education would never teach them to satisfy, they would disturb the State, in the name of the Greeks and the Romans*, instead of making it fruitful by their industry.
>
> It is clear that in democratic societies the interest of individuals, as well as the security of the State, requires that the education of the greatest number be scientific, commercial, and industrial rather than literary.

> Greek and Latin must not be taught in all schools; but it is important that those destined by their nature or their fortune to cultivate letters, or predisposed to appreciate them, find schools where they can perfectly master ancient literature and be thoroughly penetrated by its spirit. *A few excellent universities would be worth more to achieve this goal than a multitude of bad colleges* where superfluous studies done badly prevent necessary studies from being done well. (817; italics mine)

This passage is striking on many levels. It is one of the only times Tocqueville uses the word "university."[12] References to education in *Democracy in America* primarily address public, primary education or the informal education acquired through habits of political participation. In this unique discussion of higher education, he calls for it to be primarily applied learning and stresses the downsides of classical learning, going in this rare instance with rather than against the grain of democratic dispositions. Still, there must be a few universities in the traditional mode, cultivating good taste, in order to preserve some loftiness in literature. It is worth noting how few and relatively uninfluential American institutions of higher learning were at the time of Tocqueville's visit. Though the Ivy League colleges and others did exist, a college education was not yet *de rigueur* for an elite career and the colleges had not yet burgeoned into universities as they would after the Civil War.

The focus of Tocqueville's concern with widespread knowledge of the classics is on creating a gulf between what is desired and what is attainable. For those few who possess great intellectual ability and comfortable means, to pursue leisured and liberal studies poses no danger and it in fact serves the cultural common good. But Tocqueville does not here suggest that he wishes those with this education to apply the lessons of ancient texts to modern governance. He may be assuming, as elsewhere, that the wealthy elite must retreat from public life because of their distaste for the indignities of democratic elections. How could "the name of the Greeks and the Romans" "disturb the state," and who would the "very polished and very dangerous citizens" be? Unlike Tocqueville's warnings elsewhere about revolutionary pressure, this one is not concerned with the accumulated grievances of the lower classes, but rather with the idealistic ambitions of irresponsible students. The language anticipates Herbert Marcuse's mid-twentieth-century vision that students, free of economic pressure but also

[12] The word does not appear in the extremely detailed index of the Nolla edition.

lacking a propertied stake in the capitalist system, might constitute the true revolutionary class.[13] It perhaps more pertinently recalls Thomas Hobbes' (1994: XXI) seventeenth-century fear of revived ancient republicanism in England:

> By reading of these Greek, and Latine Authors, men from their childhood have gotten a habit (under the false shew of Liberty) of favouring tumults, and of licentious controlling the actions of their Soveraigns; and again of controlling those controllers, with the effusion of so much blood; as I may truly say there was never any thing so deerly bought, as these Western parts have bought the learning of the Greek and Latine tongues.

Yet where Hobbes interprets the political lesson of the ancient republics to be one of popular self-government, as opposed to his own liberty of bodily security, Tocqueville's concern seems to be that the study of the classics will stir aristocratic ambition and destroy modern moral equality.

As we have already seen, Tocqueville did admire greatness and believed ancient heroes possessed a real nobility hardly possible in a modern state. Kahan notes that Tocqueville's own classical education was spotty; despite his having received the *lyceé* education of a French gentleman, he apparently did not read Plato before 1836. An 1838 letter to his friend Beaumont recounts the impact Plutarch's *Lives* made on him: "After reading Plutarch, Tocqueville described himself as feeling so inspired by the examples of the ancients that he was afraid that, his mind 'crammed with a heroism that is hardly of our time,' he would become 'mad in the manner of Don Quixote.'"[14] Such a letter implies that Tocqueville feared that too much affection for ancient great men would make him a terrible anachronism, laughable at best and at worst dangerous. After all, Don Quixote's antics hardly endeared him to the consolidating Golden Age Spanish state, though he has ever since won the hearts of readers disenchanted with modern disenchantment.

Yet Tocqueville continually worries about the subjugation and cruelty that necessarily plague aristocratic orders. He opens Part III of Volume II with a chapter entitled, "How Mores Become Milder as Conditions Become More Equal," where he observes that human beings

[13] See Herbert Marcuse, *One-Dimensional Man* (Boston: Beacon Press, 1964) and *An Essay on Liberation* (Boston: Beacon Press, 1969).

[14] Cited in Kahan, p. 21.

have a very limited capacity for empathy, only truly pitying others whose ways of life they share. Aristocrats are callous toward peasants' suffering. Modern democracy reduces social distance and allows men to "show a general compassion for all the members of the human species" (993). Mere learning and culture cannot achieve this. The Romans, Tocqueville notes, viewed their entire people as aristocrats relative to the rest of the world:

> At the time of their greatest enlightenment, the Romans cut the throats of enemy generals, after dragging them in triumph behind a chariot, and delivered prisoners to the beasts for the amusement of the people. Cicero, who raises such loud cries at the idea of a citizen crucified,[15] finds nothing to say about these atrocious abuses of victory. It is clear that in his eyes a foreigner is not of the same human species as a Roman. (994)

Even such a philosopher as Cicero, one deeply concerned to descry the natural laws of all humanity, could blithely commit rank hypocrisy. As Machiavelli and Rousseau before him noted, ancient paganism elevated civic duties over universal ones, whereas Christianity decentered the City of Man and deprived it of ultimate loyalty.[16] But while they decried this development, Tocqueville praised the advent of the Christian teaching of the ultimate equality of all human beings. His introduction to *Democracy in America* in fact claims the dawn of modern democracy to be the logical but long-delayed outworking of a New Testament ethic: "Christianity, which has made all men equal before God, will not be loath to see all citizens equal before the law" (25). Yet such an egalitarian ethos is not inevitable; it could be lost in a return of paganism.

Widespread classical learning in democracy would not just foster a contemptuous, cruel attitude toward "lesser" folk; it would encourage desires that simply cannot be satisfied within modern democracy. Worry about such overweening desires runs throughout Tocqueville's work. It is a theme taken up from Rousseau, whom Tocqueville almost never cites but

[15] Tocqueville presumably has Cicero's *In Verrem* in mind, which accuses a corrupt official of crucifying a citizen.

[16] Niccolo Machiavelli, *Discourses on Livy*, trans. Harvey Mansfield and Nathan Tarcov (Chicago: University of Chicago Press, 1996), I.12 and Jean-Jacques Rousseau, *The Social Contract*, IV.8 in The Social Contract *and Other Later Political Writings*, trans. Victor Gourevitch (Cambridge: Cambridge University Press, 2019).

whose influence can be discerned throughout the Tocquevillian corpus.[17] The *First Discourse* argued that modernity had impoverished man by stimulating new wants and rendering them needs; the *Second Discourse* presented human desires as almost entirely plastic and undertook to trace genealogically the creation of false needs at the origin of society, resulting in alienation and psychic division. Rousseau saw the greatness of the ancients as lying in their ability to make man whole again by devoting him entirely to the service of the city. As *Emile* (1979: 40) put it,

> Good social institutions are those that best know how to denature man, to take his absolute existence from him in order to give him a relative one and transport the *I* into the common unity, with the result that each individual believes himself no longer one but a part of the unity and no longer feels except within the whole. A citizen of Rome was neither Caius nor Lucius; he was a Roman.

Though he admired such a radical monism, Rousseau turned his efforts in *Emile* toward teaching a new kind of wholeness, one capable of respecting modern subjectivity and of happiness in this world. Tocqueville did not follow Rousseau's radical politics, and despite serious reservations, looked more kindly on modern affluence than him, but his hope for individual happiness in modernity and his view of religion as not about truthful propositions but about mechanisms for psychological resolution reflect the influence of the Savoyard Vicar, the advocate of a "natural" religion devoid of revelation, sin, and judgment in *Emile*.[18]

[17] See, for example, pp. 35–39 in Kahan.

[18] Tocqueville may also be simply more sanguine about the prospects of democracy self-regulating and self-transcending, securing a new kind of greatness appropriate to modernity, than the passages I have here considered indicate. Benjamin Storey offers such a sanguine reading: "Tocqueville does not simply disenchant; rather, understanding that human beings must have poetry of one kind or another, he replaces the poetry of technology with a poetry of his own. That poetry celebrates the distinctive excellences of *American* democracy: its combination of the spirit of liberty and the spirit of religion; the natural charms of its democratic families; the vigor of its small-scale political life; its magnanimous openness to genuine, and genuinely liberating, liberal education. He encourages us to nurture those aspects of ourselves that open us to the divine, to the past, and to human others: our love of truth, of God, and of the exercise of that liberty which consists in ruling and being ruled in turn," p. 71 in "Tocqueville on Technology," *The New Atlantis*, Number 40, Fall 2013, pp. 48–71.

Afterlives of This Argument: The Great Books and Elite Formation

In our present moment, with devotees of liberal arts education increasingly feeling obliged to justify their existence and with fears growing that democratic institutions themselves are under threat from reckless populism, would Tocqueville perhaps reconsider his verdict? We have seen that, despite his deep commitments to freedom and equality and to reducing the age-old suffering of the poor many, Tocqueville sees a need for an enlightened elite, the beneficiaries of a far-sighted education, to provide intellectual and moral leadership to restrain democracy's basest impulses. In some periods of American history, educators have been more willing to make such a Tocquevillian case that liberal education exists in fruitful tension with the egalitarianism prevalent in democracy. The advent of the German-style research university to the United States in the post-Civil War period, which brought about a massive expansion in the size and influence of higher education, was consciously a project of elite formation. In an 1899 address at Stanford titled "The University and Democracy," founding president of the University of Chicago William Rainey Harper could unironically assert, "The university, like the priest, leads those who place themselves under its influence… to enter into close communion with their own souls" (2017: 225) and thus "It is the highest function of the university to prepare leaders" (2017: 219). But ultimately, these educational reforms of the Progressive era served to create a technocratic class of civil servants who claimed authority to shape the nation's policies because of their specialized expertise. Thus instead of answering Tocqueville's call for leaders capable of being far-sighted, moral exemplars with a taste for greatness and liberty, Harper and his peers accelerated the growth of the centralized, administrative bureaucracy that Tocqueville had feared.

Once the Germanic research university had become the dominant model of American higher learning, some educators began to level a critique of the system on the grounds that scientific and technical success was obscuring the true task of forming souls. Irving Babbit at Harvard was unusual in making explicit the case that such humanistic *paideia* served to create a counterweight to leveling tendencies in American democracy in his 1924 book *Democracy and Leadership*. When Robert Maynard Hutchins, key pioneer of the 1930s and 1940s Great Books education movement at Columbia and Chicago, made his case for a civilization-defining

canon of excellent works, he was careful to emphasize that in principle all could benefit from reading such texts (1936), although his great opponent John Dewey (1916) charged that reifying a canon detracted from the experimental and collaborative quality of learning appropriate in a democratic society. Their chief heirs, such as Allan Bloom (1987) and Richard Rorty (1989) in advocating for the value of liberal education have deemphasized its aristocratic roots and continuing exclusivity. Their very different approaches do agree that, contra Tocqueville, intellectual openness and the willingness to criticize every received idea are the habits that liberal education aims to instill. Thus, a skeptical version of Socrates is their shared paradigm for the liberally educated person. In a Tocquevillian rejoinder to Tocqueville's concerns about the value of higher learning, perhaps American educators should seek to instill greatness and conviction and not merely critical competence in the rising generation of leaders. In today's elite-populist tensions we seem hardly to be faced with a profusion of "polished but very dangerous" reactionaries pining quixotically for a world out of keeping with the spirit of the age. The more salient danger seems to be that the few, composed of technocrats unread in Livy and Aristotle, will be astonished and unprepared when the many question the legitimacy of their rule.

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CHAPTER 5

Tocqueville's Philosophy of History: Its Meaning and Implications for Russia and Central and Eastern Europe

Matthew Slaboch

Introduction

Scholars typically describe Alexis de Tocqueville as a sociologist, political scientist, and/or historian. Less frequently do interpreters of the great French thinker label him a philosopher.[1] And, yet, few readers would deny that Tocqueville's works contain philosophical investigations and arguments. Tocqueville himself called his approach "philosophical history." Taking Tocqueville's lead, in this chapter I present the famed author of *Democracy in America* and *The Ancien Régime and the Revolution* as a philosopher of history.

When one thinks of philosophers of history, names like Giambattista Vico, Johann Herder, G.W.F. Hegel, or Oswald Spengler might be the

[1] Harvey Mitchell notes that Tocqueville resisted calling himself a philosopher and had a "professed disdain for philosophy." But, Mitchell avers, while "it is impossible to ignore… it is also possible to exaggerate" these "declarations of alienation from philosophy" (1996: 8).

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first to come to mind; Tocqueville would likely be absent from one's list. To a degree, Tocqueville's absence from such a list makes sense; his work differs from others' in important ways. For instance, while Vico, Herder, Hegel, and Spengler provided global histories, Tocqueville did not. Rather, Tocqueville offered case studies, focused particularly on the United States and his native France.

But if there are reasons to separate Tocqueville from the marquee philosophers of history, there are still more reasons to link his work with theirs. Like these others, Tocqueville looked to the past not merely to answer questions of who, what, where, and when. Rather, he set out to answer questions of how and why. That is, he sought not simply to describe past events, but to explain them.

Tocqueville resembles thinkers like Vico, Herder, et al., too, in his attempt to find meaning in history. For him and them alike, historical analyses are worthwhile not solely for what they reveal about the past, but for the light they shed on the present and their implications for the future. Philosophers of history, Tocqueville included, seek in part to diagnose the cause of current social ills, and they often aim to prescribe treatments, based on their studies of prior ages. They also seek to predict how society will develop, identifying both worrying and positive trends.

In their attempts to discern the laws that governed prior epochs, philosophers of history necessarily touch on a host of other questions. Are historical laws universally applicable, or are such laws unique to particular civilizations or nations? To what extent are men governed by fate, and how much historical change is due to human agency? Is history a tale of steady progress, or are there periods of advancement and decay akin to the periods of growth and senescence that correspond to the changing of the seasons? These are questions of the sort with which Tocqueville deals throughout his works; exploring and synthesizing Tocqueville's answers is one aim of this chapter.

A second goal of this chapter is to assess the meaning and relevance of Tocqueville's philosophy of history for post-communist Central and Eastern Europe and Russia in particular. There are a number of potential challenges to applying Tocqueville's theories to the post-communist world. Tocqueville in *Democracy in America* examined the United States to glean lessons for France and Western Europe more generally; Central and Eastern Europe in the twentieth and early twenty-first century differ markedly, of course, from the American and European societies with which Tocqueville was familiar. Tocqueville's America is a liberal society in

which citizens are enamored of equality, and his Europe a place where hierarchy mixes with freedom. Can Tocqueville's analysis reveal anything about Central and East European societies that were characterized by an enforced egalitarianism and an almost total lack of freedom? Tocqueville's America is capitalist and commercial, and his Europe feudal or mercantilist; does Tocqueville have anything to tell contemporary readers about the industrialized post-communist countries of Central and Eastern Europe? If one questions the applicability of *Democracy in America* to the Central and East European context, one might be prone to question the relevance of *The Ancien Régime and the Revolution* for similar reasons, wondering if the Revolutions of 1789, 1830, and 1848 in France bear any similarity to the revolutions that led to the installation of a communist regime in Russia in 1917 and to the collapse of communist governments in 1989 and 1991. This chapter will show that Tocqueville's analysis of eighteenth- and nineteenth-century America and France *is* relevant for the study of Central and Eastern Europe; Tocqueville's philosophy of history has implications beyond the eras and areas under his purview.

Tocqueville's Philosophy of History

Philosophers of history preoccupy themselves with various questions. Some such questions include: whether historical laws govern humanity as a whole, or if they apply to subunits of the human species, like civilizations or nations; whether these laws are wholly deterministic, or if they are contingent, dependent on the choices humans make; and whether or not historical change has led to progress and will lead to further progress, or if history is just a series of events—sometimes with favorable outcomes and sometimes undesirable reversals of fortune—with no ultimate telos. Each of these is a question to which Tocqueville provides answers in his varied works.

As with much of his writing, Tocqueville's statements about the nature and trajectory of historical change are sometimes richly nuanced, while in other instances they are merely contradictory. Both nuance and contradiction can be seen in Tocqueville's answer to the question of whether historical laws are universal in their applicability or whether they govern particular subunits of humanity.

In *Ancien Régime*, Tocqueville seemingly makes plain what he believes the historian should take as his or her unit of analysis: "classes as a whole… alone deserve the attention of history" (2008: 125). Throughout that

piece, he provides a class analysis that focuses on the varied experiences of the three great *estates*—the clergy, the nobility, and the commoners—as well as ancillary classes, prior to and after the French Revolution. Not only does he compare each class with the others, he also examines how each distinct class changed and developed over time. He tells the reader, for instance, that the French nobility possessed certain "manly habits" and inspired those habits in the other classes by virtue of its example (Tocqueville 2008: 115). And he writes of "the soul of the common people and in particular of the peasants" (Tocqueville 2008: 137). But he also notes that "the middle classes of the Ancien Régime were… much better prepared to show a spirit of independence than they are today" (Tocqueville 2008: 119). Each of the classes, then, has its own set of features that defines it and separates it from the others. But the characteristics of a particular class can also change over time.

Although Tocqueville does offer much in terms of class analysis, when considered as a whole, his work plainly contravenes the injunction to focus on class alone[2]: his observations of some other unit—the nation—are as frequent as, and often more striking than, his remarks on class. In "Fortnight in the Wilderness," for instance, he writes:

> Nations like individuals all show themselves… with a face that is their own. The characteristic features of their visage are reproduced through all the transformations they undergo. Laws, customs, religions change, empire and wealth come and go, external appearance varies, clothes differ, prejudices replace each other. Under all these changes you recognize always the same people. It's always the same people, which is growing up. Something inflexible appears in human flexibility. (Tocqueville 1996: 271–272)

Such a declaration implies that there is good reason for the historian to take the nation as his or her unit of analysis: nations are unique entities that stand apart from one another no less than do classes. In contemporary scientific nomenclature, nations may be said to have their own unique DNAs.

In various places, Tocqueville highlights the features that distinguish nations from one another. He writes in *Ancien Régime* that "certain nations

[2] Sheldon Wolin writes that "it is difficult to claim… that Tocqueville employed a clear conception of class analysis; his main concern was with classes as political actors" (2009: 635 n 35). And other authors note that in his accounting of revolutions, Tocqueville offers an analysis strongly at odds with Karl Marx's (which is more clearly and obviously focused on class).

pursue freedom obstinately amid all kinds of danger and deprivation," while "other nations grow tired of freedom amid their prosperity, which they allow to be wrenched from their hands without a fight" (Tocqueville 2008: 168). Tocqueville does not provide a list of "freedom-loving" and "prosperity-loving" nations, but this is not due to a reluctance to characterize particular nations. He speaks of the "calm of Americans" (Tocqueville 1996: 259) in "Fortnight," but he is also not shy to declare those same people to be money-hungry and unreflective (Tocqueville 1996: 239). By contrast, "the Indian is the most philosophic of men," with "few needs, and correspondingly few desires" (Tocqueville 1996: 266).[3] The nation that Tocqueville most frequently describes, however, is his own.

Tocqueville's depictions of his co-nationals are myriad. The archetypal Frenchman is "gay, enterprising, glorious, proud of his origins, passionately fond of military glory, more vain than calculating, [a] man of instinct, obeying his first impulse rather than his reason, preferring fame to money" (Tocqueville 1996: 272). The French nation thus possesses both negative and positive attributes. "That vanity natural to Frenchmen" (Tocqueville 2008: 101), is probably not a trait of which to be proud (although the vain might very well take pride in their especial vanity). Being "of all the nations on earth, the most literary and the most fond of intellectual things" (Tocqueville 2008: 147), by contrast, would seem more honorable. In his *Recollections*, Tocqueville comments upon "the warlike nature of the French" (2016: 97). Earlier, he had characterized the French as "the gentlest and even the kindest nation on earth" (Tocqueville 2008: 183). Perhaps nations, like classes, can change? Tocqueville admits as much.

Tocqueville draws multiple contrasts, sometimes stark, between pre- and post-revolutionary Frenchmen. The French of old "loved happiness and adored pleasure… but they were unaware of that moderate and decent sensuality which we see now" (Tocqueville 2008: 122). The French of earlier times, unlike those of the revolutionary age, could recognize that "*a demand for too much freedom and liberty brings with it too much slavery*" (Tocqueville 2008: 145).[4] In "about 1750," Frenchmen were not "demanding in the matter of political liberty," interested in "reforms more

[3] Tocqueville's pairing of the term "philosophic" with the description of men with few desires or needs is curious. It stands in contrast with Rousseau's description of natural man, who has few needs: "it is not possible to conceive why someone who had neither desires nor fears would take the trouble to reason" (1997: 142).

[4] Tocqueville's emphasis.

than rights." By 1770, "the position was no longer the same; the image of political liberty had imprinted itself on Frenchmen's minds" (Tocqueville 2008: 164–5). Such comparisons of feudal and revolutionary Frenchmen make manifest Tocqueville's belief that nations can and do change.

Although Tocqueville grants the possibility of national development, he still writes of "the intrinsic nature of our [French] nation," asking "has there ever appeared on this earth a single nation so full of contrasts and so excessive in all its actions, guided more by emotions, less by principles…?" (2008: 205–6). Tocqueville's discussion of his and other nations, like his discussion of class, invites a host of questions. What are the essential, timeless features of a class or nation? Which characteristics are subject to flux? How might someone discern the permanent from the changing qualities? How is a nation's "temperament," which can be altered (Tocqueville 2016: 118), different from its "nature," which is fixed? Tocqueville insists that "the destiny of individuals is much more difficult to perceive than that of nations" (2008: 11). But predicting the paths that nations might take would seem to be a rather difficult task without first knowing which paths are open to them. Are certain outcomes impossible for particular nations because of those nations' "intrinsic natures," or are all nations capable of developing, or even destined to develop, in like ways? If the latter is the case, then what is Tocqueville's point in ascribing to nations certain unique qualities? This set of questions leads into another central topic for philosophers of history, namely the roles of fate and free will in history: recognizing *that* change can and does happen is one thing, but determining *why* changes occur is another.

At times, Tocqueville sounds mystical and deterministic. "In human institutions, as in the case of man himself," he writes, "a central and invisible force exists as the very principle of life" (2008: 86). Elsewhere he proclaims that "all our contemporaries are driven on by an unknown force which we can hope to govern and moderate but are unable to overcome" (Tocqueville 2008: 12). What is this invisible, unknown force? Is it the hand of God? Or is it impersonal fate? Tocqueville writes of the "laws of God in the governing of societies" (2008: 137).[5] But he also posits that "blind fortune" was responsible for the presidency of Louis-Napoleon after the Revolution of 1848 (Tocqueville 2016: 165). Centuries prior, Machiavelli had remarked that an individual could attribute his success or

[5] Of revolutions, for instance, he insists: "every revolution leaves its mark and raises the level. God wills it! His work must be allowed to proceed" (Tocqueville 2016: 229).

failure in equal measure to his own actions and to luck: "I am disposed to hold that fortune is the arbiter of half our actions, but that it lets us control roughly the other half" (2016: 85). Can one present Tocqueville's views on the causes of prosperity or ruin of nations in a similar formula, stating, for example, that 50 percent of a nation's status or stature is owed to divine intervention, while the other half is due to mere chance? Not only does Tocqueville refrain from offering such a formula, but he would clearly object to someone else encapsulating his views in such a way.

Laws of God and blind luck alike account for some of what societies experience, but not everything: individual choice also plays an important role. Tocqueville states emphatically: "I hate absolute systems that see all historical events as dependent on grand first causes linked together in ineluctable sequence, thus banishing individual human beings from the history of the human race" (2016: 45). Historians are wont to see such "grand first causes" everywhere they turn in the pages of history. Politicians are prone to see world-changing significance in each proclamation they make or policy they propose. Both camps, however, are in the wrong. History is determined neither solely by fate nor solely by free will. Tocqueville writes:

> I believe that many historical facts can be explained only by accidental circumstances, while many others remain inexplicable, and finally, that chance–or, rather, that skein of secondary causes that we call chance because we cannot untangle them–plays a major part in everything that takes place on the world stage. But I also firmly believe that chance accomplishes nothing for which the groundwork has not been laid out in advance. Prior facts, the nature of institutions, the cast of people's minds, and the state of mores are the materials out of which chance improvises the effects we find so surprising and terrible to behold. (2016: 45)

Tocqueville offers the Revolution of 1848 as an event—"like any other great event of the kind"—that "was born of general causes fertilized, as it were, by accidents" (2016: 45). Revolutions, Tocqueville argues, can rock society when there is a change in government from awful to better, but they tend not break out when there is a change from bad to worse (2008: 175). Such is one of the general principles that Tocqueville offers in his discussion of revolutions. But Tocqueville also notes features of the 1789, 1830, and 1848 Revolutions that distinguished one from another. That is, he highlights how "accidents" contributed to the unique character of each revolution.

Contemporary social scientists might characterize Tocqueville as a believer in "path dependency" and "critical junctures."[6] In *Ancien Régime*, Tocqueville highlights several key moments that had lasting significance for France. For instance, he notes that until the fourteenth century, France and England had institutions in common, but "then the destiny of the two nations went their different ways and continued to grow more dissimilar as time went by." The turning point was when "the French nation… let kings impose a general tax without its consent and when the nobles were mean enough to allow the Third Estate to be taxed so long as they were exempted." With this decision, Tocqueville asserts, "was sown the seed of practically all the vices and abuses which plagued the Ancien Régime and finally brought about its violent death." Thenceforth, the paths that France and England took "resembled two lines which, starting from nearby points but at a slightly different angle, are then forever diverging the longer they extend" (Tocqueville 2008: 104). The two nations had different destinies, but those destinies were shaped by human agency, not dictated by chance alone, or even at all.[7] "What the Revolution was not in any way," Tocqueville writes, "was a chance event" (2008: 34).

Tocqueville writes of different paths for different nations. But is there, for him, a telos in history? Do the different paths that nations follow lead somewhere? And is there a common destination for humanity as a whole? Tocqueville notes that the idea of indefinite human progress permeated the minds of French society in the eighteenth century, prior to the Revolution.[8] He would have been familiar with the Marquis de Condorcet, for instance, who argued that "the progress of knowledge and the progress of liberty, of virtue, of respect for the natural rights of man" was just as assured as "the destruction of inequality

[6] For an example of social science research that explains and makes use of these concepts, see, for instance James Mahoney, J. (2001) Path-Dependent Explanations of Regime Change: Central America in Comparative Perspective. Studies in Comparative International Development 36 (1): 111–141.

[7] Another critical juncture Tocqueville identifies is when French monarchs divided classes from one another, which he says led to almost all other problems for the monarchy (2008: 138). Elsewhere, Tocqueville writes that if there had been a Frederick II for France, monarchy would not have strengthened itself the way it did (2008: 164). Speaking of the Revolution of 1848, he notes that "half an hour" could have altered the destiny of France, but that once certain actions had been taken, the stage was set (2016: 42).

[8] "The theory of continuous and indefinite improvement of man took root" (Tocqueville 2008: 175).

among the nations; the progress of equality within nations; [and] finally, the actual perfecting of man" (1969: 81; 84). As to whether Tocqueville endorsed the Enlightenment idea of progress, there can be little doubt: Tocqueville notes that his good friend Gustave De Beaumont, his companion to the United States, remarked of him, "you always see the dark side of things" (2016: 24).

Beaumont's reputed assessment of Tocqueville is an overstatement. As Alan Kahan argues, Tocqueville is, in *Democracy in America*, "on the whole, an optimist" (2010: 42). And there are traces of optimism even in the later works. In *Ancien Régime*, Tocqueville writes of the "general progress of knowledge," "social progress," and "a world sparkling with enlightenment" in which "the arts wondrously advanced" (2008: 30; 133; 136). But Tocqueville certainly dims the sound of these positive notes. On the eve of the French Revolution, there had been social progress, but that progress was not felt by all: "civilization was turning against" the rural classes (2008: 133).

Labeling Tocqueville anything but a *qualified* optimist is difficult given how he describes the unfolding of time. He writes that "we see that history is a gallery of pictures of which few are originals and many are copies" (Tocqueville 2008: 75) and that "mankind never changes, but the popular mood is in constant flux, and history never repeats itself. One era can never be directly compared with another" (Tocqueville 2016: 27). These statements might seem contradictory. They are not, if we consider Tocqueville's insistence that, although observers of history can see general causes of like events, no one event is exactly similar to another, because ancillary conditions shape each event. Revolutions and civil wars, elections and coronations, are not new phenomena. In that sense, any event is merely a "copy" of some long-forgotten original. However, each revolution, war, election, or coronation has features to distinguish it from similar prior examples, because the "institutions, the cast of people's minds, and the state of mores" vary across time and place. People truly enamored of the future do not typically subscribe to the "same story, different actors and stage" mindset that Tocqueville espouses in the statements above.[9]

[9] Mass democracy is certainly a new phenomenon. But, as James Kloppenberg notes, Tocqueville looked to the advent of democracy "always with a mixture of optimism and pessimism" (2006: 520).

Tocqueville and Russia and Central and Eastern Europe

Tocqueville's contemporary in Russia, the philosopher Petr Chaadaev, writes of his nation that "isolated in the world, we have given nothing to the world; we have not added a single idea to the mass of human ideas; we have contributed nothing to the progress of the human spirit. And we have disfigured everything we touched of that progress" (1976: 116). Chaadaev's pronouncement about his homeland was, of course, not wholly embraced by his countrymen. Nevertheless, Chaadaev's compatriots from across the political spectrum agreed with the general thrust of his provocative statement: Russia had not, they concurred, contributed to past progress. Their debate was about whether and how Russia could contribute to the world in any meaningful way in the future. This was an internal debate, to be sure, and one that dominated Russia throughout the nineteenth century, but it is a debate to which Tocqueville can provide insights, or at least spark new questions. If nations are natural, as Tocqueville seems to suggest, and if a nation's past is prologue to its present, then what does that entail for a nation like Russia? Is one of Russia's defining features to act in a contrarian manner, resisting the trends of her western neighbors? Is Russia always to behave in a way that retards progress, rather than contributing to it? Was the October Revolution a continuation of the tsarist age rather than a break from it, the same way the French Revolution was the fulfillment of the impulses of French feudalism? Does the frequent journalistic trope of labeling Vladimir Putin a tsar for the current age, which might seem simplistic to some readers, merit serious consideration? These are questions of the sort that arise when considering the meaning and import of Tocqueville's "philosophical history."

Readers curious as to how Tocqueville might answer the preceding questions can do more than speculate; scattered references to Russia appear in Tocqueville's oeuvre, and these remarks point the way to answers. In the important conclusion to the first volume of *Democracy in America*, for instance, Tocqueville offers his assessment of Russia's natural character. Russians "are in conflict with men" and at war with civilization. Russians are marked by a "slavish obedience" and a unity that puts "the whole power of society upon a single man" (Tocqueville 2003: 485). This appraisal of Russia remains a constant in Tocqueville's thought. In the final pages of his *Recollections*, Tocqueville contrasts the "savage passions" of the Russians with the inclinations of "the civilized world" (2016: 183). Speaking of Nicholas I, he insists that "it would… be a great mistake to

think that the czar's immense power rested on force alone. Its true foundation was the will and ardent sympathy of the Russian people" (Tocqueville 2016: 168). The unified, docile nature of the Russian people stands in marked contrast to the Americans, whom Tocqueville presents as individualistic and freedom-loving (2003: 485).

If Tocqueville was forthright in laying out what he took to be the Russian nation's defining features, he was no less clear in his prophecy for that nation's future. In the aforementioned conclusion to Volume One of *Democracy in America*, he declares that Russia and the United States seem destined "to hold in their hands the fate of half the world at some date in the future" (Tocqueville 2003: 485). He voices a similar concern about Russia in his *Recollections*: "I believe that our West is threatened with sooner or later falling under the yoke or at least the direct and irresistible influence of the czars" (Tocqueville 2016: 173). The energy that animates the United States and that will lead to its dominance is the commercial spirit. Trade will extend the American reach from the northern hemisphere to the southern, and owing to the desire to protect its shipping vessels, the United States will develop a navy that rules the seas (Tocqueville 2003: 478; 482). The life source of Russia, by contrast, is a martial energy. Russian victories are won "with the soldier's sword" (Tocqueville 2003: 485).

Tocqueville informs his readers that the coming dominance of Russia (and the United States) "seems destined by some secret providential design" (2003: 485). This proclamation invites consideration of the roles of fate and free will in Russian history. The French monarchs' imposition of the *taille* in the fourteenth century was a point of departure for France, setting that nation on a path divergent from that of England. What might be a similar critical juncture for Russia? An obvious candidate for such a moment is Tsar Peter the Great's westernizing campaign.[10] Tocqueville's characterization of the Russian people as obeisant notwithstanding, Russia actually had an autochthonous tradition of local self-rule. However beneficial Peter I's reforms may have been in other areas, they proved detrimental to this tradition of self-government: centralization of state institutions was a hallmark of Peter's reign, which saw the concomitant weakening of the *obshchina*, or peasant commune. The precise impact of Peter's policies cannot be measured. What can be stated definitively is that Peter's successors, whether reform-minded, conservative, or reactionary, remained autocratic.

[10] Stefan Hedlund (2005) employs the logic of path dependency to survey Russia's historical development. His analysis extends to periods well-before Peter I ascended to the throne.

Political centralization plays an important role in the story Tocqueville tells of his own country. In the foreword to *Ancien Régime*, he states:

> no nation has devoted more effort than did the French in 1789 to distinguish, as it were, the two periods of their destiny, to create a gulf between what they had been up to that point, and what they sought to be from then on. With this in mind they adopted all kinds of precautions to avoid carrying anything of their past into their new state. They imposed every kind of restriction upon themselves, so as to form an identity quite different from that of their forefathers. (Tocqueville 2008: 7)

The revolutionaries' attempt to break with the past, Tocqueville argues, ended in failure. Instead of effecting a rupture with the *Ancien Régime*, the revolutionaries pursued and fulfilled many of their predecessors' goals. Having surveyed published books and private letters, memos, and other documents from the early eighteenth century, Tocqueville writes: "the more I progressed in this study, the more surprised I was to see, at every turn, in the France of that period many characteristics which strike us still today… On all sides I came across the roots of present-day society deeply implanted in this ancient soil" (2008: 9). A key similarity linking past and present, Tocqueville argues, is the impulse of the French toward the centralization of state power.

The above highlights a key Tocquevillean insight, namely that, for all the novelties its leaders introduced and for all the traditions they sought to undermine, the French Revolution did not represent a complete departure from the past; the drivers changed, but the machinery of the state remained more or less the same. Applying the same logic of analysis to another case, one could more than plausibly claim that the Russia of the general secretaries resembled the Russia of the tsars: if mere centralization was a commonality between pre- and post-Revolutionary France, autocratic rule was a unifying feature of pre- and post-1917 Russia. The comparison of Vladimir Lenin, Joseph Stalin, and their followers with the tsars whom they toppled is well worn. Unoriginal though it may be, the comparison is nevertheless useful in that it helps demonstrate how the past conditions the future. Lenin's consolidation of power in a country with more robust local self-government is harder to imagine than that of an autocrat having yielded the reins of control to another autocrat.

Even if one accepts that Soviet Russia bore similarities with pre-revolutionary Russia, one might still ask why the communist revolution

took place at all, or why it took place when it did. A reading of Tocqueville can provide answers. One of the general laws Tocqueville offers is that "the most hazardous moment for a bad government is normally when it is beginning to reform. Only a great genius can save a ruler who is setting out to relieve his subjects' suffering after a long period of oppression. The evils, patiently endured as inevitable, seem unbearable as soon as the idea of escaping them is conceived" (2008: 175). If the French Revolutions of 1789, 1830, and 1848 were Tocqueville's chief points of reference, the Russian Revolution is a later case that proves the rule. Russia's last tsar, Nicholas II, remained a committed autocrat throughout his reign, but bent to pressure and allowed for the creation of the State Duma, an elected consultative assembly, in 1906. If Tsar Nicholas introduced the Duma in an effort to stave off revolt, he clearly failed in this regard; scarcely a decade later, he was forced to abdicate; the monarchy collapsed; and the Bolsheviks rose to fill the vacuum of power.[11] A revolution's taking place in Russia is something that Tocqueville's philosophy can explain; the particular form the revolution took place is something unique to Russia, shaped by the interplay of institutions and individuals present when the revolution broke out.

The revolutions of 1989 and 1991 that ended communism in Central and Eastern Europe and led to the collapse of the Soviet Union followed a period of reform just as surely as did the October Revolution that ushered in communism. From the mid-1980s on, Soviet leader Mikhail Gorbachev promoted the twin policies of *glasnost'* and *perestroika*, which allowed greater openness in political discussion and reconsideration of the policy of economic centralization. Several leaders of other Warsaw Pact countries followed suit. Within a matter of years, Gorbachev and his allies in Central and Eastern Europe lost power,[12] and the communist regimes they led collapsed. As Edward Acton notes: "the attempt to reform society from above unleashed forces for change which the government proved wholly unable to control. It ignited a cultural and ideological revolution,

[11] Tsar Nicholas II introduced the Duma in 1906 as a concession to revolutionary demands made a year prior. Like the 1917 Revolution, the 1905 revolution emerged after a period of reform. Specifically, the earlier revolution followed the emancipation of the serfs in 1861, which increased the freedoms enjoyed by the peasants, without significantly decreasing the hardships they faced. For more on the Revolutions of 1905 and 1917, see Pipes, R. (1995) A Concise History of the Russian Revolution. New York, NY: Alfred A. Knopf.

[12] Adversaries who refused to follow Gorbachev's lead and resisted reform also fell from power, as revolutions spread from one part of the communist sphere to another, reinforcing and playing off one another.

unhinged the economy and sent it into steep decline, ruptured the State and destroyed the Communist Party" (1995: 313).

While Central and East European countries and the Soviet Union shared a similar revolutionary moment in the late 1980s and early 1990s, those countries or their successor states have experienced widely divergent post-communist transitions. Some, like Slovenia, adapted quickly to both capitalism and democracy. Others, like Hungary and Poland, were enthusiastic about joining NATO and the European Union, asserting their free market and democratic credentials, and reestablishing their membership in the West, but are now making pains to stand apart from their concerned neighbors and the powers-that-be in Brussels. Still others, like Russia, experienced and continue to experience high levels of corruption in their economies and had only abortive attempts at establishing democracy.[13] Aurelian Craiutu notes that Tocqueville "had few 'certainties' to share with his readers other than the inevitable progress of democracy and the decline of aristocratic privileges," adding that "the really interesting question is no longer *whether* democracy will win over in Eastern Europe in the short run, but what *kind* of democracy will obtain there in the long run" (2014: 392; 419). The question of what kind of democracy will be cemented in post-communist Europe is interesting to consider. Liberal democracies of Western Europe, whether presidential or parliamentary, share certain family resemblances. Hungarian Prime Minister Viktor Orban is the chief spokesperson for a different type of regime, which he terms "illiberal democracy." But Russia under President Vladimir Putin

[13] We may draw from recent social science research to support Tocqueville's claims that both historical legacies and agency bear on the structure and functioning of societies. Marc Morjé Howard (2002) convincingly argues that the weakness of civil society across post-communist Central and Eastern Europe is attributable to the communist experience. But, as Timothy Frye (1997) notes, the communist legacy cannot explain every facet of post-communist society. While there may be a temptation to attribute the strong presidencies that exist in, for example, Russia and Belarus to the shared communist experience, this explanation founders when we consider that a strong presidency is not a feature that all or most post-communist countries share; a country's having a strong or weak presidency is a result of decisions made by political actors in that country. Peter Leeson and William Trumbull compare Russia with other former Soviet states and with the post-communist world more broadly to show that "Russia could have done much better" at transitioning to democracy and capitalism. Though it started out with a similar set of circumstances as other transitioning countries, Russia is decisively in the middle or worse when compared with these countries in terms of various economic indicators, perceived levels of corruption, press freedom, and political freedom (2006: 247).

also qualifies as an illiberal democracy. Illiberal democracies resemble other (Western) democracies in a very basic sense—there are elections. And they are democratic in the sense that the ruling governments typically enjoy majority support. But personalist rule and tepid or nonexistent support for minority rights and basic freedoms (like freedom of the press or freedom of association) are also marks of illiberal democracies. Is illiberal democracy a viable regime type for the long term?

Tocqueville had misgivings about democracy, to say the least; his concern was with safeguarding liberty. Democracy, he took as an inevitability. Liberalism was a different story. If some countries are committed to liberty and others are not, there is an explanation for their different positions, mentioned previously:

> Certain nations pursue freedom obstinately amid all kinds of danger and deprivation. It is not for the material comforts it brings them that they appreciate it; they look upon it as such a valuable and vital blessing that nothing else can console them for its loss and when they experience it they are consoled for all other losses. Other nations grow tired of freedom amid their prosperity, which they allow to be wrenched from their hands without a fight… What is missing to keep such nations free? What? The very desire to be so. (Tocqueville 2008: 168)

If Tocqueville's declaration is true—that, where there is a will to be free, there is a way to be free—then a Central and Eastern Europe and Russia committed to both democracy and liberal principles is possible. The question is whether there is such a will.[14,15]

Conclusion

Much more could be said about Tocqueville, Russia, and Central and Eastern Europe than was said above. Absent here, for instance, is an extended discussion of such things as the role of civil society as a prerequisite for

[14] A will for liberty can develop over the course of a generation. In "about 1750," Frenchmen were not "demanding in the matter of political liberty," interested in "reforms more than rights." By 1770, "the position was no longer the same; the image of political liberty had imprinted itself on Frenchmen's minds" (Tocqueville 2008: 164–5).

[15] What Tocqueville says about *peoples*, James Buchanan echoes when discussing *persons*, that is, individuals: "the thirst and desire for freedom, and responsibility, is perhaps not nearly so universal as so many post-Enlightenment philosophers have assumed." "Many persons are, indeed, afraid to be free" (Buchanan 2005: 23–24).

democracy.[16] What this chapter *has* offered is a brief synthesis of Tocqueville's philosophy of history and a discussion of what that philosophy means or could mean for Russia and Central and Eastern Europe. Tocqueville's philosophy of history can be discerned through analysis of *The Ancien Régime and the Revolution*, *Democracy in America*, "Fortnight in the Wilderness," and the author's *Recollections*. From such analysis, one finds that Tocqueville has much to say about national character, change and constancy, and the importance of fate and free will in human affairs. Tocqueville's philosophy of history is interesting on its own terms. What it means today makes it doubly interesting, even if it invites as many questions about a region of the world still in flux as it answers.

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CHAPTER 6

A Tocquevillian Marketplace of Ideas? Spiritualism and Materialism in Tocqueville's Liberalism

Sarah Gustafson

Introduction

A "strange liberal." A man "between two worlds." A thinker of "paradoxical moderation." An "aristocratic democrat." These monikers, among many given to Alexis de Tocqueville by his readers and commentators, begin to capture the enigmatic quality of his thought and personality. This is, indeed, an impression Tocqueville built as much by his own personal writings and statements as by the scholarly and professional work he published in his lifetime. He famously took pride in denying his magisterial *Democracy in America* a foothold in one or another particular French political party, writing in the Introduction, "This book is not precisely in anyone's camp; in writing it I did not mean either to serve or contest any parties; I understand to see, not differently, but further than the parties" (Tocqueville 2000: 15). As he wrote to his friend Louis de Kergolay many

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years after *Democracy in America*, in 1850, "For as regards to men, although they have lived in our time, I am sure I do not hold to them either love or hate… I have no traditions, I have no party, I have no cause, if it is not that of liberty and human dignity" (Tocqueville 1985: 257). While Tocqueville may have "lived a little every day" with "Pascal, Montesquieu, and Rousseau," he firmly resolved to make clear the distinctions in thought and in the practice of politics between himself and the Doctrinaires, refusing to be a party man even as he made "creative use" of their ideas (Tocqueville 1977: 418). Near the end of his life, as he contemplated writing *The Ancien Régime,* he discussed the difficulty of being a "liberal of a new kind," belonging to no party (and having no party to follow him) in his particular brand of Tocquevillian un-revolutionary liberalism (Tocqueville 1985: 156).

In this paper, I look to contribute to the literature on Tocqueville's liberalism by exploring the limits he sets to the democratic and liberal imagination and demonstrating how those salutary limits reveal the philosophical nuances of his liberalism. Tocqueville's life and work, as Wolin reminds us, can be taken in both practice and theory as an exploration of margins, the proper limits and boundaries that through mores ought to temper the democratic spirit with the aristocratic spirit. Tocqueville would have modern man be much like himself, preserving, in a providentially ordained democratic social state, cultural and institutional elements of the aristocratic, conservative, and pre-modern world, thereby mixing equality with liberty in the pursuit of a mode of liberal virtue for a new democratic order. His political party, were he to have had one, would have followed suit. Alan Kahan in *Aristocratic Liberalism* aims to contribute to the "task of defining the different types of liberalism by making concrete one of the nebulous shapes of European liberal thought in the nineteenth century," which he names "Aristocratic *Liberalism*." This paper, by attempting to clarify and identify some of the DNA of Tocqueville's particular strain of liberalism, follows in this spirit of refining the study of this nebulous political philosophy such that we might see more distinctly the genealogy of twentieth and twenty-first-century understandings of liberty.[1]

[1]A note on the interpretation of the Liberty Fund edition: There is a methodological debate to be had regarding the use of manuscript notes, as are included in the Liberty Fund edition, as opposed to using the final published text. In my reading of the manuscript notes alongside the published text, there is nothing of which I am aware, which I have pulled from the notes that directly contradicts the content of the published text. This I feel gives me a

The Scholarly Landscape

Scholarship continues to identify Tocqueville as a liberal, or "neo-liberal," or "new kind of liberal," while other work attempts to disentangle his "liberal" from more "illiberal" or perhaps "not liberal" traits; it remains ever more crucial to highlight where he merits distinction among varieties of liberals, or fails to fit our predetermined political categories (Femia 2012; Craintu 2005). For example, scholars struggle to reconcile Tocqueville's "strange" liberalism with his nationalism and imperialism (Boesche 1987). Others stress his views were not "monolithic," and that we have overemphasized his liberalism and underemphasized the full consequences of his "validation of the political" for foreign policy and French glory (Pitts 2000; Boyd 2001). As it regards Tocqueville's views of economics, some scholars label him a "classical defender of markets" or otherwise classify him among the ancestors of a modern libertarian economic or political program, or identify him as a key guide in understanding the interactions of market with public administration (Barbeau 2017; Ostrom 1997). However, his praise for industriousness and self-interest rightly understood does not entail unrestricted praise of the market, as scholarship demonstrates (Bilakovics 2016; Janara 2001; Kahan 2010, 2015; Smith 2016). Tocqueville anticipated the possible excesses of an acquisitive, market-oriented, self-interested people. Insofar as the market leads individuals once drawn to politics to pursue their private interests exclusively, the market "from the standpoint of a civic-minded educator and teacher," is a threat to liberty and the good of the political community (Smith 2016: 223–243). Therefore, though he is celebrated in anthologies of free market and libertarian thought, it is worth recalling what is "good" Tocqueville's view is not necessarily valuable on or valued by the market (Kahan 2009). In these ways, it is exceedingly fruitful to examine his "liberalism of a new kind."

Often credited to Tocqueville's contemporary and correspondent John Stuart Mill in *On Liberty* is the idea of a "marketplace of ideas" (Gordon 1997). Similar notions appear in Milton's *Areopagitica*, in Thomas Jefferson, and in the opinion of Justice Oliver Wendell Holmes Jr.—referring to a "free trade of ideas" in the "competition of the market"—in *Abrams v. United States*. The phrase itself entered the lexicon in Justice

certain license to interpret the manuscript notes as included in the Nolla Liberty Fund edition as clarifications of or a working out of ideas that appear in the main text.

William O. Douglas's concurring opinion in the *United States v. Rumely*, and was strengthened by the Supreme Court's 1969 decision in *Brandenburg v. Ohio*. This paper is not a historical analysis of the "marketplace of ideas" or "free market of ideas," nor does it advance any arguments regarding the American free speech tradition. The phrase, however, is useful as a metaphor to frame an investigation of Tocqueville's liberalism and his sensitivity to the power of ideas in shaping political life.

I submit Tocqueville displays great ambivalence to the idea of a free market of ideas, on the basis of his understanding of liberty and his writings about the healthy intellectual and imaginary life of democratic man. Rather, Tocqueville's belief in the good of the democratic social state depended on setting salutary limits to that democratic order through religious, cultural, moral, and intellectual modes of life deriving from religion and tradition.[2] In this, he is not unlike Plato and Rousseau, with whom I will draw comparisons. This argument about the importance of limits takes cues from Wolin, Craiutu, Kahan, Peter Augustine Lawler, and Joshua Mitchell, who has stressed the boundaries Tocqueville, inspired by Locke, Montesquieu, and Rousseau, would set on the restless, boundless American psyche (Wolin 2001; Lawler 1993; Mitchell 1995; Yarbrough 2018). In Mitchell's words, "There must always be boundaries; where they do not exist in the material world, they must exist in the mind" (Mitchell 1995: 31). It also takes its cue from Tocqueville himself, writing in the introduction to *Democracy in America* that "the author who wants to make himself understood is obliged to push each of his ideas to all its theoretical consequences and often to the limits of the false and impractical" (Tocqueville 2000: 15). What limits ought to be imposed on an otherwise "boundless" people? If, as Kahan argues, aristocratic liberals were not fundamentally democrats but sought to educate individuals into liberty, then who sets these bounds and how?

I focus on *Democracy in America* Volume I, Part I, Chapter 2, and Volume II, Part I, and Volume II, Part II, Chapters 17–19, as well as selected notes and other writings, to reveal the roots of his concept of liberty in *Democracy in America* in the Christian religion and worldview, and subsequently explore what this means for how authorities ought to

[2] Jean Yarbrough has a recently published article exploring these ideas, which I did not discover until after my original paper had been submitted, refereed, and returned with edits. Though we have similar concerns, our framing and upshot differ. That said, I nonetheless cite her now in this final draft of the paper.

keep the democratic imagination within the constraints of liberty properly understood. Tocqueville engages with a debate dating to Plato: how intellectuals and ideas can reflect, support, reform, or corrupt political regimes. His rejoinder in the context of providential democracy? Intellectuals must work as public moralists, whose "great business" is to structure the exchange of ideas in a way healthy for democracy (Jaume 2013: 145–158). "I want to make them understand that democracy cannot give the happy fruits that they expect from it except by combining it with morality, spiritualism, beliefs… I thus try to unite all honest and generous minds within a small number of common ideas" (Tocqueville 2010: 693, note F). Liberty properly understood comes with restrictions that must in some way be impressed and enforced.

But if Tocqueville believes in setting limits to ideas, why does he not call for censorship? Does he not thus endorse something like the "marketplace of ideas"? Yes, he refuses government absolute authority over thought, in part because he considers it impossible. However, his moderated attitude toward ideas and the imagination parallels his qualified endorsement of democracy. "The gradual development of the equality of conditions is therefore a providential fact; … it is universal… all events, like all men, serve its development" (Tocqueville 2000: 6). Rather than "struggle against God himself," "to instruct democracy, if possible to reanimate its beliefs, to purify its mores… such is the first duty imposed on those who direct society in our day." He would not let democracy, as "both a way of life" and "mode of thought… not necessarily conscious of itself as theory or doctrine," be "abandoned" to its natural, "savage instincts" but rather transformed by instruction.

Tocqueville's "Sacred Liberty"

What is liberty to Tocqueville, rightly understood? One could answer this question in multiple ways, given the slipperiness of so many of Tocqueville's key concepts. But in *Democracy in America* Volume I (1835), Chapter 2, Tocqueville seems to endorse Puritan John Winthrop's definition of liberty, as reported in Cotton Mather's *Magnalia Christi Americana*: "Within this obscure democracy that had still not brought forth either generals or philosophers, or great writers, a man could stand up in the presence of a free people, and give, to the acclamation of all, this beautiful definition of liberty" (Tocqueville 2010: 68). Tocqueville misquotes Winthrop, but both his and the original describe first a "corrupt liberty,

the use of which is common to animals as it is to man, and which consists of doing whatever you please."[3] He contrasts this liberty, or license, with the "civil and moral liberty that finds its strength in union… it is the liberty to do without fear all that is just and good. This holy liberty we must defend at all cost, and if necessary, at risk of our life."

From this speech by Winthrop, he concludes that America has a marvelous combination of the "*spirit of religion* and the *spirit of liberty*." Freedom then includes an enlightened, sacred, or holy liberty "hedged in by moral constraints and by the common good, liberty within the confines of religious belief and legal and constitutional agreements" as well as license, base, corrupted from its true form from something worthy of man to something common to man and beast (Tocqueville 2010: 65). True liberty, as understood here, is sacred, and subject to salutary limits and to structuring authorities that guide our freedom toward proper ends. "Restrained by the tightest bonds of certain religious beliefs," they had freedom to innovate within those bounds politically (Ibid., 69).

As Tocqueville concludes this section, he stresses how religion's settled truths free man to move boldly toward "material wealth and moral satisfactions, Heaven in the other world, and wellbeing and freedom in this one" (Tocqueville 2000: 43). His mind liberated from pondering the deeper truths, democratic man discovers "an almost boundless course, a field without a horizon," toward which "the human mind rushes… sweeping over them in all directions." But man reaches a boundary and, as if repelled by nature or by God, the human mind "stops by itself." Shaken, the mind "sets aside the use of its most formidable qualities… refrains even from lifting the veil of the sanctuary and bows respectfully before truths that it accepts without discussion." The healthy democratic mind, which in politics embraces innovation, contestation, and uncertainty, stops willingly at the bounds of Truth, and worships those boundaries. "In the moral world, everything is classified, coordinated, foreseen, decided in advance" by an authority to which one gives "voluntary obedience":

[3] The original Winthrop: "There is a liberty of corrupt nature, which is affected by men and beasts, to do what they list; and this liberty is inconsistent with authority, impatient of all restraint, by this liberty, *Sumus Omnes deteriores*; 'tis the grand enemy of truth and peace, and all the ordinances of God are bent against it. But there is a civil, moral, a federal liberty, which is the proper end and object of authority; it is a liberty for that only which is just and good; for this liberty you are to stand with the hazard of your very lives." Tocqueville (2000: 42).

> Religion sees in civil liberty a noble exercise of the faculties of man; in the political world, a field offered by the Creator to the efforts of intelligence. Free and powerful in its sphere, satisfied with the place reserved for it, religion knows that its dominion is that much better established because it rules only by its own strength, and dominates hearts without other support.

Liberty sees in religion the companion of its struggles and triumphs, the cradle of its early years, the divine source of its rights. Liberty considers religion as the safeguard of mores, mores as the guarantee of laws and the pledge of its own duration (Tocqueville 2010: 70).

A further line Tocqueville struck from the final edition: "Both [religion and liberty], taking man by the hand, guide his steps and show his way in the wilderness" (Ibid.).

Are religion and liberty equals? To interpret them so, at least in his account of America, misses subtleties that put religion or mores before liberty—including in the structure of a paragraph, as in the above block quote—and misses the point of his historical example, the Puritans. Tocqueville does not tell a contract theory story of the American founding, but a historical one, arguing we see "the whole man… in the infant swaddled in his cradle" (Ibid., 46; Ceaser 2011). Religion is "the cradle," the "safeguard" of the "pledge of [liberty's] own duration." For the Puritans, "Puritanism was not only a religious doctrine but also at several points it was mingled with the most absolute democratic and republican theories"; religious convictions became political convictions. "Puritanism was not only a religious doctrine but also at several points it was mingled with the most absolute democratic and republican theories" (Tocqueville 2010: 54).

Like the cradle, religion is necessary for and prior to man's development into liberty. Even if man outgrows the cradle, or forgets that he had it, what he learned there structures the whole of his life. Political liberty follows from religion, and the two subsequently offer one another "mutual support." The democratic man depends therefore on constraints religion set for politics.

Later in Volume I, Tocqueville elaborates on mores and religion, defining mores as "habits of the heart," "the whole moral and intellectual state of a people." His "goal" is "not to draw a picture of American mores," but to "trying to find out what among them is favorable for maintaining the political institutions" (Ibid., 467). The first is religion—American Catholicism and then Christianity more generally, which he argues works best by indirection: "when religion is not speaking about liberty it best

teaches the Americans the art of being free" (Ibid., 473). If each sect "worships God in its own way," yet "all sects preach the same morality in the name of God." America "is still the place in the world where the Christian religion has most retained true power over souls; and nothing shows better how useful and natural religion is to man, since the country where today it exercises the most dominion is at the same time the most enlightened and most free." He returns to the notion of religion as a check or limit, which "regulates not only mores; it extends its dominion even to the mind." If one is seen "to advance the maxim that everything is permitted in the interest of society," he holds an "impious maxim that seems to have been in vented in a century of liberty in order to legitimate all tyrants to come," and would be "checked by the scruples" of peers (Ibid., 474).

The American example contradicts Spinoza, Cabanis, and other "philosophers of the 18th century [who] explained the gradual weakening of beliefs" as enlightenment and political liberty increase. Their materialism constitutes another impious maxim. It is a "mental aberration" which does "a kind of moral violence" to men such that they trade transcendence and liberty for immanence and servility. Tocqueville is clear: American democracy and American liberty are not the only possible forms of democracy and liberty, but American democracy is modern democracy in its purest form, where we see the virtues and excesses of democratic man more clearly. The restless democratic imagination requires guidance by the spiritualism of Christian religion and morality, away from materialism's possible evils. Tocqueville hesitates to assess the sincerity of American belief. But men of morality, even unbelievers, can "[consider] religious beliefs from a human aspect [to recognize] their dominion over mores, their influence over laws" (Ibid., 486). The moral unbeliever therefore, with love for what he lost and for the institutions of liberty he has, must as a matter of good morals and good politics uphold the spiritual over the material.

In *Democracy in America* Volume II, Tocqueville offers more detailed arguments against materialism, and why ideas and governing authorities must attempt to limit materialism in the marketplace of ideas. One might suggest that Tocqueville's writings on the tyranny of the majority suggest aversion to setting limits on freedom of thought, which is so fragile within democracy because of the sheer power of egalitarian opinion. Truly, the sovereignty of the people in the democratic social state means thinking for itself and the grounds on which we justify belief undergo a transformation. Democratic man "trusts neither himself nor others but only that third

party which they together constitute." The masses and their opinions, once formed, "[draw] a formidable circle around thought" (Ibid., 418). "Within those limits, the writer is free; but woe to him if he dares to go beyond them… he is exposed to all types of distasteful things, and to every day persecutions," a "perfection of despotism." He contrasts Europe—where any idea is "freely preached" and government freely censors to "protect morals"—with America, where "no one is condemned for this kind of work; but no one *is tempted to write them*. [Italics added.] It is not that all citizens have pure morals, but the majority is steady in its morals" (Ibid., 420). These morals function as governing authorities to limit what thrives in the marketplace of ideas—such that the government need not interfere:

> Here, the use of power is undoubtedly good. I am, consequently, speaking only about the power itself. This irresistible power is an unremitting fact, and its good usage is only an accident. [In the manuscript, omitted from the final: Doesn't the majority in Paris acquire a taste for the filth that sullies our theatres daily?] (Ibid.)

The moral power to constrain thought is not in itself evil. It can elevate, or in the case of the majority frequenting bad theater in Paris, it can degrade. (Notably, in the subsequent chapter, Tocqueville emphasizes that the quality of leadership in America has declined since the founding days.) Hence, Tocqueville turns in Volume II of *Democracy in America* toward the intellectual life and the duties befalling educators of the people to promote the elevation and not degradation of democratic man.

Democracy in America Volume II and the Intellectual Movement of Democratic Man

Once Tocqueville published Volume II of *Democracy in America* in 1840, he had been elected to the Chamber of Deputies and Volume I had made him a prominent intellectual, revered by, among others, fellow "aristocratic liberal" John Stuart Mill. Mill, in his review of Volume II, praised Tocqueville for insisting the immediate ills of democracy "require to be dealt with as we treat any of the other circumstances in which we are placed;—by encouraging those which are salutary, and working out the means by which such as are hurtful may be counteracted. To exhort men

to this, and to aid them in doing it, is the end for which M. de Tocqueville has written" (Mill 1977a, b). Avowedly "not an adversary of democracy," Tocqueville attempts to rise to "impartiality" while laying out his "Principle object" in Volume II:

> Dividing then my readers into enemies and friends of democracy, I want to make the first understand that for a democratic social state to be tolerable, for it to be able to produce order, progress, in a word to avoid all the evils they anticipate, at least the greatest ones, they must at all costs hasten to give enlightenment and liberty to the people who already have such a social state.
>
> To the second, I want to make them understand that *democracy cannot give the happy fruits that they expect from it except by combining it with morality, spiritualism, beliefs…*
>
> I thus try to unite all honest and generous minds within a *small number of common ideas.*
>
> As for the question of knowing whether if such a social state is or is not the best that humanity can have, may God himself say so. Only God can say. (Italics added) (Tocqueville 2010: 693)

These thoughts are worth keeping in mind as we move through the text, as a guide to his project.

The first part of Volume II he entitles "Influence of Democracy on the Intellectual *Movement* in the United States" (italics added); his emphasis on movement carries the language of boundaries and movement or restlessness from the first Volume into the second. In subsequent chapters on the philosophical method of Americans, their beliefs and taste in ideas; the relationship of utility between religion and democracy, and place of Catholicism and pantheism in America; the science, literature, and arts; monuments; literature, contemporary and ancient; language, poetry, and rhetoric; theater; and history, Tocqueville leads us into the democratic imagination, before leading us out from it through the intellectual products it tends to produce. He considers what relation the content of democratic man's mind has to his behaviors in the social and political realm, and in Chapter 17, "How, in Times of Equality and Doubt, it is important to push back the Goal of Human Action," issues a directive to the moralist and intellectual: that, knowing the strengths and weaknesses of democratic man, it is his duty to encourage democratic man toward liberty properly understood as first spiritual, then political. In closely following the argument by which he approaches Chapter 17, we see Tocqueville wrestling with the open-ended ways democratic man's imagination could

drive the democratic social state, and with how to fight the worst of these consequences—materialism—in the realm of ideas.

First is the philosophical method, and "Of the Principal Sources of Beliefs among Democratic peoples." Americans "scorn forms, which they consider as useless and inconvenient veils placed between them and the truth," "easily conclude everything in the world is explicable, and nothing goes beyond the limits of intelligence," and "readily deny what they cannot understand." This he calls (accurately or not) a Cartesian sensibility. As conditions continue to equalize, Americans seek enlightenment in themselves and in the great mob of the demos, and not in religion or forms, such that "men are no longer tied together except by interests, and not by ideas" (Ibid., 708). Because democratic man has a psychological impulse to disregard forms or other intermediaries of ideas, and to prefer his own direct reason, self-interest becomes the basis of society, though "without common ideas, there is no common action, and without common action, there are still men but not a social body" (Ibid., 713). "It is easy to see no society is able to prosper without similar beliefs … all the minds of the citizens must always be brought and held together by some principal ideas."

This weakening of belief, he writes in the margins, characterizes democracy, which runs "essentially contrary" to the dogmatism necessary for a certain kind of social flourishing (Ibid., 712, note c.) "There is no philosopher in the world so great that he does not believe a million things on the faith of others." The philosopher accedes to truth by building on ideas; democratic man "keeps his mind in a perpetual agitation that would prevent him from penetrating any truth deeply." Religion post-Enlightenment is for "minds of a second order," he writes in a fragment, just an idea to debate, not a source of authoritative belief. Yet "others understand and accept that received beliefs and discovered beliefs, authority and liberty, individualism and social force, are needed at the very same time." What are we to do when people no longer take things on faith? Or when the extent of our faith in ideas comes from the extremes of, on the one hand, a personal *cogito*, or on the other, democratic opinion unmoored from truths with spiritual or moral authority? True, the salutary limits of belief—whether for a philosopher, Christian, or citizen of a democratic social state—can be considered "a slavery," Tocqueville writes in the margins. It is, however, a "salutary servitude that allows a good use of liberty" (Ibid., 713, notes d and e.) While "individual independence can be greater or lesser; it cannot be limitless," lest that independence become a slavery to

perpetual agitation without truth. "The whole question" is to "decide the limits of these things," and Tocqueville writes that his "whole mind must be bent to that" activity of deciding the limits (Ibid., 709–710, note u). Intermediary forms are needed. Both "Philosophy is needed and religions are needed" (Ibid., 713).

Religion, however, Tocqueville writes, in 1830s America, has taken on the character less as "revealed doctrine than common opinion." Faith in common opinion "is the faith of democratic nations." Common opinion functions like religion in providing and policing beliefs but should one prefer common opinion or religion? I quote from the manuscript notes on this chapter, which are so enlightening:

> A religion is a power whose movements are regulated in advance, and that moves within a known sphere, and many people believe that within this sphere its effects are beneficial, and that a dogmatic religion better manages to obtain the desirable effects of religion than one that is rational. That majority is a (illegible word) power that moves in a way haphazardly and can spread successively to everything. Religion is law, the omnipotence of the majority is arbitrariness.
>
> Religion leads the human mind to stop by itself and *makes obedience the free choice of a moral and independent being*.
>
> The majority forces the human mind *to stop*, despite what they have *and by forcing it constantly* to obey ends by taking away from it even the desire to be free to act for itself. [Italics added] (Ibid., 721, note r)

Religion teaches the mind to stop of its own accord; it is the free choice of "*a moral and independent being*." In striking contrast, the majority power forces cohesion such that the mind loses "even the desire to be free to act for itself." Part of this contrast lies in the nature of the limits which religion and public opinion set to themselves. Whereas religion in the United States is separate from the state, public opinion sets itself no limits but the will of the people. "The laws of the Americans are such that the majority, in whatever direction it decided to head, would make its omnipotence equally felt. Its own will and not the constitution of the country limits it" (Ibid.) "For those who see liberty of the mind as a holy thing," nothing is more fearful than the reign of public opinion: "it might well be that it would finally enclose the action of individual reason within more narrow limits than are suitable for the grandeur and happiness of the human species" (Ibid., 724). Democratic man's mind will place authority somewhere. Religion encourages flourishing that comes of freedom under

law, from the "free choices of a moral and independent [beings]" under a law one assents to. Public opinion, left to its own devices, directs the mind to servitude under arbitrary rule.

Liberty, Ideas, and the Marketplace in Plato and Tocqueville

In light of our framing of Tocqueville's thought on the relationship of ideas to good politics, it bears pausing a moment on Tocqueville's indebtedness to, first, Plato and subsequently, to Rousseau, in advocating limits on the democratic marketplace of ideas for the sake of mores. We know Tocqueville "lived a little every day" with "Pascal, Montesquieu, and Rousseau," but we also know from his letters that between 1835 and 1840—the years spent writing the second volume of *Democracy in America*—he read Plato, Rabelais, Plutarch, the Koran, Cervantes, Machiavelli, Fontanelle, and St. Evremond (Tocqueville 1985: 151). His words on Plato in letters from 1836 and 1839, are especially interesting. I quote at length:

> I was reflecting the other day, going over in my mind the works of the human spirit which have most seized the imagination of the human race… I found that in a great majority of cases it was those books in which the great principles of the beautiful and the good, as well as the high and salutary theories of the existence of God and the immortality of the soul have penetrated the most profoundly; these great works have best put in relief and exhibited those principles and those theories… it is in that direction that the heart of mankind tends in the most energetic and continuous manner.
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> Deprive Plato, for instance, of this aspiration toward immortality and the infinite which transports him, and leave him only with his useless forms, his incomplete and often ridiculous knowledge, his eloquence that escapes us at great distance, and he falls into obscurity and becomes unreadable. But Plato addressed himself to the noblest and most persevering instinct of our nature, and he will live as long as there are men; he will carry along even those who half understand him, and he will always be an enormous figure in the world of intellects.

Despite some hyperbole about his "useless forms, his incomplete and often ridiculous knowledge," and so on, Tocqueville sees Plato's enduring appeal as a result of his invocation of the sublime. Man may struggle to grasp the forms, which lead him to the sublime, but that is the natural end of man, "the noblest and most persevering instinct of our nature."

Believing firmly in the "necessity of forms," as he writes in Volume 2, Part I, Chapter 5, Tocqueville held that the substance of religion was a high and sublime truth "of which worship is only the form" (Tocqueville 2010: 750). Such a form "[fixes] the human mind in the contemplation of abstract truths, and forms, by helping the mind to grasp those truths firmly, make it embrace them with fervor." Forms are not merely useful but absolutely necessary for structuring the ideas, tastes, and conceptions the democratic mind settles on.

Lucien Jaume emphasizes that Tocqueville as moralist seeks to bring together the *honestum et utile*, following Cicero, Helvetius, and others, and that Tocqueville does not follow the example set by Socrates, but rather by Plato's sophist Protagoras, who, "according to Plato, proposed to teach not what was true but what was most advantageous to his fellow citizens" (Jaume 2013: 152). Is this a fair assertion by Jaume? Does Tocqueville teach what he believes is most advantageous to his fellow citizens, and not what he believes to be true? I do not wish to enter into the debate about Tocqueville's own faith. But given distinctions and arguments laid out in this paper, it seems a disservice to characterize him as a Protagoras, who teaches what is advantageous *according to public opinion*. Tocqueville, rather, is clear about the accidental good and potential danger inherent in public opinion, and that one of democratic man's temptations is to not recognize a higher standard of the good by which ideas are judged. Tocqueville is not interested in reinforcing what public opinion believes to be advantageous; he is interested in elevating and moderating public opinion so it reflects what he sees as good in light of the kind of democratic social state it is.

The metaphor of a marketplace of ideas is explicitly developed in Plato's dialogue (Plato 2004). Socrates describes the sophist Protagoras as "a kind of wholesaler or retailer of the wares by which a soul is reared" who "[hawks] learning from city to city, selling and retailing it to anyone who desires it any given moment."[4] In his lessons, the sophist sells what is useful or advantageous according to the self-interest of the buyer, under the guise of selling what is objectively good. Lessons in rhetoric are useful for winning arguments in democracies; they are advantageous, and so Protagoras makes a living by selling advantage. The ideas he advances in his monologues are those which conduce to the advantage of the speaker

[4] For helping me make this connection, I thank my colleague Dimitrios Halikias in the Department of Government at Harvard University, and cite his thoughts on the subject here: http://dhalikias.blogspot.com/2018/07/protagoras-and-marketplace-of-ideas.html

before the crowd. They are disposable and impermanent. He thereby elides one's interest or advantage with the good and the true, perpetrating a horrible fraud on "those ignorant of what among the things they sell is useful or worthless to the soul." The order here is important. The sophist takes the advantageous and tries to elevate it and make it known as good through persuasion. He does not try to make the good known also to be useful, which is a more apt description of Tocqueville's project to instruct democracy. When sophists sell intellectual wares to an unsuspecting buyer, without care for their goodness, the soul suffers. It is worth noting that Socrates uses the words "useful" and "worthless" to describe ideas; ideas have a utility distinct from their worth. From the dialogue:

> If, then, you happen to be a knower of what among these things is useful and worthless, it's safe for you to buy learning from Protagoras and from anyone else whatever. But if not, blessed one, see that you do not roll the dice and run risks with the dearest things. For there is indeed much greater risk in the purchase of learning than there is in that of foods: it's possible to buy food and drink from the retailer and wholesaler and to take them off in other containers; and it's possible, before taking them into the body by drinking or eating them, to set them down at home and take counsel by calling upon someone knowledgeable as to what one should eat or drink and what one shouldn't and how much and when. As a result, the risk involved in the purchase isn't great. But it isn't possible to carry off learning in another container. Instead, for one who has paid the tuition and taken the instruction into the soul itself through having learned it, he necessarily goes off having already been harmed or benefited thereby. (Ibid., 8)

Learning can be useful and worthy; the "utility" of the "dearest things" does not diminish their worth. Subsequently, this entails that some useful ideas are genuinely not worthy; pernicious, they contaminate the whole of man's being (like Tocqueville's "impious maxims" of materialism.) True and good ideas do not necessarily win in the marketplace, especially in a democratic one. They must be fought for, whether by Socrates or Tocqueville. By extension, therefore, the goodness of ideas is not to be trusted to a market evaluation, but to the evaluation of truth and philosophy, and ideas for consumption on the marketplace are not necessarily bad wares. Plato accomplishes limits in The Republic by proscribing the poets and by establishing a system of justice guided by intellectual knowledge of the good. Tocqueville hopes to limit materialism. Jaume, in referring to this same passage from his letters, is correct to ascribe a "surprising tinge to his 'liberalism'" (Jaume 2013: 152).

Setting Salutary Limits in Rousseau's Republic Versus Tocqueville's America

Plato's *Protagoras* and *Republic* each consider the place of forms and of a substantive notion of the good as important for ordering democratic political life. Rousseau weighs similar considerations in *The Social Contract*. It is especially worth noting Rousseau's influence on Tocqueville's thinking about the "genuine constitution" of a state, and the ways that genuine constitution protects liberty. In *The Social Contract*, Rousseau looks to create a nation wholly sovereign, legitimate, and self-legislating through the General Will. He recognizes the laws of justice are "ineffectual" for "want of a natural sanction," and so "Conventions and laws are therefore necessary to unite rights with duties and bring justice back to its object" (Rousseau 2012: 188). Under his system of politics, "it is no longer necessary" however "to ask to whom it belongs to make laws, because they are acts of the general will." This bears resemblance both to Tocqueville's words about religion as a rational free choice of self-legislation through which one finds liberty, and also to his thoughts on moral power of the majority opinion. Just as Tocqueville asserted the tyranny of the majority over mores, and indicated its good or bad use was accidental, it is similarly accidental whether or not the general will is enlightened:

> By itself the people always want the good, but by itself it does not always see it. The general will is always right but the judgment that guides it is not always enlightened. It must be made to see objects as they are, sometimes as they should appear to it to be, be shown the good path it seeks, be safeguarded against seduction by particular wills, be brought to considerations of time and place… All are equally in need of guides. (Ibid., 190)

The general will may be "right" in the sense that it makes the law and therefore makes "right," but it may not be "enlightened" at all in its judgment of the good and true. The seduction of particular private wills, like the seduction of one peddling ideas for money in the Protagoras, leads the sovereign away from "the good it does not see… [it] must be taught to know what it wants." The job of enlightenment falls both upon a lawgiver, whom Rousseau characterizes as a man extraordinary in his genius and his office, and later upon a censor. Shaping institutions to fit his people, the legislator creates civil freedom—civil liberty to do as one ought within the constraints of the law (Ibid., 194).

The difficulty is that, for Rousseau, "freedom can be acquired but is never recovered," and that "the same laws cannot suit such a variety of provinces, which have different morals." Tocqueville's notion that the man is seen in the cradle evokes Rousseau's sentiment "For nations as for men there is a time of youth." Nations are not static; they age and evolve. Yet, Rousseau and Tocqueville seem to share this understanding of founding and legislating: one must seek to preserve the spirit of liberty enshrined in political institutions at a nation's birth. This does not, however, protect against deterioration from within, particularly when the people are sovereign:

> the general objects of every good institution should be modified… according to the relations that arise as much from local conditions as from the character of the inhabitants [but if the sovereign is] mistaken in its object, [and] adopts a principle different from that which arises from the nature of things – such that one principle tends toward servitude and the other toward freedom … – the laws will be found to grow imperceptibly weaker, the constitution to deteriorate, and the state will not cease being disturbed until it is either destroyed or changed, and until invincible nature has regained its empire. (Ibid., 200–202)

In the democratic social state, as in Rousseau's social contract, the people are sovereign, the source and fountain of legitimacy. Tocqueville's concerns about democratic man adopting a different principle echoes Rousseau's warning that the sovereign would lead itself out of civil liberty and into servitude by adopting mores foreign to its constitution. Political law is crucial, but the "most important of all" law, for Rousseau, is the "genuine constitution of a state… [not] engraved on marble or bronze, but in the hearts of citizens" (Ibid., 202). This constitution can "daily acquire new force" or weaken. When in good form, "it preserves the people in the spirit of its institutions and imperceptibly substitutes the force of habit for that of authority." These "morals, customs, and especially opinion" appear far less interesting to the lawgiver than legislation, but political laws "are merely the sides of the arch of which morals… ultimately form the unshakeable keystone."

Yet, Rousseau admits the keystone is far from unshakeable; hence, he introduces the censor, charged with acting in accordance with the spirit of the genuine constitution. He is the "arbiter of the people's opinion" (Ibid., 262). Rousseau presents the morals of a nation and the objects of its esteem as "[stemming] from the same principles" and "necessarily intermingled." Not nature but "opinion… determines the choice of [a

people's] pleasures." To purify morals, one must first "reform men's opinions, and their morals will be purified of themselves." Morals—judgment about the good—and opinions are distinct: "One always likes what is noble or what one finds to be so, but it is about this judgment that one may be mistaken; it is therefore a matter of regulating this judgment." A minister such as the censor concerns himself with correcting opinion about the good in light of the genuine constitution, but his judgment cannot fix what legislation has let go awry; "when legislation grows weak, morals degenerate."

On this basis, Rousseau concludes, "censorship can be useful for preserving morals, never for restoring them," and therefore one must "establish censors while the laws have all their vigor. Once they have lost it, all is hopeless" (Ibid.). Tocqueville shares with Rousseau both a firm commitment to the sovereignty of the people and a trepidation about the ways in which that sovereignty might fall victim to pernicious ideas that erode the genuine constitution. For Rousseau, civil religion is among these salutary limits. He admits the "true politician admires in their institutions [the institutions of all religions] that great and powerful genius that presides over enduring establishments." Religion serves as a powerful buttress to politics, such that the people "obey with freedom and bear the yoke of public felicity with docility" (Ibid., 193). So, despite his condemnation of Christianity and his anti-Augustinian claim that "all institutions that put man in contradiction with himself are worthless," Rousseau fundamentally believes, like Augustine, the objects of the hearts and minds of citizens bind together a republic. Tocqueville would agree. One must therefore keep the object of their hearts and minds fixed on ideas and beliefs conducing to the good of the Republic. Ideas contrary to the spirit enshrined in genuine constitution evidently risk the health of one's political life and risk the realization of one's liberty.

The Dangers of Materialism in the Arts and Disciplines

Tocqueville shares with Plato and Rousseau an awareness that what is good and true, both for politics and for man, are precarious entities often devalued both on the marketplace of ideas and in politics. The comparison with Plato helps us see Tocqueville's high estimation of goods that politics, rhetoric, or public opinion fail to see, a statement of philosophy

against mere politics in order to improve that politics. Lest we divorce ourselves too much from Tocqueville's concern for the health of politics, the comparison with Rousseau reinforces—lest we forget—that Tocqueville cares deeply about politics itself, as a worthy sphere of activity, and that he advocates spiritualism in ideas both because it is good for man qua man and good for democratic politics qua democratic politics.

Unmoderated, unthinking materialism then is the bogeyman. As Plato's Socrates says in the Protagoras, some peddlers of ideas "are ignorant of what among the things they sell is useful or worthless to the soul," and "so too are those who buy from them, unless one happens to be a physician expert in what pertains to the soul." Tocqueville shares with Plato a belief that the ideas which enter the mind, imagination, and psyche form the soul of man, shaping his will and therefore changing the nature of political regimes. Equality of condition leads man to primarily focus upon himself, to "turn inward," and to consider, as Protagoras said, man as the measure of all things. Without religion, philosophy, or spiritualism, he risks becoming a thoroughly material being, as Tocqueville wrote in *Democracy in America* Volume I:

> Materialism in any nation is a dangerous malady of the human spirit, but it is particularly to be feared in a democratic people, because it weds with marvelous ease the defects of the heart most commonly found in democratic peoples. Democracy encourages the taste for material pleasures. If this taste becomes excessive, it soon leads men to believe that everything is mere matter… Such is the fatal circle into which democratic nations are driven. It is good for them to see the danger and pull back. (Tocqueville in Jaume 2013: 157)

Tocqueville may not care for government censorship, but his liberalism is thoroughly imbued with a belief that not all ideas are good, and democratic man requires the discipline of intellectual and moral limits if democracy is to continue an enterprise of sacred liberty as well as equality.

Materialism poses a multitude of dangers to the sacred liberty of American democratic man, which he outlines in Volume II Part I with particular urgency. "A thousand particular causes… concentrate the American mind in a singular way in the concern for purely material things. The passions, needs, education, circumstances, everything seems in fact to bend the inhabitant of the United States toward the earth. Religion alone makes him from time to time turn a fleeting and distracted gaze toward heaven" (Tocqueville 2010: 769). What are the various faces of materialism? First, pantheism, which allows the mind to "contain God and the

universe in a single whole," one Being that "alone remains eternal amid the continual change and incessant transformation of everything that composes it." Pantheism as advocated by Cabanis, Diderot, Helvetius, De la Mettrie, and others, "destroys [human individuality and] will have secret charms for men who live in democracy.… It naturally attracts their imagination… it feeds the pride of their mind and flatters their laziness" (Ibid., 758). Thus, Americans prioritize the "material cares of life," including in their intellectual pursuits (Ibid., 772). In the realm of science, application takes precedence over theory, because application leads to invention, improvement, and industriousness, in other words, economic and material prosperity: "every new method that shortens work… every discovery that facilitates and increases pleasure seems the most magnificent effort of human intelligence" (Ibid., 783). So prioritizing man's economic and material flourishing comes at a cost to flourishing as being capable of greater contemplation: "By dint of limiting yourself to application, you would lose sight of principles" (Ibid., 786).

In the realm of the art, fine arts lose their formality—hence their spiritualism—leading "artisans to make many imperfect things very rapidly, and leads the consumer to content himself with these things," which are offered "in very great number and at a low price" (Ibid., 793). Whereas Renaissance painters grasped "at the limit of their knowledge," modern painters display "skillful mediocrity" (Ibid., 795). Literary form as well "will ordinarily be neglected and sometimes scorned." Even language itself loses formality. Instead of exercising precision, democratic man turns words for abstract concepts into "[boxes] with a false bottom; you put the ideas you want into it, and you take them out without anyone seeing" (Ibid., 829). Because democratic man cannot eliminate language, he thus changes what is communicated as well as how: "the principle effort of the soul goes [toward] the love of natural enjoyments … Imagination is not extinguished but it devotes itself almost exclusively to imagining the useful and to representing the real" (Ibid., 835). Therefore, the subjects of poetry limit themselves: "Man remains for it, and that is enough" (Ibid., 841). We come to speak less and gradually think less of what is spiritual. The marketplace of ideas, and the economic incentives of modern sophists lead man to lower the horizons of thought; so Man becomes the horizon.

The study of man includes not just poetry, but also history; Tocqueville consequently brings his reader to consider how democratic history is constructed. Aristocratic historians overemphasized the spirit of singular individuals ("the particular will and the mood of certain men"), yet democratic

historians overcorrect, presenting man as having "almost no influence on the destiny of the species, or citizens on the fate of the people" (Ibid., 853). Succumbing to materialism, they prefer to discuss the great forces of race, geography, or a "spirit of civilization" which ushers passive men along (Ibid., 856). Even if forces do shape history, historians "are wrong to deny entirely the particular action of individuals," a "dangerous tendency." Historical determinism "does not save human liberty," but rather indoctrinates "inflexible providence" and "blind fatality":

> If this doctrine of fatality, which has so many attractions for those who write history in democratic times, by passing from the writers to their readers, in this way penetrated the entire mass of citizens and took hold of the public mind, you can predict it would soon paralyze the movement of new societies and would reduce Christians to Turks. (Ibid., 858)

Should the majority, the "public mind," believe historical materialism, we will "doubt our free will." "Care must be taken not to obscure this idea [free will] … for it is a matter of lifting up souls and not finally demoralizing them." Tocqueville admits forces have their proper place in history, and in this vein, opens *Democracy in America* proclaiming the providential march of democracy. But nothing is determined, because man is both matter and spirit. For the sake of democratic man's liberty and out of respect for the nature of man's soul, materialism must be contained within its right limits.

The Special Duties of the Public Moralist

In Chapter 17 of *Democracy in America* Volume II Part II, Tocqueville considers how "In times of Equality and Doubt, it is important to push back the goal of human actions." This chapter Tocqueville purposefully placed, according to the notes, "after *all* the chapters on material enjoyments" (italics original) as a reminder that "in centuries of democracy and doubt, all the effort of the social power must tend toward again giving men the taste for the future…" (Ibid., 965). How does the social power give men a taste for the future? In Chapter 15, he praises the separation of church and state even as he urges, "Christianity must be at all cost be maintained within the new democracies, so that I would prefer to chain priests within the sanctuary than to allow them out of it" (Ibid., 962). Despite the separation of church and state, government must "act each day" to "[conform] scrupulously to religious morality in great affairs" so

that citizens "know, love, and respect religious morality in little affairs." This is significant: the social power includes the sovereign democratic people, but government and leaders clearly have a distinct moral and political duty to guide the people's minds toward the higher things by example. He says more clearly in Chapter 17: "the great matter *for philosophers and for those who govern* in the centuries of unbelief and democracy must be to push back the goal of human affairs in the eyes of men" (Ibid., 965).

Chapter 17 makes full use of sight and movement metaphors to convey how the objects of love in the eyes of men have changed in democratic times. "In centuries of faith," men "[contemplate]… an unchanging goal toward which they march constantly." "They have settled plans that they do not grow weary of pursuing." With clear targets in view, set by the strength of faith, they have liberty paradoxically to "accomplish such enduring things: By concerning themselves with the other world, they found the great secret of succeeding in this one" (Ibid., 966). But democracy and materialist ideas cause "the views of men to narrow." "The goal of human actions appears closer to them," and men, once so distinct from beasts, "fall easily back into that complete and brutal indifference about the future… disposed to act as if they only had a single day to exist." What is the effect of this change in focus? Man turns in on himself, thinking himself the measure of all things—an imprisonment, and not a liberation. "The danger I am pointing out increases," he emphasizes, "if it happens that, among a people so disposed, the social state becomes democratic." He probably thinks of both the United States and France when he writes:

> In these countries where by an unhappy coincidence irreligion and democracy meet, philosophers and those governing must apply themselves constantly to pushing back the goal of human actions in the eyes of men; that is their great concern. (Ibid., 967)

Philosophers and those governing have the same vocation; Tocqueville presumably describes himself here. The moralist must correct "the spirit of his century and his country":

> While enclosing himself within the spirit of his century and his country, the moralist must learn to defend himself. May he try hard each day to show his contemporaries how, even amid the perpetual movement that surrounds them, it is easier than they suppose to conceive and to carry out long term

> enterprises. May he make them see that, even though humanity has changed appearance, the methods by which men can obtain the prosperity of this world have remained the same, and that, among democratic peoples, as elsewhere, it is only by resisting a thousand small particular every day desires that you can end up satisfying the general passion for happiness that torments. (Ibid.)

A people's politics is defined by what they love. The moralist and indeed all governing authorities must correct and restore a people's loves; in this, Tocqueville differs from Rousseau, who argues one cannot restore morals once they begin to self-destruct. "Governments must apply themselves to giving back to men this taste for the future that is no longer inspired by religion and the social state." The public moralist fights the evils of materialism "making citizens accustomed to thinking about the future in this world, [leads] them closer little by little, and without knowing it, to religious beliefs." Tocqueville concludes, "the means that to a certain point, allows men to do without religion, is perhaps, after all, the only one that remains for us for leading humanity back by a long detour toward faith" (Ibid.)

This is not a liberalism that is neutral on the deeper questions of human life and metaphysics, advocating a heterogeneity of ends. It is a liberalism wherein liberty is sacred and spiritual, where materialism takes its proper place as an instinct man shares with the animals, subordinate to higher goods we can know and recognize as a community. Embracing this liberty means men find "nourishment in hope" and "cast their sight farther" than their own material interests (Ibid., 968). In Jaume's words, "By adopting the position of the public moralist, the man Tocqueville was able to strike a compromise between his negative emotions (horror of mediocrity, chronic depression, and anxiety) and his reasons for hope (democracy was accomplishing miracles and would accomplish more in the future)" (Jaume 2013: 158).

Conclusions and Implications: The Democratic Social State and Its Physicians

Democracy in America Volume II the public received without the same fanfare which accompanied the first, as John Stuart Mill anticipated. While Volume I:

> professes to treat of the political effects of Democracy: the second is devoted to its influence on society in the widest sense; on the relations of private life, on intellect, morals, and the habits and modes of feeling which constitute national character. The last is both a newer and a more difficult subject of inquiry than the first; there are fewer who are competent, or who will even think themselves competent, to judge M. de Tocqueville's conclusions. (Mill 1977a, b)

In his review, Mill highlighted the consistency of conclusions drawn between the two parts: democracy is inevitable, a "law of nature," and that democracy is generally "desirable, but desirable only under certain conditions, and those conditions capable, by human care and foresight, of being realized, but capable also of being missed." Mill grasped the importance of conditions for democracy, conditions within man's control that may have "salutary or baneful consequences." I cite Mill to illustrate that Tocqueville was recognized as making a unique contribution by considering those salutary or baneful consequences in the way he did—that is, with a "religious terror in his soul [at] the sigh of this irresistible [democratic] revolution" (Tocqueville 2010: 16). Tocqueville wrote beautifully in a letter that he had "only one passion: the love of liberty and human dignity. All forms of government are in [his] eyes only more or less perfect ways of satisfying this *holy and legitimate* government of man" (Tocqueville 1985: 115). Tocqueville would have democracy be a more perfect, holy, and legitimate government, but it cannot become this left to its own devices:

> To instruct democracy, to revive its beliefs if possible, to purify its mores, to regulate its movements, to substitute little by little the science of public affairs for its inexperience, knowledge of its true interests for its blind instincts; to adapt its government to times and places; to modify it according to circumstances and men; such is the first of duties imposed today on those who lead society.
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> A new political science is needed for a world entirely new. (Tocqueville 2010: 16)

These famous sentences from the Introduction to Volume I of *Democracy in America* speak of reviving beliefs, purifying mores, and regulating movements, thereby conceding democracy's beliefs, mores, and movements are not altogether incorrect. In America as Tocqueville saw it, the religious principles of the Puritans nurtured a practice of political liberty; the radical egalitarianism of their Christianity encouraged a radically egalitarian political theory of the sovereignty. The spirit of religion predated the spirit of

liberty, but they advanced together. This happy arrangement is, however, accidental and precarious, a product of history, and not perpetually guaranteed. As Tocqueville stresses in the way of Plato or Rousseau, such a regime must be upheld not merely in the correct political practices and institutions, but in the correct ideas. To speak of reviving beliefs as Tocqueville does honors the egalitarian premises of democracy. It admits the inevitability and desirability of progress while calling for preservation and restoration of what renders democracy salutary and not baneful. Again, this is a liberalism with strong commitments, not merely to liberty but to cultural, intellectual, and moral or religious conditions in which liberty originally arises. "Liberty" is therefore a normatively thick concept for Tocqueville. The distinction between liberty and license is ancient but bears repeating—Tocqueville's liberalism sets constraints to freedom to create and perpetuate a culture of liberty in a community.

Tocqueville's interest in preserving liberty alongside equality in democracy could be read as an attempt to create a mixed or balanced social state, where the spiritual and the material coexist in proper proportion. "In aristocratic centuries I would work hard to turn the human spirit toward physical studies, in democratic centuries toward the moral sciences … two tendencies against which you must alternately struggle" (Ibid., 962, note m). The idea we have of what man is, he suggests, determines the justice of our politics; he desires therefore, in his work, to do justice to the nature of man, who is both spiritual and material. To preserve the spirit of liberty, one must preserve the spirit of religion; to preserve the health of democracy, one must preserve the democratic man's imagination, soul, mind, and heart, and fight against the materialism that destroys his most sublime capacities. Materialism, before it translates into practices, is for Tocqueville first and foremost a set of claims about how the world works. Purporting to liberate man, it only exacerbates his animal habits and imprisons him to historical materialism, determinism, racism, and racialism, that is to a bevy of forms of intellectual and spiritual servitude that contaminate public life. Arguing in this way, Tocqueville takes on the role of physician to democracy. As Socrates argues in the Protagoras, just as we become the food and drink we consume, to our health or to our detriment, our minds and souls change according to the ideas we contemplate. Ideas are far more dangerous than food, because we may not even believe or digest them fully and yet in a sense consume them through exposure. Ideas are more like air than food. It "isn't possible to carry off learning in another container. Instead, for one who has paid the tuition and taken the instruction into

the soul itself through having learned it, he necessarily goes off having already been harmed or benefited thereby" (Plato 2004: 314).

Plato's solution to this is the educational system established in the Republic, wherein justice in this ideal, imaginary republic is premised on the demos first accepting a noble lie, an intellectual constraint that makes justice possible. Perhaps the noble lie for Tocqueville is the religious foundation of liberty, since he argues those in authority must act *as if* they believe, in order to maintain health in the political order. Setting aside the possibility of esotericism as a question for another paper, Tocqueville does seem to believe the truth is known by its fruits, and that religion, in producing such liberty, proves itself true (Tocqueville 2010: 707). Sacred liberty was to the Puritans, it seems, no noble lie, and Tocqueville, insistent to "lead humanity back by long detour toward faith," seems determined it never be considered a lie by the powerful American majority.[5]

While Plato attempts to correct harmful irregularities in the marketplace of ideas by setting Socrates in competition with Protagoras, and in The Republic by setting firm limits to ideas in his imaginary polis, Rousseau's *The Social Contract* similarly imagines what a just state looks like and similarly outlaws ideas contrary to the genuine constitution of a state. Civil religion is needed to set and hold the sovereign to salutary limits. Tocqueville and Rousseau differ markedly on the character of Christianity and its influence on politics. If American Christianity becomes only a civil religion a la Rousseau, it has in a real sense failed to keep the eyes of democratic man from focusing on himself. Regardless, Tocqueville fundamentally shares the Rousseauian conviction that certain sets of ideas—such as philosophical materialism or the wrong kind of religion—corrupt the republic to its death.

Unlike Plato and Rousseau, Tocqueville does not construct an imaginary republic. Indeed, his political philosophy takes off the table the question of the best regime. But it is hard not to see in his descriptions of the excesses and frailties of democracy and the democratic mind, and in his prescriptions of religion, forms, and the immaterial, Tocqueville's work as a physician to bring about the best possible regime from the democratic social state—that is, a democratic social state living in sacred liberty,

[5] From Tocqueville's notes: "I am firmly persuaded that if you sincerely applied to the search for the true religion the philosophical method of the 18th century, you would without difficulty discover the truth of the dogmas taught by Jesus Christ, and I think you would arrive at Christianity by reason as well as faith." Tocqueville (2010: 707).

restored to the best of its own inclinations and preserving the best inclinations of pre-democratic ones. In this affirmation of the best possible, he takes the side of Aristotle against the ideal theorists Plato and Rousseau to whom he is so indebted.

The study of liberalism is an on-going and difficult project, as Kahan and others recognize. This paper has sought to highlight elements of Tocqueville's thought that render his "liberty" a thick and highly spiritual concept, based in religion, morality, and politics—a liberalism of strong normative commitments to those goods of the spirit which are consequently salutary and not baneful for democracy. Unlike Plato and Rousseau before him, he does not construct an imaginary republic or call for censorship. In this, he is liberal and modern. But like Plato and Rousseau before him, Tocqueville believes that what democratic man contemplates will shape his mind, his soul, and his politics; he asks those in authority to keep minds within salutary boundaries such that man and the political community live in spiritual and political liberty, and not material despotism. He believes, as they did in their ways, that we can and must "instruct democracy, if possible, to reanimate its beliefs, to purify its mores": "such is the first duty imposed on those who direct society in our day." A democratic marketplace of ideas is a better, healthier one, it seems, if we have doctors standing nearby urging us to eat an apple a day instead of cotton candy, to listen to Socrates rather than Protagoras, to embrace what is good for one's genuine constitution, to believe in spiritual things rather than material ones. "It delights me to see the different features that are given to me according to the political passions of the person who cites me," Tocqueville once wrote playfully. "To the present day, I have not yet found one of them that completely looked like me." With such sensitivity to his "liberal" or less typically "liberal" dimensions, we instead come better to understand the man and the liberalisms that today honor him.

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CHAPTER 7

Democracy in the Age of Mass Incarceration

Kaitlyn Woltz

Introduction

The country that served as Tocqueville's model for democracy and freedom is now the world's largest captor. Since 1980, a situation of mass incarceration has persisted in the US.[1] The growth of the US prison population took off in 1980 and continues to grow at the highest rate in the world: 830 people per 100,000 of US adult residents (Kaeble and Cowhig 2018: 4). It also continues to lead the world in its total prison population of 2,121,600 (International Centre for Prison Studies 2018). The population of people under the authority of the US criminal justice system extends beyond those currently incarcerated in prison. In 2016, the number of adults under the supervision of the US correctional system (which includes those in prison, jail, probation, and parole) in 2016 was estimated to be 6,613,500 people (Kaeble and Cowhig 2018: 1). This translates to 1 in 38 adults currently being under correctional supervision in the US (Kaeble and Cowhig 2018: 1).

[1] In this chapter, I use mass incarceration to refer to the high rate of incarceration, large prison population, expansive prison facilities, and legislation affecting the lives of former prisoners and their families post-incarceration.

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Although the population under the supervision of the US criminal justice system is a small proportion of the total US population, it "represents a high percentage of residents in many neighborhoods" (Burch 2013: 4). The effects of being involved in the US system of mass incarceration extend beyond the individual who is incarcerated to their family and larger community. This is particularly concerning when one recognizes that the US also has a large racial disparity in its prison population. Relative to the overall population, a disproportionate amount of those incarcerated are African Americans. In 2016, 41.3 percent of federal inmates and 34.9 percent of state inmates reported themselves as black, despite the fact that African Americans make up only 13.4 percent of the US population (Carson 2018: 7; United States Census Bureau 2018). In 2016, black adults were incarcerated at a rate of 1609 per 10,000 US residents—almost eight times that of whites (Carson 2018: 8). Hispanic adults were likewise incarcerated at a disproportionate rate of 857 per 100,000 residents—which was almost four times that of white adults (ibid). As a result, those communities that are affected by mass incarceration are uniquely poor, minority communities.

Despite its extensiveness, the US prison system fails to rehabilitate its prisoners. Eighty-three percent of released prisoners are re-arrested within nine years of their release, meaning almost all the current correctional population will return to a situation of being surveilled by the US government (Alper et al. 2018: 1). Due to the racial disparity of US prison populations, African Americans constitute a disproportionate amount of those who return to the custody of the US criminal justice system.

Literature on the carceral state has explored how the ever-expanding US criminal justice system affects American democracy.[2] Lerman and Weaver (2014) argue that contact with the criminal justice system provides citizens with an impression of the US government as their keeper. Contact with the criminal justice system dissuades citizens from engaging in political processes and makes them feel as though their voice does not matter. These "custodial citizens" come to view government as a keeper rather an entity which they can influence (Lerman and Weaver 2014). Gottschalk (2014) draws on Beaumont and Tocqueville's insight that prisons in the US embodied situations of despotism. She argues that the

[2] Gottschalk (2006) specifies three characteristics that define the US carceral state: "the sheer size of its prison and jail population; its reliance on harsh, degrading sanctions; and the persistence and centrality of the death penalty" (1).

prison system is growing into a central institution in the US and has begun to define the main character of life in the US. As a result, the integration of the prison system into every aspect of society has begun to undermine American democracy and transform it into a situation of despotism. She, like Lerman and Weaver (2014), identifies the causal mechanism as citizens' conception of their relationship with the state—namely one of ward and warden. Avramenko and Gingerich (2014) argue that because the penitentiary system in the US explicitly seeks to isolate inmates and undermine their voluntary association, it fosters an equality of servitude, leading to the despotism that Tocqueville feared. Additionally, there is a large literature on the collateral consequences of incarceration (Burch 2013; Genty 2003; McGinnis 2018; Pettit and Lyons 2007; Uggen et al. 2004), to which these authors contribute, that documents and tries to explain what has reduced civil and political participation by former prisoners.

Much of the carceral state and collateral consequences of incarceration literatures conclude that the criminal justice system in the US pushes those who have come into contact with it into a position where they are no longer equal citizens in the US, undermining democracy. For Tocqueville, the primary character of democracy was equality.[3] What character that equality takes, however, depends on the associations that citizens form. Tocqueville's challenge to readers in *Democracy in America* was identifying what sort of associational life facilitates the maintenance of equality in liberty. Equality in liberty meant that citizens had equal economic opportunities as well as equal political opportunities (Tocqueville [1835] 2010: 306n.e). His fear was that Americans' love of material well-being would cause them to give up their liberty and accept equality in servitude, that is, despotism, in order to preserve that material well-being.

Taking up Tocqueville's challenge from *Democracy in America*, Vincent Ostrom (1997) argues that associations are the key to the maintenance of democracy. It is through participation in associations that individuals learn how to be self-governing, meaning they know how and have the language necessary to engage in the formation, reformation, and maintenance of constitutional rules. His and Elinor Ostrom's work in constitutional political economy explores, through a Tocquevillian lens, what type of participation in associations facilitates the development of people's ability

[3] For Tocqueville, equality did not refer to actual equality in wealth or ability, but an absence of class structures that prevent a group of people from having an opportunity to participate in the political or economics spheres.

to be self-governing (Ostrom 1997, [1990] 2015). In particular, Ostrom ([1990] 2015) explores what institutional frameworks facilitate people's participation in associations and the development of their ability to be self-governing.

I contribute to these literatures by exploring how mass incarceration affects democracy in the US through a political economy lens. I argue that mass incarceration undermines American democracy and creates a situation of despotism in the US by eroding the associational life of those incarcerated by the US criminal justice system. After their release, former prisoners have reduced engagement in civil and political associations due to the increased costs of participating in associational life. As a result, a growing portion of the US population is becoming increasingly isolated and disengaged from political life. This population is disproportionately drawn from poor and minority communities. A skewed proportion of the population forms, maintains, and enforces the laws in the US and, thus, they have become the keepers of those negatively affected by the criminal justice system, creating a situation of despotism.

The chapter proceeds as follows: The next section, "The Role of Association in Democracy," outlines what role Tocqueville attributes to associations in a democracy. The third section, "Prisons Shape Associations," compares Tocqueville's evaluation of the US prison system in the nineteenth century to the US prison system today. The fourth section, "Associational Life After Incarceration," presents empirical evidence of mass incarceration's effect on former prisoners' associational life. The final section concludes.

The Role of Association in Democracy

For Tocqueville, democracy in America is defined by the presence of equality of conditions and political equality that its citizens enjoy. Equality of conditions involves the removal of class hierarchies that prohibit some groups from improving their material well-being. With the movement away from hierarchy, economic opportunities became available to all. It was no longer just the elites who could grow their wealth. This equality of conditions included more than just equality in wealth; in fact, Tocqueville saw inequality of wealth as inescapable. Rather, "[w]hat is important for democracy, is not that there are no great fortunes; it is that great fortunes do not rest in the same hands. In this way, there are the rich, but they do not form a class" (Tocqueville [1835] 2010: 306n.e). In Tocqueville's

view, the key in the American experience was that all citizens had equal access to "all that contributes to happiness: personal consideration, political rights, easy justice, intellectual enjoyments, and many other indirect sources of contentment" (Tocqueville [1835] 2010: 286). Primary to equality of conditions is the inclusion of all citizens in the affairs of government. Equality in material conditions coincided with equality in political power. As material wealth across society grew, so did the influence of the average citizen in government. No longer were the laws singularly decided by the elite. This is what Tocqueville referred to as "sovereignty of the people" (Tocqueville [1835] 2010: 76). Through engagement in the constitutional level of decision making, people govern themselves (Ostrom 1990, 1997).

Tocqueville suggests that the tendencies that allowed Americans to achieve a democratic state may lead them into despotism. He feared that their achievement of equality of conditions and the shared level of well-being that accompanied equality of conditions would lead Americans to love equality more than liberty. Thus, he saw them easily chasing a state of despotism for the ends of maintaining equality of conditions and the situations of well-being to which they had become accustomed, even if it meant giving up their liberty. For Tocqueville, despotism refers to equality of conditions in a situation of servitude; whereas democracy refers to that equality of conditions in a situation of liberty. This distinction between equality of conditions in a situation of servitude versus a situation of liberty refers primarily to the degree of political agency that citizens have. In a democratic state, every citizen is able to influence the laws of their state. In a despotic state, however, citizens are no longer citizens. Instead, they would be more properly called wards of the state. In a despotic state, there is one person—a dictator—or group that has full and sole control over the laws of a state. Citizens have abdicated their rights to influence the political sphere of society.

Tocqueville identifies participation in associations as the mechanism through which democracy is maintained. Associations—civil and political—teach individuals how to interact and communicate with each other. Through engagement in associations, they learn the knowledge and language necessary to be engaged in the political sphere (Ostrom 1997). It is through constant engagement with and refinement of constitutional rules that people maintain and further develop their self-governing abilities. To maintain democracy and avoid despotism, citizens need to be engaged in constant reformation and maintenance of constitutional rules (Ostrom

1997: 141). The associations necessary for the maintenance of democracy are the political associations through which individuals actively vie to influence the constitutional rules of their community and their enforcement of those rules.

As Tocqueville lays out, there are many different associations in which individuals take part in democracies. The only permanent associations that are created by law, for Tocqueville, are townships (Tocqueville [1835] 2010: 302). Otherwise, civil and political associations are created only by people voluntarily coming together to pursue a shared interest. Civil associations constitute broader forms of organizing than political association. Tocqueville lays out the range of civil associations in American society saying,

> [n]ot only do [Americans] have commercial and industrial associations in which they all take part, but also they have a thousand other kinds; religious, moral, [intellectual,] serious one, useless ones, very general and very particular ones, immense and very small ones; Americans associate to celebrate holidays, establish seminaries, build inns, erect churches, distribute books, send missionaries to the Antipodes; in this way they create hospitals, prisons, schools. (Tocqueville [1835] 2010: 896)

Civil associations, in Tocqueville's view, include charitable organizations, local assemblies, juries, religious organizations, the work place, and so on (Drolet 2003: 190; Estlund 2003: 193). Political associations consist of political parties and interest groups that engage directly with law makers and organize people to facilitate the election representatives (Tocqueville [1835] 2010: 303–304, 306).

Civil and political associations replace the interpersonal obligations that are laid out in an aristocracy. In aristocracy, individuals had obligations to each other that were defined and enforced by the social structure. In democracy, however, those obligations fall away. Individuals have no obligations to each other or the commons except those they construct for themselves through associations. "Associations, among democratic peoples, must take the place of the powerful individuals that equality of conditions has made disappear" (Tocqueville [1835] 2010: 901). Associations are at the heart of individuals' ability to self-govern and solve collective action problems.

Tocqueville refers to political associations as the "great free schools where all citizens come to learn the general theory of association" (Tocqueville [1835] 2010: 109). Citizens can associate in civil life without forming associations in the political sphere, but these associations will be

weaker and less common. It is politics that "brings about the desire to unite and teaches the art of associating to a host of men who would have always lived alone" (Tocqueville [1835] 2010: 109). Through the persistence of political associations and the engagement in political associations by all members of society, democracy persists. If, however, groups of people fail to engage in political associations, the "power with" relationships that characterize democracy transform into "power over" relationships (Ostrom 1997). As people fall out of political engagement through political associations, constitutional rules are created and maintained by fewer interest groups unrepresentative of the overall population who become the keepers of everyone else. They are responsible for structuring and enforcing how people may interact with each other. Without being active in the political sphere, people become increasingly distant in their private lives as well. If they are not engaged in the political sphere, the tendency of individualism to isolate those in a democracy institutes for them a warden (Tocqueville [1835] 2010). Democracy turns into despotism.

Prisons Shape Associations

In *On the Penitentiary System in the United States and its Application to France*, Beaumont and Tocqueville (1833) see the penitentiary system in the US as revolutionizing the role of the prison in society. Rather than simply containing criminals, the penitentiary system sought to fundamentally reform them so that they could be integrated into society. Tocqueville saw the success of prisons in reforming criminals as deriving from the pairing of two seemingly contradictory elements: isolation and laboring. Isolation kept inmates free from the corrupting influence of other inmates and gave them time to reflect on their crimes and commune with the Lord. "As for us, as much as we believe that the system founded on isolation and silence, is favourable to the reformation of criminals, we are equally inclined to believe that the reformation of convicts who communicate with each other is impossible" (Beaumont and Tocqueville 1833: 89). Labor provided the relief from isolation that kept inmates from dying or going insane, while also teaching inmates useful skills and love for work that would allow them to easily integrate into civil society upon their release. Thus, the penitentiary system, in Tocqueville's judgment, provided an effective way to transform the wicked into engaged citizens. In this way, the penitentiary system was essential for maintaining those social mores that undergird the democratic spirit in the US. Having developed

those social mores and experienced the withering away of criminal inclinations and association, individuals would be ready to engage in the civil and political associations integral for democratic society.

US prisons were formed by voluntary associations that directly monitored the rehabilitation of prisoners.

> Each city or town with a prison had its own prison association. Membership of these voluntary organisations included local businessmen, notables, administrators, teachers and members of the clergy. Through these associations local communities became wedded to the success of their prison. The young magistrates believed the best American prisons involved the whole of the community in the administration and efforts to reform inmates, for businessmen furnished prisoners with work and instruction in a trade. (Drolet 2003: 124)

Most prisons were small and had a small population of prisoners.

Beaumont and Tocqueville saw the management of prisons by town associations and their small size as contributing fundamentally to their success: "It is the small number of the prisoners in Wethersfield which forms one of the greatest advantages of that penitentiary, there the superintendent and the chaplain are thoroughly acquainted with the moral state of each individual, and after having studied his evil, they endeavor to cure it" (Beaumont and Tocqueville 1833: 102).

By the early twentieth century, however, prison operation in the US had changed dramatically. Practices of isolation and enforced silence had fallen away. Prisoners were allowed to interact. Additionally, prisons are not the "total institutions" that Goffman (1961) suggests and that Beaumont and Tocqueville (1833) present. Prison officials assert less influence over inmates' lives than these presentations of prisons would have us believe. Instead, prison gangs assert immense influence over the daily lives of inmates (Skarbek 2014: 9). Due to the presence of prison gangs, prisons now serve as schools of crime where being incarcerated serves as a "badge of honor" and a "career maker" in that prisoners meet the established gang members who are serving longer sentences (Skarbek 2014: 141).

Prison gangs arose to serve the governance needs of inmates that arose with the immense increase in the prison population. With the influx of new inmates and ever-expanding prison system, the previous system of governance—the convict code—no longer served to govern inmate behav-

ior.[4] Inmates began forming informal groups for protection and resource acquisition rather than relying on the informal norms of interaction that the convict code had provided. With the large influx of new inmates, the percent of the prison population that knew the convict code fell rapidly.

The informal groups that inmates had previously formed for protection eventually formalized into prison gangs with direct connections to street gangs. Now, in order to survive prison, inmates have to join a prison gang—and that membership is for life. Leaving the gang results in "an automatic death sentence" (Skarbek 2014: 113). In 1985, gang membership was approximately 13,000 and prison gangs were active in 49 different states (Skarbek 2014: 9). In 1992, gang membership had increased to 46,000 (Skarbek 2014: 9). In 2002, gang membership in California alone was between 40,000 and 60,000 members (Skarbek 2014: 9). This means that post-release, a growing number of former prisoners have obligations to those gangs despite no longer being incarcerated (Skarbek 2014: 113).

This change in internal prison structure occurred when the size of the prison population sky-rocketed and the prison system was expanded. These changes directly contradict what Tocqueville saw as one of the virtues of the US prison system: small prisons with few inmates. In fact, the spike in incarceration rates may actually increase crime. Liedka, Piehl, and Useem (2006) find that incarceration rates above 325 of 100,000 residents may lead to more crime rather than less. This implies that the high level of incarceration in the US is actually working against the deterrent effect prisons are intended to have. Several explanations for this have to do with the changing composition of an inmate's social capital when he goes to prison. For one, prisons today have the opposite effect on inmates' network ties than what Tocqueville postulated. Serving time in prison is associated with a deterioration of an inmate's community and family ties and a strengthening of their criminal ties. This effect is exacerbated by the presence of prison gangs (Skarbek 2014: 166). Additionally, Hutcherson (2012) suggests that being incarcerated increases future earnings in the illegal sectors. This, in addition to incarceration being destigmatized in communities leads to a greater participation in criminal activity after release by former prisoners (Burch 2013: 4; Skarbek 2014).

[4] The convict code was a spontaneous order development in which prisoners adhered to norms of interaction (Skarbek 2014: 27). Those prisoners who had experience serving time knew the code well, having learned it during their previous sentences. They taught it to first-time prisoners.

Applying the theory of democratic maintenance developed in Sect. "The Role of Association in Democracy" to the US today, we see the perversion of associational life by mass incarceration. Prisons no longer serve the rehabilitative role that Beaumont and Tocqueville (1833) outlined. Rather than shape inmates so that they are able to participate in associational life, the US prison system undermines the associational life necessary for the maintenance of democracy by raising the costs of participating in civil and political associations for current and former prisoners. Those who serve time in prison develop social capital in the criminal sphere and face legal barriers to rejoining free society. They are unable to participate in civil and political associations and instead participate in extra-legal ones. As a result, they never learn the knowledge and tools of self-governance necessary for the maintenance of democracy (Ostrom 1997). Additionally, legal barriers are erected that bar them from even the most basic political engagement, such as voting. As a result, when they rejoin society, they are unable to engage in the political process and remain isolated from society despite their freedom from imprisonment. Mass incarceration is shifting American society away from democracy and toward a situation of despotism.

Associational Life After Incarceration

The system of mass incarceration in the US raises the costs to rejoining associational life after incarceration. As a result, former prisoners participate less in the civil and political associations that Tocqueville saw as core to democratic life. Former prisoners have reduced participation in family life, religious communities, industry, juries, political offices, and voting. Because of this, mass incarceration has created a permanent outgroup in American society, transforming American democracy into despotism. Despite the number of those incarcerated being small relative to the US population overall, those incarcerated disproportionately come from poor and minority communities. Those pushed out of the political sphere will not affect interest groups in the US proportionately. Additionally, as Burch (2013) shows, incarceration has an effect beyond those who serve time in prison. The withering of the social and human capital of former prisoners leads to the withering of social and human capital in their communities (Burch 2013: 4). Former prisoner's reduced access to resources leads to their communities having fewer resources with which to support their local civil and political associations (Burch 2013: 37). As a result,

incarceration reduces political participation by members of communities from which a higher percentage of people are incarcerated (Burch 2013: 37). The result is that poor and minority communities are increasingly removed from the political sphere.

Mass Incarceration Reduces Participation in Civil Association by Former Prisoners

Mass Incarceration Reduces Participation in Family Life by Former Prisoners

Participation in family life defends against the individualism that Tocqueville ([1835] 2010) sees as threatening democracy. Individualism causes "each man forget his ancestors, but it hides his descendants from him and separates him from his contemporaries" (Tocqueville [1835] 2010: 884). Through individualism, Tocqueville sees a tendency in democracy for people to become wholly focused on themselves and their economic well-being, removing themselves from the political sphere.

Family structure and formation are most impacted by the perverse effects of incarceration (Genty 2003). Incarceration leads to reduced parental involvement, pushes children of incarcerated parents into the foster care system, and reduces marriage rates in prisoners' communities. Those looking at the effect of incarceration on families suggest that incarceration may reduce crime in the short run, but that the negative effects on children may ultimately cause an increase in crime (Lynch and Sabol 2004).

The separation of prisoners from their families leads to reduced parental involvement by both the incarcerated parent and the remaining parent. Most prisoners in the US are parents. Glaze and Maruschak (2008) find that over half of state prisoners and over 60 percent of federal prisoners are parents. Just under a quarter of prisoners in the US have at least three children (Glaze and Maruschak 2008). Of children in the US, 2.2 million have at least one incarcerated parent (Western 2006; Wildeman 2010). Parents are often incarcerated in prisons that are over 100 miles away from their family's place of residence, making visitation prohibitively costly (Genty 2003). This is especially the case for mothers because of the limited number of women's prisons in the US (Genty 2003). Because of this distance, over half of incarcerated parents never get a visit from their children while they are incarcerated (Genty 2003: 1674). Even when parents maintain contact with their family while incarcerated, "'parenting from a distance'

places serious undeniable limitations on the parent-child relationship" (Genty 2003: 1673). This separation has become longer as sentencing laws have increased in severity. Parents are often separated from their children for a significant portion of their children's lives. On average, fathers would be incarcerated between seven and nine years while mothers would be incarcerated from four to five and a half years (Genty 2003: 1672). Due to the absence of one parent, they experience less involvement with their remaining parent as more of the economic burden of the family falls on the remaining parent (Comfort 2008).

Many parents lose custody of their children once incarcerated, leading to reduced involvement with their children after their release. Some parents have no relatives who can care for their children forcing those children into foster care (Edin et al. 2004). According to the federal Adoption and Safe Families Act (ASFA) of 1997, relatives of those incarcerated may not care for children if they have been convicted of a crime in the past (Samuels and Mukamal 2004). As incarceration tends to affect poor and minority neighborhoods disproportionately, there is a higher probability that children from poor and minority families will be put into foster care due to a parent being incarcerated (Samuels and Mukamal 2004; Lynch and Sabol 2004). More than 7 percent of African American children in the US (1 in 14) have at least one currently incarcerated parent (Uggen et al. 2006: 299). The ASFA places a time limit of 22 months on when a child is put into foster care due to parent incarceration and when parents lose their parental rights (Baker and Rauber 2001: 7; Hort 2001). Since minorities tend to receive longer sentences than their white counterparts, minority parents lose their parental rights at a higher rate (Burch 2013: 28).

High rates of incarceration and recidivism have led to two-parent families being less common, especially among minorities (Charles and Luoh 2010; Wakefield and Uggen 2010; Western 2006). Comfort (2008) finds that incarceration puts a unique strain on partners trying to maintain a relationship, leading to a high rate of divorce for parents who have been incarcerated (Lopoo and Western 2005: 721). Incarceration is grounds for divorce in 29 states (Uggen et al. 2006: 297). Spouses of those incarcerated may choose to file for divorce and remove the incarcerated parent's parental rights (Weaver and Lerman 2010: 820). This leaves the incarcerated person without a family post-release. This struggle to maintain an intact family uniquely plagues African American communities (Pettit and Western 2004; Western 2006; Wildeman 2010).

High rates of incarceration in a community also reduce the rate at which families are formed. As adult men are the main population incarcerated in the US, the high rates of incarceration reduce the supply of eligible men. When the men being incarcerated disproportionately come from poor and minority communities, then the rate of family formation is especially affected there (Lynch and Sabol 2004: 280). Charles and Luoh (2010) find that as the rate of incarceration of black adult males increases, the rate of marriage of black adult females falls (624). "Whereas 50% of white and Latinos are married by the age of 25, only 25% of African American women are married" (Wakefield and Uggen 2010: 397).

Mass Incarceration Reduces Participation in Religious Associations by Former Prisoners

For Tocqueville ([1835] 2010) religious associations are a key factor underlying American democracy. He argues that the values and social institutions of the Puritan were a main contributor the success of the democratic experiment in the US (Tocqueville [1835] 2010). Continued participation in religious life is central to the maintenance of the social mores that undergird democracy. For this reason, priests had an important role in molding prisoners to rejoin society in early US prisons (Beaumont and Tocqueville 1833).

There is little research on the rate of religious participation by former prisoners. Most (DiIluio 2009; Dodson et al. 2011; Johnson 2004, 2008, 2014; O'Connor et al. 1998; Leary 2018; Kaufman 2018; Mowen et al. 2018; Roberts and Stacer 2016; Stansfield et al. 2018) focus on the success of religious programs in preventing former prisoners from recidivating. Because of this, the percent of former inmates participating in these programs and religious organizations broadly is ignored. Research by Ulrich and Cold (2011) and Visher et al. (2004), however, suggests that participation in religious organizations by former prisoners is low when compared to their nonincarcerated counterparts.

Ulrich and Cold (2011) followed 800 former prisoners after their release to see what factors were important for preventing them from behaving violently. Of 800, only 44 (or 7.9 percent) participated in religious activities—including church attendance and other religious services after release (386). Similarly, Visher et al. (2004) found that only 6.9 percent of former prisoners in Maryland found religious participation useful for their reentry into society (4). These studies suggest that former prisoners tend to participate in religious communities at a lower rate than their

nonincarcerated counterparts. This rate of participation is low when compared to national rates of religious involvement. According to the Pew Research Center (2018), 36 percent of the US adult population attends religious services weekly and 30 percent of the US adult population attends religious services weekly. The low rate of religious participation by former prisoners is less striking when compared to the percent of the US black adult population's rate of religious participation. The Pew Research Center (2018) found that 15 percent of black Americans attend religious services once a week and 12 percent of black Americans attend religious services once a month.

Mass Incarceration Reduces Participation in Industry by Former Prisoners

In addition to family and religious communities, industry, or participation in the workplace, is integral for the maintenance of democracy (Estlund 2003; Tocqueville [1835] 2012). By industry, Tocqueville means participation in business life (Estlund 2003). While Tocqueville warns that narrow focus on the economic sphere at the cost of political involvement could lead the US into despotism, he acknowledges industry as an important space for individuals to develop their self-governing capacity.

The literature on the collateral consequences of incarceration outlines the severe effects that incarceration has on current and former prisoners' ability to participate in the economic sphere of life. Chief among these is the low rate of employment of former prisoners (Pager 2009). Barriers to obtaining occupational licenses and state laws that allow employers to consider arrests in hiring and firing decisions are the main contributors to the low rates of employment among former prisoners. Additionally, the human capital and social capital of those incarcerated erode during their sentence, making it more difficult for them to find a job upon release.

Jobs available to former prisoners are severely limited due to legislative barriers. Former prisoners are barred from holding jobs that require professional and occupational licenses, such as hazardous waste transporters, real estate brokers, recreational vehicle sales people, and airplane pilots (McGinnis 2018: 70, 71). Former prisoners are similarly prohibited from holding jobs that involve contact with children or health or security services (Uggen et al. 2006: 298).

Former prisoners will have a harder time finding jobs in the legal sphere due to their experiencing greater discrimination from potential employers than those without prior convictions (Pager 2003, 2009). This increases the likelihood that former prisoners will return to crime as

their returns from illegal work far exceed the returns they can expect from working in the legal employment (Hutcherson 2012; Skarbek 2014: 166). In their study of the legal barriers faced by ex-convicts, Samuels and Mukamal (2004) find that most states allow employers to make hiring and firing decisions based on someone's criminal record (10). Thirty-eight states allow employers to use arrest records in hiring and firing decisions even if the arrest did not lead to conviction of any crime (Legal Action Center 2009: 10).

The human and social capital for work in the legal sphere that prisoners had prior to being incarcerated erodes during their sentence, making finding a job post-release difficult. Uggen, Manza, and Behren (2006: 269) note that former prisoners usually have few of the "weak ties" that are necessary for accessing better paying, better quality jobs (Granovetter 1973). Loury (2007) highlights that many poor blacks have few connections outside their neighborhood communities already. When a high percentage of residents from that community are incarcerated, it further reduces the ability of black former prisoners to find well-paying legal work post-release. If they find a legal job, they receive fewer work hours and lower wages than their peers. Former prisoners tend to receive lower paying and lower-status jobs due to their spotty work histories and the stigma that accompanies incarceration (Samuels and Mukamal 2004: 8).

Instead of developing connections that will facilitate legal work, prisoners develop social capital and skills that make earning income in illegal endeavors easier (Hagan 1993; Hutcherson 2012; Skarbek 2014). For this reason, many former prisoners find that their earning potential in illegal endeavors far exceeds their earning potential in the legal sector (Sullivan 1989; Hagan 1993; Bourgois 1995). In fact, those who were previously incarcerated may experience a wage penalty in legal work ranging from 10 to 30 percent as a result of their being previously incarcerated (Pettit and Lyons 2007; Pettit and Western 2004; Waldfogel 1994; Western 2002).

African Americans bear a larger wage penalty than other ethnic groups. Western (2006) finds that African American males experience a 4 percent wage penalty from incarceration, compared to the 1 percent wage penalty experienced by white men, and the 2.4 percent wage penalty experienced by Latino men (127). The wage penalty also endures longer for African American men than for other ethnic groups (Pettit and Lyons 2007). This finding comports with Loury's (2007) discussion of the lack of social capital that African Americans have outside their communities being a main contributor to the divergence in economic performance across racial groups.

Adding to the costs of finding and maintaining a job, many states restrict or revoke offenders' driver's licenses. In some cities, finding and maintaining a job without the use of a car further impedes the success of former prisoners in legitimate employment (Alexander 2012: 150–151). Twenty-seven states suspend licenses automatically for drug offenses. Twenty-three states suspend offenders' licenses only for driving related offenses (Samuels and Mukamal 2004: 17).

Mass Incarceration Reduces Participation in Political Associations by Former Prisoners

Tocqueville ([1835] 2010) identifies political associations as the main bulwark against despotism and tyranny of the majority. In discussing political associations, he says that "freedom of association has become a necessary guarantee against the tyranny of the majority" ([1835] 2010: 306–7). Through participation in political parties, office holding, and juries, citizens ensure that those operating in the political sphere of society do actually represent them. With regard to juries, Tocqueville ([1835] 2010) writes that "the man who judges in a *criminal court* is really the master of society…the institution of the jury, therefore, really puts the leadership of society into the hands of the people" ([1835] 2010: 445). The ubiquity of political associations and widespread participation ensures that those elected to public office are representative of the majority ([1835] 2010: 310).

In the current system of mass incarceration, however, legislative restrictions on former prisoners' ability to engage in the political sphere "deny felons the full *rights* of citizenship. This denial, in turn, makes performing the *duties* of citizenship difficult" (Uggen et al. 2006: 283). Former prisoners are barred from serving on juries and running for office (McGinnis 2018: 67; Weaver and Lerman 2010: 824). Overall, former prisoners, and those in the communities in which they live, engage in political activities at a lower rate than those in communities unaffected by incarceration (Burch 2013).

Thirty-one states and the federal courts prohibit ex-felons from serving on juries (Alexander 2012: 240; Lerman and Weaver 2014). Even those incarcerated for as little as six months are barred from jury service in Maryland (McGinnis 2018: 66). Due to the racial disparity of those incarcerated, 37 percent of black adult men are excluded from serving on juries (Lerman and Weaver 2014: 85). Compared to only 6.5 percent of all adults being excluded from jury duty due to felony conviction, the

African American population is significantly underrepresented in jury service (Lerman and Weaver 2014: 85; Kalt 2003). Among those who are not prohibited from serving on juries, there is still reduced participation in jury service by former prisoners (Weaver and Lerman 2010: 824).

Former prisoners are also barred from holding public office at all levels—from the state legislature to their local schools (Morenoff and Harding 2014: 414). This prohibition extends beyond positions such as mayor and governor. Former prisoners are prohibited from holding elected positions such as school board members, as well as other low-level offices such as local water district administrators, public notaries, or registrars of deeds (McGinnis 2018: 66, 67).

Due to the barriers to political participation, former prisoners exclude themselves from less formal forms of political participation. Former prisoners have a lower rate of participation in civic and political groups (Weaver and Lerman 2010: 827; Burch 2013: 105). They also engage less in political activities like protests and signing petitions (Burch 2013: 75). The result is the creation of a class of "custodial citizens" (Weaver and Lerman 2010: 819). These citizens have no voice in the political sphere of their communities. Rather, their situation embodies that of despotism. Their involvement in the political sphere consists of "one way transactions" (Soss 1999: 366). Weaver and Lerman (2010: 819) describe the relationship between custodial citizens and political authorities: "decisions are made about them, not in response to their claims; where their input in decision making is minimal." Instead of being equal participants in the political process, they are "objectified and dependent" (Fairchild 1977: 296).

Mass Incarceration Reduces Participation in Voting by Former Prisoners

For Tocqueville, universal suffrage is necessary to avoid the tyranny of the majority and despotism. He says that,

> In countries where universal suffrage is accepted, the majority is never in doubt, because no party can reasonably set itself up as the representative of those who have not voted. So, the associations know, and everyone knows, that they do not represent the majority. This results from the very fact of their existence; for, if they represented the majority, they would change the law themselves instead of asking for its reform. ([1835] 2010: 311)

When groups of people are denied a vote, they potentially fall into a situation of despotism as elected leaders can claim to represent that excluded group. In situations of universal suffrage, "the purpose of associations is to convince and not to compel" since no association has the majority ([1835] 2010: 309). Through universal suffrage, a situation of despotism—in which associations would impose their will—is avoided.

Mass incarceration has eroded universal suffrage in the US today. By raising legal barriers and reducing expected benefits, mass incarceration increases the cost of voting for current and former prisoners. In the US, felon disenfranchisement laws constitute the main legal barrier to voting for those currently and formerly incarcerated. In all but two states (Maine and Vermont), felons lose their voting rights while they are incarcerated (National Conference of State Legislatures 2018).

In most states, prisoners' voting rights are restored after they are released from prison. In 14 states and the District of Columbia, voting rights are restored automatically upon release (National Conference of State Legislatures 2018). In 22 states, voting rights are restored upon the completion of a person's sentence—which includes the probation or parole period after release and the payment of fees associated with their sentencing (National Conference of State Legislatures 2018). In 12 states, those convicted of a felony must first complete their full sentence and then request a governor's pardon in order to restore their voting rights (National Conference of State Legislatures 2018).

Due to disenfranchisement laws, as of the November 2016 elections, 6.1 million people were unable to vote (Uggen et al. 2016: 3). Twenty-three percent of those who are disenfranchised are currently incarcerated (or 1.4 million people). The rest (77 percent or 4.7 million people) have been released and are working and paying taxes, and still cannot vote (Uggen et al. 2016: 6, 14). A substantial enough portion of the population is barred from voting that if they had been allowed to vote, they would have likely affected the results of US Senate races from 1970 to 1998 and the 2000 presidential election (Uggen and Manza 2002).

African Americans make up a disproportionate number of those unable to vote due to felony convictions. In 2016, one in thirteen black adults was barred from voting (Chung 2018: 6). African Americans are disenfranchised at a rate four times that of non-African Americans, despite African Americans making up only 13.4 percent of the national population (Uggen et al. 2012: 2; United States Census Bureau 2018). The degree of disenfranchisement of African Americans is also striking when you compare the percent of the disenfranchised African American population (7.7 percent)

to that of non-African American population (1.8 percent) (Uggen et al. 2012: 2). The disparity is especially striking in states like Florida, Kentucky, Tennessee, and Virginia where more than one in five black adults was barred from voting due to felony convictions (Chung 2018: 6).

Those who had previously lost their right to vote due to a felony conviction but have had their voting rights restored also tend turnout to vote at a lower rate exacerbating the degree to which former prisoners are unrepresented by those in political offices. Meredith and Morse (2014) suggest that the low turnout for voting by former prisoners may be due to misinformation. Many who were previously incarcerated for felony offenses are misinformed about the status of their voting rights. They believe that they are unable to vote when, in fact, their voting rights have been restored. Drucker and Barreras (2005) found that about half of the incarcerated population they surveyed in Connecticut, New York, and Ohio, were ignorant of whether their felony conviction permanently disenfranchised them. Part of their being misinformed is that criminal justice officials are misinformed themselves about whether and when ex-felons regain their voting rights (Meredith and Morse 2014: 223). Additionally, Allen (2011) found that some New York election boards were requiring ex-felons to provide additional documentation that was not legally required before allowing them to vote, increasing the cost of voting for former prisoners beyond what is legally required.

Those who have been incarcerated, but retain their right to vote, turnout at a lower rate than those in the population with similar characteristics who had not been convicted of any criminal offense (Hjalmarsson and Lopez 2010). Lerman and Weaver (2014: 222) find that any contact with the criminal justice system reduces voter turnout—controlling for other factors that correlate with lower voter turnout. For those with a history of being arrested—but not convicted—the probability that they would turn out to vote fell by 16 percent. Those who had been convicted of a crime had an 18 percent lower probability of turning out to vote. Those who had served time in jail or prison had a 22 percent lower probability of turning out to vote. Those who had been incarcerated for a year or more had the lowest probability of coming out to vote with a 26 percent fall in the probability that they would vote.

Consistent with Tocqueville's claim that participation in civil and political associations feed into and reinforce each other, Sugie (2015) finds that decreased participation in civil associations—family, religious organizations, and employment—leads to reduced participation in political associations—voting, political groups, and so on.

Conclusion

In contrast to Tocqueville's view of prison in his time, prisons today transform power relationships in society from "power with" relationships to "power over" relationships. Mass incarceration has perverted people's associational lives such that they are systematically disengaged from civil associations and the political sphere. Those who are disengaged from associational life in this way lack the tools and knowledge Tocqueville says is necessary for the maintenance of democracy. They have become "custodial citizens," managed by political authorities rather than being engaged with the political process. The system of mass incarceration in the US is transforming American democracy into despotism.

Several implications follow from my analysis for anyone interested in the maintenance of democracy in the US. First, laws that raise the costs for former prisoners to rejoin civil society may contribute to a permanent criminal group—a permanent political outgroup. Such laws undermine democracy and should be reformed or abolished. For example, federal laws that prohibit ex-felons from obtaining certain occupational licenses raise the cost to obtaining legal work, increasing the likelihood that ex-felons return to crime. Laws that require former prisoners to file for the restoration of their voting rights from governors should be amended to allow for automatic restoration of voting rights upon release. Adding costs to voting for former prisoners further reduces their participation in the political sphere, undermining democracy. Laws barring former prisoners from holding certain elected positions (especially low-level ones like school board positions) should be amended to allow for increased participation of former prisoners in the political life of their community.

Second, incarceration may not serve its intended purpose. Imprisonment, while intended to be a punishment in itself, is also accompanied by goals of rehabilitation. With the undermining of association life, however, this rehabilitation cannot completely occur. As demonstrated by O'Connor et al. (1998), Johnson (2004, 2008, 2014), and Sugie (2015), aftercare of released prisoners is integral for ensuring successful reentry of former prisoners into society. By imposing high costs to participating in civil and political associations for offenders, we increase the likelihood of their recidivating. As suggested by Cowen (2018), we should consider alternative forms of punishment, such as increased use of home arrest. The more that the offenders can be kept in their home communities, the lower the likelihood that they will become part of a permanent criminal group. If

offenders can maintain their involvement in civil associations, it will bolster their participation in political associations, and, thus, democracy.

Lastly, programs that provide occupational licensing to current inmates should be expanded. Currently, participation in such programs is restricted to those serving life sentences and those who have gained trusty status in the prison (Federal Bureau of Prisons 2016). If these programs were made available to those serving shorter sentences, we may see a reduction in recidivism and less of a decrease in former prisoners' participation in associational life.

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CHAPTER 8

Tocquevillian Education for Self-Governance

Andrew G. Humphries

One cannot doubt that in the United States the instruction of the people serves powerfully to maintain a democratic republic. It will be so, I think, everywhere that the instruction that enlightens the mind is not separated from the education that regulates mores.
Still, I do not exaggerate this advantage and I am still further from believing, as do a great number of people in Europe, that it suffices to teach men to read and to write to make them citizens immediately.
Genuine enlightenment arises principally from experience, and if one had not habituated the Americans little by little to govern themselves, the literary knowledge that they possess would not greatly help them today to succeed in it.
—Alexis de Tocqueville, *Democracy in America*

How can we speak of Democracy or Freedom when from the very beginning of life we mould the child to undergo tyranny, to obey a dictator? How can we expect democracy when we have reared slaves? Real freedom begins at the beginning of life, not at the adult stage. These people who have been diminished in their powers, made short-sighted, devitalized

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by mental fatigue, whose bodies have become distorted, whose wills have been broken by elders who say: 'your will must disappear and mine prevail!'—how can we expect them, when school-life is finished, to accept and use the rights of freedom?
—Maria Montessori, *Education for a New World*

Tocqueville's Challenge for Pedagogy

Tocqueville (2000) found the source of the liberty, prosperity, and order he observed in America in the mores of the American people. Other countries with similar geographic advantages had imitated much of the constitution and legislation of the United States, but had "not become habituated to the government of democracy" (p. 294). They transported the "letter of the law to themselves" but "they could not at the same time transport the spirit that enlivened it" (p. 156). There must have been something in the culture and character of the people, therefore, that animated, ordered, and sustained democracy.

By mores, Tocqueville meant the intellectual presuppositions and habits of the hearts and minds of a people, how they habitually think and behave, and how they feel others should behave (Tocqueville 2000, p. 275). Mores make up a social operating system that serves as the shared context and foundation for conscious choosing, strategic behavior, and interpersonal coordination. Such presuppositions and habits form the tacit constitution that gives meaning and force to the formal constitution. As Tocqueville sees it, "the happiest situation and the best laws cannot maintain a constitution despite mores, whereas the latter turn even the most unfavorable positions and the worst laws to good account" (p. 295).

It was Tocqueville's goal in *Democracy in America* (2000) to search among the mores of the American people, who had progressed furthest along the path of democracy, "for what is favorable to the maintenance of political institutions" (p. 275). He described it as the principal goal of his book to show how

> [p]olitical societies are not made by their laws, but are prepared in advance by the sentiments, beliefs, ideas, the habits of the hearts and minds of the men who are part of them, and by what nature and *education* have made those men. [emphasis added] (2012)

How, then, can education help cultivate moral character and mores conducive to liberal democratic self-governance?

This chapter interprets Tocqueville's broader project in *Democracy in America*—including its elaboration by Vincent and Elinor Ostrom—as a guide to pedagogy. It argues that those interested in advancing a Tocquevillian vision of society should consider how mores are influenced in learning environments, not only by the explicit content of education but also by the "hidden curriculum" implicit in the form that education takes. Specifically, it argues that not only should education for self-governance promote an understanding of the ethics, economics, and political science of association, it should also promote habits of initiative, responsibility, and cooperation through modes of learning in which the arts of association are actively practiced.

Central to sustaining the political institutions of democracy, for Tocqueville, is the need to avoid a kind of soft despotism, what Vincent Ostrom (1997) calls Democratic Despotism (p. 18). While Tocqueville largely approved of the spontaneously generated order of American society, he was concerned that excessive focus on short term, private interests would enable people to cede responsibility for public matters to a centralized, bureaucratic, and paternalistic authority. He feared people's capabilities to self-govern would atrophy without a culture to encourage them to look beyond themselves and to connect with peers in the pursuit of common goods. They would fall prone to a form of despotism in which they would become dependent on wardens to solve their problems for them.

Tocqueville thought a measure of art was, therefore, necessary to cultivate civic virtues and public institutions to preserve democracy. He thought the development of such character and culture was to be achieved largely through the experience of self-government itself. Free exchange and cooperation in associative life was a kind of hard "apprenticeship" (p. 229) that constituted metaphorical "schools" where the knowledge and habits of self-government were learned (pp. 57, 497). In contrast, wardens governing the people under soft despotism would not be like tyrants, but rather like "schoolmasters" who pretend to do everything for them (2000, pp. 662–663). This chapter argues that educators should be careful not to become the kind of schoolmasters Tocqueville used to describe the centralized administration of a soft despotism, but to cultivate classroom environments where something like the hard apprenticeship of freedom generates virtues conducive to a free society.

The next section explores Tocquevillian reasons why a science and art of association should be studied and practiced by all. The third section contrasts Tocqueville's observations of penitentiary systems and of spontaneous association in American society at large as alternate paradigms for modes of education. The following section argues that top-down bureaucratic control of schooling and teacher-centered classrooms tend to generate a "hidden curriculum" more conducive to the soft despotism Tocqueville feared than the self-governing civil society he admired. The penultimate section gives a brief introduction to alternative modes of education more aligned with the kind of moral education Tocqueville admired. The final section concludes.

Tocqueville's New Political Science and the Ostroms's Science and Art of Association

Tocqueville (2000) argues "a new political science is needed for a world altogether new" (p. 7). A significant component of what he had in mind was political economy.[1] As Vincent Ostrom (1997) explains, Tocqueville refers to this new political science as a "science of association," the practice of which is an "art of association," "the mother of action" which should be "studied and applied by all" (p. 276). What role does education in political economy have in a democracy? Why need it be "studied and applied by all"?

The brief answer is that democracy creates new prejudices and problems for social order that make a general enlightenment in the conditions that preserve democracy imperative.

First, democracy erodes a sense of social authority. Although Tocqueville seems to use the term "democracy" without analytical precision, he contrasts democracy with aristocracy. Democracy is a kind of "equality of conditions" (2000, p. 3) in which there is a tendency toward a "universal leveling" of wealth, power, and enlightenment (pp. 4–5). Elster (2009)

[1] Tocqueville clearly engaged with the political economy of his day. He studied Jean-Baptiste Say's *Cours complet d'économie politique* carefully in 1828 and organized his extensive notes for later reference (Drolet 2003). He and his traveling companion, Gustave de Beaumont, read Say again on the boat to America, along with a history of America. They evidently expected Say's work to help them make sense of what they would observe on their journey. It is difficult to specify how Say's thought influenced Tocqueville. Tocqueville does not refer to Say in his published works (Swedberg, 83). But according to Beaumont, Say's work appealed to Tocqueville and him "very strongly" (in Tocqueville 2010, p. 12).

identifies Tocqueville's equality of conditions with the idea of a high level of social mobility (pp. 114–115). But as Tocqueville explains, conditions were not yet so equal that inequality of wealth or the relation of master and servant had disappeared (p. 546). Rather, the essence of the equality of conditions is "a sort of imaginary equality" between men "despite the real inequality of their conditions" (p. 550).

Equality of conditions leads to a widespread belief in a moral and jural equality of individuals. Differences in the classes are no longer seen as expressions of permanent, natural, or divinely appointed differences. The relation of servant to master, for instance, becomes a matter of contract between two equal wills, not an expression of a divine right of aristocrats to command and a duty of serfs to obey (Tocqueville 2000, pp. 549–550). Traditional patterns of duty and willingness to submit to a hierarchical structure, therefore, can no longer serve to order people into mutually beneficial patterns.

Secondly, as individuals associate more by choice and less by tradition, they come to see tradition as a source of mere information, not of wisdom or as an adjudicator of moral or intellectual questions (Tocqueville 2000, pp. 403–404). They tend to look, instead, to their own reason or to public opinion as their guides. And since received "forms" often stand in the way of pursuing specific goals, such forms are thus ever more in danger of being rejected unless their utility can be demonstrated and justified (pp. 404, 669). People in a democracy may thus be too quick to abandon traditional structures that have preserved peace and social order when the functions of such structures are poorly understood.

Tocqueville (2000) was especially concerned, for instance, about the erosion of respect for the institutions of individual rights (pp. 227–228, 669–670). He thought an earlier "divine notion of rights" was disappearing and mores were changing such that the "moral notion of rights" was being erased (p. 228). Without a sense of rights to order relations among equals, or the older set of traditions to lead some to rule and others to obey, only tyranny remains to order political society.

The modern world thus requires a general enlightenment in a political science that teaches people why certain moral, economic, and political institutions are likely to conduce to their long-term self-interest and to the common good, even when such institutions appear to stand in the way of more immediate wants.

Tocqueville (2000) finds a source for such enlightenment in a science of interests (pp. 500–503). Unenlightened interests alone are insufficient

to guide individuals' actions toward long term or common goods. Instincts can lead people down paths that result in undesirable outcomes. But Tocqueville saw what he called "the doctrine of self-interest well understood" as "the most powerful guarantee against themselves that remains to [men in our times]" (pp. 502–503). A doctrine of self-interest well understood teaches individuals how "little sacrifices each day" are useful in advancing their own longer-term interests (p. 502) and teaches the citizen-legislator where the "individual advantage of the citizen" can "work for the happiness of all" (p. 501).

As Vincent Ostrom explains (1997), for Tocqueville,

> "Self-interest rightly understood" depended on a right understanding to be achieved by the development of a science and art of association that would enable citizens to act in such ways that individual interests would become associated in patterns of reciprocal and complementary interests. The constitution of democratic societies is a product of human artisanship in which "freedom, public peace, and social order itself will not be able to exist without education"—presumably an education appropriate to citizenship in self-governing societies. (pp. 17–18)

Tocqueville (2000) thought that upon such a doctrine, the authority of certain institutions would be grounded on an understanding of their usefulness: "The people, instructed in their true interests, would understand that to profit from society's benefits, one must submit to its burdens" (p. 9).

A central teaching of the doctrine of self-interest well understood, connecting personal interest with the common good, is the importance of respecting individual rights. Rather than relying on the idea that rights come from a Creator, political economy offers an account of our rights and duties as balancing and advancing people's interests:

> Do you not perceive on all sides beliefs that give way to reasoning, and sentiments that give way to calculations? If in the midst of that universal disturbance you do not come to bind the idea of rights to the personal interest that offers itself as the only immobile point in the human heart, what will remain to you to govern the world, except fear? (p. 228)

Political economy promises to explain just how institutions, such as moral and legal respect for individual rights, can tend to harmonize interests. Widespread enlightenment in political economy can, therefore, give new force to ideas and mores upon which democracy is founded and sustained.

But though Tocqueville (2000) thought it necessary to promote a widespread understanding of how individual rights promote freedom and prosperity, he thought a notion of such rights alone was insufficient to sustain a democratic social order. As indicated above, Tocqueville feared the consequences of what he called "individualism"—a situation in which individuals socially isolate themselves and pursue a vision of their own self-interest that excluded investments in various social commons needed to maintain freedom in a democracy (pp. 482–483).

People who lack practice in associating to satisfy their needs and in resisting autocratic centralization of public administration fall prey to a vicious cycle. As central administration takes away responsibility of the citizenry for solving its own problems locally, people become less and less competent to solve such problems over time, creating a state of dependency on a central administration leading to yet further centralization (p. 648), eventuating in Democratic Despotism.

Tocqueville, therefore, thought democracy would decay, unless such atomistic individualism were counteracted by other forces, forms of education and cultural practices, that encourage spontaneous association and skill in collective action for common purposes. Enlightenment in how to promote one's long-term interests must, therefore, include an understanding of how those interests are advanced by forming associations.[2]

[2] Tocqueville's self-interest well understood consists of more than a materialistic sense of man's interests. He thought the new science should not only inform people about how to obtain their preferences, but guide them to some degree about what preferences will be worth cultivating for virtue, happiness, and a sustainable social order. In discussing a journal he was hoping to launch as a young man, Tocqueville wrote:

> While all the efforts in political economy seem today to be in the direction of materialism, I would like the policy of the journal to be to emphasize the most immaterial side of this science, to try to introduce ideas and moral feelings as elements of prosperity and happiness, to try to rehabilitate the spiritual dimension in politics and make it popular by making it useful. (Tocqueville as quoted in Swedberg 2009, p. 3)

Tocqueville (2000) also expressed his opposition to modernist materialists and materialistic utilitarians, who strive "to make man into matter, to find the useful without occupying themselves with the just, to find science far from beliefs, and well-being separate from virtue" (p. 11).

See also Danoff's discussion of Tocqueville's views on the limits of calculative reasoning to establish the mores needed, and the need for some republican civic virtue, to preserve the conditions of self-government in his *Educating Democracy: Alexis de Tocqueville and Leadership in America* (2010, pp. 11–18).

Elinor and Vincent Ostrom shared Tocqueville's concern that democracy would decay without some understanding of principles that underpin cooperative action. For them, the Prisoner's Dilemma is paradigmatic of the failure to self-govern. Without a knowledge (both theoretical and practical) of how to coordinate by means of speech rather than violence or hierarchical imposition, people would become incompetent to manage their own affairs and relations with others. Citizens would become like "the prisoners in the famous dilemma" who "cannot change the constraints imposed on them by the district attorney" (Ostrom 1990, pp. 6–7; see also Ostrom 1997, p. 17).

To guard against descent into Democratic Despotism, the Ostroms emphasize Tocqueville's call for a political science and art of association beyond the study of voluntary exchange of private goods. The new political science and the doctrine of self-interest well understood must include understandings conducive to the solution of collective action problems and the provision of public goods. As they conceive of it, the science of association seeks to elevate people from the condition of interacting like isolated prisoners to be able to "enhance the capabilities of those involved to change the constraining rules of the game to lead to outcomes other than remorseless tragedies" (Ostrom 1990, pp. 6–7).

In her article "A Frequently Overlooked Precondition of Democracy: Citizens Knowledgeable About and Engaged in Collective Action," Elinor Ostrom (2006) argues that "[n]o democratic system can be sustained for long without educated citizens who are able to solve many of their own collective-action problems" (p. 2). In the article, she outlines how the Progressive centralization of public administration has removed many people, including children, from participation in the local provision of public goods and has thus deprived them of a practical education important to the maintenance of democracy. She writes,

> the basic conditions leading to our own democratic institutions may be eroding through the reforms that have been undertaken as a result of dominant theories of how to create an efficient public sector and through the education (or, rather, lack of education) provided in our high schools and colleges about the essential role of citizens in multiple kinds of collective action. (p. 4)

Beyond supporting the notion of incorporating various forms of civic engagement and service learning in the formal curriculum, Ostrom pre-

scribes teaching students about the science of association they might otherwise have been more likely to learn organically in a more decentralized, democratic order. Specifically, she argues,

> we have an obligation to provide students with effective theory about (1) how individuals overcome the many facets of social dilemmas that pervade all aspects of public life, (2) how to avoid the tragedy of the commons, and (3) how to learn to take advantages of the opportunities that arise from conflict to better understand problems and use their imagination to achieve conflict resolution. (2006, p. 10)

Elinor Ostrom thus argues that a greater portion of formal studies should consist of the political science, economics, and ethics needed to preserve a Tocquevillian vision of democracy to make up for the loss of practical experience of voluntary association. Presumably, such a curriculum would include elements of her book *Governing the Commons* (1990), which outlines the theoretical structures of collective action problems and design principles derived from examples of how communities have developed rules to govern themselves and common resources.

Tocqueville and the Ostrom's thus believe that an understanding of the ethics, economics, and political science of individual rights and association to address collective action problems is necessary for the preservation of self-governance in a democracy. But as Tocqueville argues such "literary knowledge" is still insufficient to sustain democracy. Some things cannot be transmitted as factual information, but must be learned by participating in a culture. Mores consist of habits as well as of ideas. Tocqueville understood, with Aristotle, that moral character cannot be developed by listening to lectures, nor can it be achieved by the teacher or anyone else "legislating" character from without. We acquire habits and virtues by exercising them (Aristotle, II.1; Tocqueville 2000, p. 291).

As Vincent Ostrom (1997) argues, "putting words on paper is never sufficient for achieving knowledgeable or lawful relationships in human society" (p. 281). Constitutions are never merely written on paper or spoken allowed in a public sphere. They must be woven into the habits of the heart, mind, and tongue (McCloskey 2010). Even if certain forms of radical transformation are proposed, they must be grafted onto the status quo, or the scion will be rejected by the rootstock. Formal rules must be picked up, studied, debated, widely accepted,

and translated into social practice. Rules in form have little power unless they conform to deeply rooted rules in *use*.[3]

One cannot learn to ride a bicycle by listening to lectures on the physics, mechanics, and anatomy of bike riding. One must practice trying to ride a bike and experience the responsibility of correcting oneself in the face of one's own success and failure. Similarly, moral character must be gained through practice, habituation, and apprenticeship within a culture. One must actually practice being self-directed, solving problems, making rules for oneself (individually and collectively), and dealing with collective action problems all without recourse to a directing warden. Education proper to democracy must, therefore, include not just instruction in the science of association but practice in the art of association.

Yet those interested in teaching liberal values often focus on changing the explicit content of the curriculum—what is to be "covered"—at the exclusion of thought put to the form of education itself. Many teachers "think they are heard for their much speaking." But as Vincent Ostrom suggests, it is not the writing down or the speaking of words that makes for shared meaning. Ideas must be taken up, discussed, debated, integrated with prior understanding, and found useful in practice. Words "covered" in readings assigned or lectures spoken can be as meaningless as declaring that The Constitution of the United States is now the governing document of Somalia. If the constitution was "assigned" and even read aloud and explained by experts in public there, we would not expect it to have much effect. So why do we think or act so often as if things are much different in a classroom?

Vincent Ostrom (1997) concurs with the need for practice beyond literary instruction:

[3] The importance of institutions and even mores has seen a recent re-emergence in political economic thinking. In addition to a surge of work in New Institutional Economics and Law and Economics, work on a variety of topics has also stressed the crucial role that informal-cultural institutions play in creating the context needed to generate and perpetuate economic development, a liberal social order, and entrepreneurship. See for example, Lavoie and Chamlee-Wright (2002) *Culture and Enterprise;* Boettke, Coyne, Leeson, and Sautet (2005) "The New Comparative Political Economy"; Boettke, Coyne, and Leeson (2008) "Institutional Stickiness and the New Development Economics"; Coyne (2008) *After War: The Political Economy of Exporting Democracy*; McCloskey (2010) *Bourgeois Dignity: Why Economics Cannot Explain the Modern World*; Williamson and Coyne (2013) "Culture and Freedom"; Storr (2013) *Understanding the Culture of Markets*; Grube and Storr (2015) *Culture and Economic Action*.

> I cannot understand how human beings can construct democratic self-governing societies without drawing on the essential experiences of first living in the small traditions of family, neighborhood, and community as places to be cultivated [cultured] as worthy of emulation. (p. 299)

The modes of interaction we engage in cultivate in us visions of life and capabilities fitting to those very modes of interaction. If we wish people to possess certain skills and virtues such as initiative, self-reliance, interpersonal cooperation, tolerance, problem solving, and civil and reasoned discourse, we must cultivate social cultures in our institutions of learning where those skills and virtues are actively practiced.

Those interested in cultivating a Tocquevillian vision of society must thus see to it, where possible, that learning environments be such as to invite practice and experience of initiative, cooperation, and voluntary association proper to an ideal civil society. They must consider how the mores of the classroom either educate people to practice these ideas and values or the reverse.

Tocqueville saw the American society of his day as providing just such arenas of experience that taught the American people the spirit of freedom and how to govern themselves. He referred to these learning environments metaphorically as "schools" for the development of mores. He offers observations of two contrasting forms of societal practice, that of prisoners at Sing Sing and those of freely associating individuals in American society at large. These serve as models of experience to be drawn on to understand how different forms of practice may conduce to people falling prey to Democratic Despotism or to preserving democracy.

A Contrast in Learning Environments: Passive Isolation Versus Active Association

Tocqueville's ostensible purpose for visiting America was to study and write a report on the American penal system. Ironically he wrote one of the most famous studies of the nature of democratic freedom in America in the process. Alternating observations of the democratic freedoms of the Americans and of oppressive prison environments must have presented a contrast that informed his views on which kinds of practice and mores conduce to sustained freedom and self-governance, on the one hand, and which conduce to the decay of such liberal self-government and to servitude, on the other. Tocqueville's observations of these two contrasting

environments of practice can be read as studies of what kind of learning environments might prepare people to self-govern.

Tocqueville may have begun to conceive of his concern about atomistic individualism from his observations of the discipline at Sing Sing. He was shocked at how few guards were needed to control so many prisoners in outdoor work (30 guards to 900 inmates). He described the form of discipline used to achieve this result in a letter home and in his report on the penal system with Beaumont (1833). The two principles, which were vigorously enforced, were that the prisoners were not "free to talk" and were given no leisure or time to think or to generate purposes for themselves:

> In order to enforce complete obedience with so few real means of repression, and at the same time to make prison work useful, the Americans have undertaken to convince each inmate, by isolating him, that he stands alone against a body of warders. Silence and continual work are their agents: the silence that separates the individual from the crowd, the work that absorbs all his moral and physical strength and diverts him from mischief. That is the secret of the system. (Tocqueville 2010, p. 57)

As described above, Tocqueville came to believe that systems of atomistic individualism, would guide people to relate to one another similarly to the forms of (non-)interaction he observed among the prisoners at Sing Sing.[4]

[4] Boesche (1980) also discusses this under-appreciated connection in the Tocqueville literature in his article, "The Prison: Tocqueville's Model for Despotism." His interpretation is very similar to the one I propose and his examination contains complementary insights to those made explicit here. But Boesche seems not to appreciate the role of Tocqueville's first observations of the Auburn system at Sing Sing, in particular, in jumpstarting and in formulating his understanding of the problems of despotism. Boesche focuses, rather, on Tocqueville's later observations of the Pennsylvania system. While in the Pennsylvania system, the prisoners are kept physically isolated at all times, including while working during the day, in the Auburn system (1) the prisoners are physically proximate to one another, with no physical barriers between them, and (2) they work in an open air environment from which one might presume the prisoners could readily escape. Sing Sing was the first prison they observed, and Tocqueville was astonished at the sight (Pierson 1938, pp. 101–102). Isolation at Sing Sing was not achieved by walls and chains, but by rules that generated a despotism of the mind—silence and zero communication among the prisoners. This silence, of course, was enforced with the whip.

People who communicate can cooperate.[5] It is the inability of individuals to communicate with one another that generates the standard Prisoner's Dilemma Elinor Ostrom referred to above. Tocqueville (2010) recognized that

> [s]trength lies not in numbers but in association, and thirty individuals *united* by constant communication, ideas, common projects, and schemes, have more effective power than nine hundred people whose isolation is their fatal flaw. (p. 64)

The effective power of men united allows them not only to resist authority but to realize objectives without recourse to wardens. Isolated persons, however, lack social capital and practice in dealing with others and solving problems with equals. Such people may look to authority to solve their problems, including the control of other people whose behavior they dislike.

On the other hand, Tocqueville (2000) argued that the "weakness" of independent men in a democracy at large teaches them to work together (p. 490). The experience of freedom itself is the hard "apprenticeship" by which people learn that, when there is no warden to care for them, they must associate to care for themselves and one another (p. 229).

> The inhabitant of the United States learns from birth that he must rely on himself to struggle against the evils and obstacles of life; he has only a defiant and restive regard for social authority and he appeals to its power only when he cannot do without it. This begins to be perceived from school onward, where children submit even in their games to rules they have established and punish among themselves offenses defined by themselves. … The same spirit is found in all acts of social life. (p. 180)

The apparent absence and passivity of governors in American society at large habituated people to turn to themselves and each other to solve their own problems. Importantly, Tocqueville saw such self-initiated activity not only in commercial transactions but in voluntary associations to address the provision of public goods.

[5] Peart and Levy (2015) summarize the literature on experimental findings regarding the relationship between communication and cooperation: "There is perhaps no stronger experimental evidence than the conclusion, confirmed in many experimental studies, that discussion strongly enhances cooperation" (43). They argue that practice in the art and skill of discussion, such as in classroom discussion, can thus facilitate the skills of communication conducive to social cooperation.

Tocqueville argued that the source of America's resilience against the dangers of atomistic individualism was, therefore, to be found primarily in their habit of entering into civic and political associations. And he saw these associations as analogous to "great schools" responsible for the development and reinvestment in the mores needed for democratic self-government (p. 497):

> Without [them] a nation can give itself a free government, but it does not have the spirit of freedom. … The township institutions that moderate the despotism of the majority, at the same time give the people a *taste* for freedom and the *art* of being free. [emphasis added] (2000, p. 274)

In these "schools" of civic and political association individuals interact face-to-face, they talk, problem solve, teach, and learn from one another. "Sentiments and ideas renew themselves, the heart is enlarged, and the human mind is developed only by the reciprocal action of men upon one another" (2000, p. 491).

A potential problem with the interpretation given here needs to be addressed. In his report on the prisons, Tocqueville promoted the rules of isolation and continual work as potentially beneficial and reformative for prisoners to prepare them to live in free society (Beaumont and Tocqueville 1833, p. 58). How could he, at the same time as supporting such rules within prisons, fear that a free society would be endangered by these conditions writ large among a free population?[6] One answer is that Tocqueville sees peer teaching among prisoners, in particular, as a bad thing (Beaumont et al., p. 49). One wants cooperation conducive to productive activities, and learning that facilitates this kind of cooperation, but not communication and cooperation for criminal or destructive purposes. Isolation in prisons stops prisons from becoming, what Tocqueville calls "*schools* of crime"! (Beaumont et al. p. 125, emphasis added). One can learn from the habits of people in civil society, or one can learn from convicts. One can learn to cooperate with others in civil society, or one can learn to cooperate with pirates to prey on civil society. One form of peer interaction promotes the positive qualities conducive to democracy, the other undermines society. More or less passive obedience to good laws and to honest employers is certainly preferable to predation. But such activity is inappropriate to the perpetuation of democratic society when writ large.

[6] Boesche (1980, p. 555) raises and addresses this question similarly.

Tocqueville saw the different forms of civic and political life above as analogous to "schools" or "apprenticeships" for those different forms of life. But the reverse also holds. A school is a little society in itself. It is a society in which the habits of heart, mind, and tongue are modeled and cultivated. Different forms of education necessarily present models of societies and arenas for practice that cultivate visions and habits conducive, either to the active, self-reliant, and associative form of life Tocqueville witnessed in democratic America, or to the passive, dependent, and isolated form of life Tocqueville observed at Sing Sing. As quoted above, Tocqueville thought American attitudes and skills of self-reliance begins to be learned "from school onwards," not when children are directed by others, but where they deal with each other and make rules for themselves.

In contrast, Beaumont and Tocqueville (1833) thought the isolation characteristic of the adult prisons they observed was inappropriate to the moral education of children:

> absolute isolation would be intolerable to children, and silence could not be maintained among them without punishments, the violence of which alone must make us repugnant to them. There would be, besides, the greatest disadvantages in depriving them of social relations, without which their intellectual progress would be checked. (p. 114)

Beaumont and Tocqueville's observations of the houses of refuge, which were a sort of a mix of school and detention for delinquent children, provide elements of a model for addressing the need for moral education in formal schooling (p. 112). Beaumont and Tocqueville were particularly impressed with the House of Refuge in Boston whose form was that of "a small society, upon the model of society at large" (p. 115). In it the children were "treated as if they were men and members of a free society" (p. 118).

The children voted on matters of import and had to give account of their own conduct each night and prescribe the consequences for their own misconduct, similar to rules Tocqueville (2000) observed school children to make and enforce among themselves (p. 180).

> Experience has shown that the children always judge themselves more severely than they would have been judged by others; and not unfrequently it is found necessary, to correct the severity and even the injustice of their own sentence. (Beaumont and Tocqueville 1833, p. 119)

If any difficulty arises about the nature of the wrongdoing or the proper punishment, "a judgment takes place."

> Twelve little jurymen, taken from among the children of the establishment, pronounce the condemnation or the acquittal of the accused.
>
> Each time that it becomes necessary to elect among them an officer or monitor, the little community meets, proceeds to the election, and the candidate having most votes is proclaimed president. (p. 119)

Beaumont and Tocqueville believed that

> [t]here is … more depth in these political plays, which agree so well with the institutions of the country, than we would suppose at first glance. The impressions of childhood and the early use of liberty, contribute, perhaps, at a later period, to make the young delinquents more obedient to the laws. And without considering this possible political result, it is certain, that such a system is powerful as a means of moral education. (p. 120)

In this kind of modeling of the practices of a free society within the school lies a clue to how to extend Tocqueville's concerns for the education of mores into the classroom environment. As the Italian educator Maria Montessori (1917) writes,

> By keeping children motionless, seated side by side … 'relations between children' cannot be established, and infantile social life does not develop. It is by means of free intercourse, of real practice which obliges each one to adapt his own limits to the limits of others, that social 'habits' may be established. Dissertations on what ought to be done will never bring about the construction of the will … it will not suffice to inculcate 'ideas of politeness' and of 'rights and duties.' If this were so, it would suffice to give a minute description of the movements of the hand necessary in playing the piano, to enable an attentive pupil to execute a sonata by Beethoven. (p. 174)

Beaumont and Tocqueville point out, however, that facilitating such a system of freedom, spontaneity, and peer interaction in the learning environment relies on more genius and training than is usually to be expected from a mass bureaucratic form of state management. Instead, they believe, a bureaucratic government is more likely to be successful in controlling young delinquents by imposing rules that allow for less discretion, though they are less conducive to moral education (p. 121).

The Hidden Curriculum of Mass Bureaucratic Schooling

Modern day schooling is dominated by environments in which students are physically proximate to one another, but mentally isolated, dependent on a single intellectual authority who directs their movements and tries to solve their every problem from above—environments much more like Sing Sing than the forms of association Tocqueville admired in America at large.

The common mode of schooling today arose in part from an ideology that sought to centrally plan learning through a bureaucracy and due to the problems of organization inherent in the mass bureaucratic approach to schooling it created.

Prior to the attempt to create mass bureaucratic schools, schools were locally controlled, poorly provisioned, seemingly irrational in their methods, and employed corporal punishment. Yet attendance was voluntary. Rural school life was much closer to community in form and in practice. Students interacted spontaneously with people of different ages, teaching, playing, and caring for one another. Teachers were often drawn from the community and, because of local control, were accountable to the parents and taxpayers with all their demands and idiosyncrasies (Tyack 2003, p. 18). They lacked means to compel students to do almost anything, but instead had to use their wit and charm to persuade students and parents of the value of school activities. Students and teachers had to learn to deal with one another and resolve conflict, which could sometimes even escalate into physical fights (p. 19). School buildings also often served as a central meeting place for political, social, and religious functions of the community. And school life was only a part of a system of community opportunities for learning through work and participation in business, family, civic, and religious activities (p. 15).

Progressives in the 1840s, however, found the polycentrically grown collection of locally controlled schools an impediment to improving schools via top town measures. Rather than the local control by amateurs, they wanted schools to be controlled by professional leaders who were assumed to have the knowledge, incentive, and institutional structures required to perform better than parents and local taxpayers.

Inspired, in part, by theories of "scientific management," education reformers started thinking and speaking about schools more in the language of mechanics and industry (Callahan 1962, p. 33; Tyack 2003,

pp. 41–44). The factory became a paradigm for schooling. Students came to be seen more like a passive raw material on a production line upon which the school operated, adding knowledge to the children as they were moved along (Tyack 2003, p. 49).

In order to achieve their goals, the engineers would need to control every part of the process to make it predictable and efficient. They wanted to "standardize" and "grade" the "product," making it more "uniform." Students were moved from place to place and lesson to lesson according to pre-established schedules. Curricular content was standardized and textbooks developed. Classification of students based on measurable, objective characteristics such as age and performance on examinations were essential to bureaucratic management of the system. And not only was the activity of the students to be directed from above, but that of the teachers as well, who were to be effective instruments of the superintendents' superior foresight, insight, and planning (Tyack 2003, p. 61).

At the height of this Progressivist philosophy America experienced the fastest rate of urbanization in its history. In 1845, for instance, Chicago opened a school which they expected to be under-attended. A total of 543 children attended in the first year and 843 in the next, with only three teachers to teach these students. Some order to deal with the problems of urbanization was desperately required. But rather than facilitating development of a decentralized system of local control, reformers took what they saw as the only rational and scientific way to create order: establish centralized bureaucratic control to discover and implement "the one best system" from above (Tyack 2003, p. 39).

While many educational reformers openly embrace the inculcation of obedience to bureaucratic norms (Tyack 2003, p. 49)—presumably to generate good social order and to help make students fit for work in industrial employment—the modes of interaction inherent in the expert-directed, factory model of schooling necessarily generates a "hidden curriculum"[7] that tends to inculcate such mores, irrespective of the motives of those who currently perpetuate it.

[7] Writing from a neo-Marxist perspective, Giroux and Penna (1979) provide an excellent overview of the idea of the hidden curriculum and provide suggestions for reform highly consonant with the argument presented in this chapter. See also Lillard (2019) for a discussion of the implications of cross-cultural and cultural psychology for how we think about culture within schools.

Consider the problems of discipline and order required in the Chicago school described above. The teacher to student ratio is analogous to the problem faced by prison guards at Sing Sing. How is one to keep students in regular order and in conformity with the wishes of their teachers? One solution is to follow the same pattern as the wardens at Sing Sing: silence and continual busywork. One visitor in a New York public school observed of an early instantiation of this form of order:

> There were the hundreds of perfectly silent children, eyes fixed straight ahead, sitting 'as regular as rows of machine-planted corn.' … 'To manage successfully a hundred children, or even half that number, the teacher must reduce them as nearly as possible to a unit'
>
> How did the teachers preserve such order in a school which included members of 'many different social classes'? By keeping each child busy at a specific task every minute, by competition for that scarce commodity, praise, and by the 'terror of degradation.' (p. 54)

Many of the characteristics of schools we see today are a perpetuation of these ideas: age segregation, standardized tests, grading, uniform curriculum and schedules planned in advance, a system of extrinsic rewards and punishments, and students sitting silently in rows facing forward waiting to be told what to think and what to do.

In the bureaucratic, teacher-centered classroom, as in a centrally planned economy, spontaneous activity must be suppressed as a potential disruptor of the plan to be executed by experts. Spontaneity must be frowned upon and regarded as naughtiness. Passivity, conformity, obedience to authority must be taught as fundamental virtues. The ideal of such a system is one in which "every pupil appears to be in anxious waiting for the word of the teacher, and when issued it is promptly obeyed by the class" (Tyack 2003, p. 51). Such dependence, passivity, and uniformity are qualities prized by the central planning autocrat. As Tocqueville (2000) writes,

> [e]very central government adores uniformity; uniformity spares it the examination of an infinity of details with which it would have to occupy itself if it were necessary to make a rule for men, instead of making all men pass indiscriminately under the same rule. (p. 645)

Externally regulated order and discipline can create apparent order, especially in the short term, but such order is often traded off against the more complex internal and interpersonal order that can only be generated by spontaneous action, interaction, and discussion.

Development of personal character and culture are similar in their bottom up complexity to economic development. Unfortunately, many people treat the classroom and the learning process analogously to how an armchair, blackboard economist might treat the economy. While the implausibility of using a top-down approach to planning an economy or to "exporting democracy" to a foreign country may be evident, many ignore the analogous problems faced by an educator when trying to "export" democracy or any other sophisticated body of ideas, values, or ethical behaviors to students in a classroom. While it is possible for the educator to create incentives for students to exhibit certain outward behaviors while he is watching them, and to reproduce canned responses to recitation questions, it is impossible to achieve a genuine embodiment of these attitudes, behaviors, or a sophisticated understanding of knowledge from outward incentives alone.

Tocqueville (2000) believed that central authority can often achieve objectives more quickly and effectively in the short-run than systems that relied on decentralized initiative and responsibility. He thought such short-run gains, however, were traded off against the use of dispersed knowledge, motivation, initiative, and as written above, capabilities that tend to do an even better job in the long term (pp. 86–91). In a system of decentralized initiative and responsibility, "in the long term the general result of all the individual undertakings far exceeds what the government could do" (p. 90). Although intended to describe centralization of public administration in society at large and its effects, Tocqueville's words, with my comments interspersed, apply perfectly to the form of order common in the modern classroom:

> Centralization [of the planning and activity of the classroom in the person of the teacher or in the bureaucracy he represents], it is true, easily succeeds in subjecting the *external actions* of man [students] to a certain uniformity [from apparently orderly physical behavior to performance on standardized tests] that in the end one loves for itself, independent of the things to which it applies, like those devotees who adore the statue [of silent, static students] forgetting the divinity that it represents [the inner life of learning, which the outward order is supposed to represent]. Centralization succeeds without difficulty in impressing a regular style on current affairs [student seated in rows looking forward, taking notes]; in skillfully regulating the details of social orderliness; in repressing slight disorders and small offenses [Johnny! Stop bothering him! Stop tapping that!]; in maintaining society in a status quo that is properly neither decadence nor progress; in keeping in the social

> body a sort of administrative somnolence [sleepy, but non-disruptive students] that administrators are accustomed to calling good order and public tranquility. It excels, in a word, at preventing [spontaneous activity and learning], not at doing. When it is a question of moving society profoundly or pressing it to a rapid advance [in a new understanding], its force abandons it. If its measures need the concurrence of individuals [initiative and cooperation by the learners in the learning process], one is then wholly surprised at the weakness of that immense machine [the weakness of the operose machine of bureaucratic, teacher-centered schooling to cultivate and utilize the capacity of students to problem solve and cooperate to understand or perform anything]; it finds itself suddenly reduced to impotence. [emphasis added] (2000, p. 86)

Tocqueville explicitly uses the metaphor of a "schoolmaster" to describe the form of centralized, bureaucratic administration that enervates and removes all responsibility from citizens under soft despotism (2000, pp. 662, 664, 692).[8] He sees the form of centralized government constitutive of this soft despotism as "an immense tutelary power" which would oversee all aspects of the citizens lives, obstructing them with a network of innumerable, small rules, and removing all significant responsibility from them, reducing them to "nothing more than a herd of timid and industrious animals of which the government is the shepherd" (p. 663): "It would resemble paternal power if, like that, it had for its object to prepare men for manhood; but on the contrary, it seeks only to keep them fixed irrevocably in childhood" (p. 663). The passivity promoted in the Sing Sing like classroom is perfectly in line with the form of Democratic Despotism Tocqueville feared.

In his speech accepting New York State Teacher of the Year in 1991, John Taylor Gatto revealed some shocking elements of the hidden curriculum inherent in the one-size-fits-all, externally enforced, and bureau-

[8] In a note, Tocqueville (2000) quotes M. de Malesherbes from 1775 as using this word (*tuteurs*) to complain of the tendency of the French to over-govern by central power and then goes on to suggest the French tendency to centralize administration was brought to completion in the French Revolution (p. 692). One might wonder whether he has French *tuteurs* or American teachers of one-room schoolhouses in mind or both when he compares the over-controlling nature of bureaucratic centralization to a schoolmaster. Given what is said about one-room school houses above, it seems most probable that it is the first. But the aim of this chapter is not to uphold pre-Progressive American schools. Instead, this chapter aims to show parallels between over-controlling or over-helpful guardians in society and in the classroom and to the moral dangers inherent in both kinds of excessive guardianship.

cratic model of education: confusion, class position, indifference, extrinsic motivation, and that one's life is and should be under constant surveillance. Finally, the public school teacher, according to Gatto, teaches intellectual dependency:

> Good students wait for a teacher to tell them what to do. This is the most important lesson of them all: we must wait for other people, better trained than ourselves, to make the meanings of our lives. The expert makes all the important choices; only I, the teacher, can determine what my kids must study, or rather, only the people who pay me can make those decisions, which I then enforce. … We've built a way of life that depends on people doing what they are told because they don't know how to tell themselves what to do. (Gatto 2002)

Against many measures, the dominant form of modern schooling today is exactly what many of the educational reformers hoped to achieve. It may even be conceded that much of the knowledge and skills students learned in these environments have increased their productivity in certain kinds of employment, especially during an earlier era of industrial capitalism. The issue is, rather, that the mode of mass bureaucratic schooling developed in an era of Progressive centralization of public administration may undermine other qualities of character and culture required to sustain freedom in a democracy—virtues, as the Ostrom's would conceive of them, not of working efficiently within given rules and roles, but of being able to conceive of and construct understandings, rules, and roles for oneself in cooperation with others.

To be autonomous, human beings must find themselves in environments that constantly invite them to practice responding to real problems and to communicate and problem solve with equals without recourse to a directing warden. Unfortunately, the pattern of schooling which sees the teacher as the only relevant agent and the student as the material on which the teacher acts has become the dominant culture of education, and people often cannot even imagine an alternative way of going about things.

Models of Self-Government Within the School

Given that our experience with education is dominated by the top-down, bureaucratic, and teacher-centered paradigm of schooling criticized in this chapter, it may be valuable to outline some paradigmatic alternatives.

One set of alternatives can be characterized by what is known as "unschooling." Unlike certain visions of homeschooling that import the structures of teacher-centered schools into the home environment, in unschooling children pursue their own interests in the absence of any imposed curriculum. Unschoolers may go about planning their own activities independently, engaging in real-world learning activities, perhaps with the guidance of Grace Llewellyn's (1998) *The Teenage Liberation Handbook: How to Quit School and Get a Real Life and Education*. But unschooling need not be an isolated or purely individual enterprise. Unschoolers can join learning clubs or even choose to enroll in learning centers or cooperatives.

In unschooling environments like Sudbury Valley there is no set curriculum, no organized classes, no grades, and no tests. Nor are students age segregated. The staff act as common sense adults in the environment and may be resources and learning consultants for the students, but try not to push students into any form of learning or activity over any other. Students are expected to be responsible for themselves and their school, which includes not being disruptive to other students. Rather than being told what to do, students practice initiating their own activity or persuading others to engage with them, and experience the consequences of their attempts. They practice being self-motivated and experience intrinsic feedback.

Sudbury schools are also democratically managed. All community members have an equal vote in running the school. Parents join students and staff in a general assembly to deal with large policy issues, such as decisions about the school budget. Running day-to-day activities is left to students and staff members through a School Meeting, in which students experiment with governing themselves by making "laws" for themselves and each other.

Unschooling can preserve initiative and promote self-governance and autonomy of the individual. Because they are democratically governed, unschooling environments like Sudbury schools can also provide experience in democratic self-governance in society similar to the township and civic associations Tocqueville admired. There students can experience challenges of living with others outside of the family, participate in the creation of rules, running of meetings, and of managing common resources while preserving the general spirit of "liberty and responsibility." Daily experience of such democratic forms, and accompanying discussions of the proper role of government in preserving freedom and managing common

resources, can give students—who choose to participate—a deep moral education in the practice of Tocquevillian self-governance.

While unschooling can be far superior to inculcation to the mores of bureaucratic, teacher-centered schooling, it may not be ideal. That the learner is the most important agent in his or her own learning and development and must be treated as such does not imply there is no role for a conscious art of education. One cannot expect people to pursue knowledge they are not exposed to or to possess virtues they have never practiced or seen modeled. It is desirable that educators encourage certain qualities of culture, skills, habits, standards of thought and action—not the least the sciences and arts of association described above. Repetition and regurgitation of slogans cannot be the mortar of a society of free and virtuous persons. But neither is there any reason to believe that entirely spontaneous interactions alone will tend to lead to the knowledge and mores required for a Tocquevillian vision of society. Tocqueville certainly believed the perpetuation of self-government could not be abandoned to the natural course of things, but needed to be achieved through art (p. 645). Instead, education for such a society must involve a cultivation of cultures in which intellectual and moral virtues are practiced and rewarded with authentic social esteem and intrinsic awareness of one's own growth in virtue. Much of the success of unschooling in cultivating educated people relies implicitly on young people interacting with adults who model certain qualities of culture. But can there be an art of cultivating and modeling such desirable cultures more consistently?

Two models of pedagogy, which combine the spirit of freedom and responsibility of unschooling with the conscious attempt to cultivate forms of knowledge and intellectual and moral virtues conducive to a society of free and responsible persons, are Montessori and Socratic Practice.

Montessori education emphasizes student choice, self-direction, peer learning, and intrinsic motivation within a prepared environment (Lillard 2019, 2015). As in unschooling, Montessori students are free to move around, interact, and choose their own activities within limits. They also make constitutional rules for themselves and engage in group problem solving and conflict resolution. But rather than merely leaving children to themselves, Montessori environments include an established array of learning materials and activities found by experiment to attract children's attention and induce periods of deep, intense focus and concentrated learning. Students are organized into multi-age groupings to allow for peer learning and teaching corresponding to three-year periods

of development (3–6, 6–9, etc.) and are provided with developmentally appropriate physical and social environments to help them practice being independent.

The role of the adult in these schools is that of a largely non-interfering guide, who prepares the rich environment of possible learning activities, offers lessons to individuals or small groups of students introducing them to concepts and materials to explore, and to help students discover things to learn about. Montessori guides do not reward, punish, or correct children, but help create processes by which learners evaluate themselves and tend to discover and to want to correct their own errors. Montessori materials and activities provide a rough sequence in which earlier stages of learning facilitate the next, and are intended to facilitate certain kinds of learning, from gross and fine motor skills and sensory acuity, to reading and writing, to mathematics and science, to, say, economics, more consistently and systematically than can be expected from purely accidental and unguided activity.

In addition to superior academic outcomes, students admitted to Montessori public schools, after applying and being chosen by lottery, performed better on indicators of executive function (which undergirds self-control and self-regulation) as well as social cognition and social competence than students who applied but were not admitted (Lillard et al. 2017; Lillard 2019). One of the indicators of social competence used is particularly interesting for the argument of this chapter:

> Social competence was measured more directly with stories from the Rubin's Social Problem-Solving Test—Revised (Rubin 1988); a different story was used each year, and scoring was modified to home in on the maturity of social competence revealed in children's responses. In these stories, one child has a coveted resource (like a swing) that another child really wants, and children need to come up with strategies the focal child could use to obtain the resource; responses like "I would ask her to share for 10 min then she could have it for 10 more minutes" are considered highly competent, whereas "I'd tell the teacher" or "I'd say please, please, please" are not. (Lillard et al. 2017)

Montessori environments at higher levels also involve students in low and high ropes cooperative activities, in collective planning of complex activities like running a business or designing and executing class trips, and in involvement in service learning volunteerism and internships outside of the classroom.

Highly complementary to Montessori, especially at the middle, high school, and college levels, is a pedagogical approach called "Socratic Practice," articulated by Michael Strong (1996) in his book *The Habit of Thought: From Socratic Seminars to Socratic Practice*. In Socratic Practice students practice virtues of intellectual and moral autonomy on a daily basis by working together to make meaning of conceptually difficult, but rewarding texts.[9] In Socratic Practice, students face each other in a circle, ask questions of the text and of each other, make hypotheses about what the text means, and exchange reasons and evidence for their claims. The texts present novel conceptual worlds that help students think more deeply and more clearly about topics they tend to care about: What is just? What is real? What are the proper roles of conformity vs. individuality? How should I live my life? They also spend a significant amount of conversation connecting the ideas and issues of the text to their lives to give energy to their conversations and make meaning of the texts in question.

In Socratic Practice, the guide does not tell students what to think or how to interpret the text, but may ask questions that reveal interesting points to be explored or even coach students in learning strategies to be able to figure out what the text is saying. Socratic Practice should not be confused with "Socratic" conversations in which the teacher has a definite conclusion in mind he wants the students to reach and tries to get them there with clever or manipulative questions. Nor should Socratic Practice be confused with conversations in which people merely express unexamined or unquestioned opinions or where "all opinions are equal." While open ended, Socratic Practice is task oriented. Participants are expected to support their assertions with argument and use reason and evidence from the text to discipline their own and others' interpretations and judgments. In a Tocquevillian spirit, the guide creates an environment that helps students discover their own individual weakness in the face of the task (making sense of a difficult text) and the need to collaborate to figure it out. "Sentiments and ideas renew themselves, the heart is enlarged, and the human mind is developed … by the reciprocal action of men upon one another" (Tocqueville 2000, p. 491).

Finally, unlike many forms of classroom conversation, Socratic Practice students engage in systematic reflection on the dynamics of their group

[9] Although the central model of Socratic Practice is to practice making meaning of difficult verbal texts, the subject can include anything from a painting, to a movie, a cooperative game, a mathematical proof or scientific experiment, to the internal workings of a machine.

process and generate an evolving set of norms and rules for themselves. Students are constantly invited to practice, reflect on, and refine the intellectual and moral habits conducive to reasoned, shared-inquiry dialogue. Regular debriefs about their attempts to reason clearly together and to cooperate invite students to try to make the hidden curriculum of the culture in their environment explicit. They reflect on their experiences in order to continually reformulate norms and standards for themselves based on what tends to facilitate and what tends to frustrate productive conversation and cooperation.

Ultimately, Socratic Practice is the daily modeling and practice of a certain idealized culture of inquiry in which people cooperate with equals in a common search for standards of truth, beauty, and the good.

> Socratic Practice is a means of passing on the foundations of the Western intellectual tradition: Socratic inquiry as a way of life and Socratic dialogue as a norm of social interactions…As Socratic dialogue becomes the norm of interaction, people may learn to create authentic communities which are consistent with democracy and intellectual progress. (Strong, p. 34)

Socratic Practice thus fits Vincent Ostrom's (1997) notion that resisting democratic despotism requires the common pursuit of ideals and solutions that transcend strategic pursuit of any narrow, preconceived idea of self-interest. Ostrom thinks that "[c]ivic education broadly construed is concerned with developing a culture of inquiry" (p. 219).

Montessori and Socratic Practice guides are the opposite of Tocqueville's "schoolmasters" who rob students of responsibility and initiate a vicious cycle leading to democratic despotism. Rather than robbing students of responsibility, Montessori and Socratic Practice guides continually invite students to identify the resources available to them and to use their own judgment to solve their own problems, to be autonomous, to make rules for themselves and reflect on the consequences of their actions, while providing an environment that invites them to explore the elements of culture that may be valuable to progress in human life and civilization.

Montessori and Socratic Practice can often be seen as investments in student attitudes and skills that must be traded off against "covering content" early on. But with time, students versed in self-direction and the skills of Socratic Practice tend to demonstrate greater skills, self-motivation, and ability to work together without an intellectual authority to understand any text, lecture, or to explore any question. Such atti-

tudes and abilities greatly facilitate the transfer of content later on (Strong, pp. 14, 21). In contrast to the hidden curriculum described by Gatto above, Strong (1996) writes:

> Once learners understand the learning process as a matter of constructing their own meaning, acquiring knowledge becomes a fundamentally different process. At present, students experience school as a situation in which they try to incorporate someone else's ideas into their existing understanding by means of memory. … [But] As individuals construct their own understanding, instead of accepting the understandings provided by authorities, they find themselves in dialogue with all texts, all ideas, all experience, all of reality. This is empowering, exciting, invigorating work. (p. 14)

Pedagogy as Part of a Tocquevillian Political Economy

The Prisoner's Dilemma illustrates how self-seeking, strategic conduct can lead to tragedies unless the power of human intelligence, cooperation, and virtue can be called upon to transcend the constraints leading to such social dilemmas (Ostrom and Ostrom 2014, p. 251). Yet orthodox economic reasoning too often constraints itself to a core model of instrumentally rational agents (automata) trapped within a framework of given preferences, given means, and given rules. One might describe such agents as "rational fools" (Sen 1977) incapable of learning beyond the acquisition of information. Intelligent political economy, as Vincent Ostrom conceived it, however, must push the envelope of non-market decision making to include forms of epistemic choice that transcend the narrow forms of strategic behavior that result in social dilemmas (p. 243).

> [If] other aspects of the political economy of life are excluded from the focal attention of inquiry and swept into the background. … If attention is given only to preferences, there is a danger that the 'whole moral and intellectual condition of a people' will be reduced to 'intellectual dust,' as Tocqueville asserted. (Ostrom and Ostrom 2014, p. 252)

Similarly, Elinor Ostrom expressed that she wished to address her science, not to the metaphor of prisoners trapped in a dilemma, but as individuals capable of talking, cooperating, and changing the rules under which they are governed (Ostrom 1990, pp. 6–7). Ostrom's metaphor, of

course, parallels the distinction between the forms of life Tocqueville observed in Sing Sing and associational life in America, respectively. Educators interested in Tocquevillian self-governance might revolutionize how pedagogy is conceived in analogous terms.

Tocqueville's and the Ostroms's vision of political economy suggests the need for a liberal education of human intelligence, language, communication, truth seeking, and cooperation that transcends mere obedience to experts, memorization, and strategic behavior within given rules. Such an education must cultivate the intellectual and moral virtues that promote initiative, inquiry, sympathy, and peer communication and cooperation beyond a preconceived self-seeking and narrow sense of rationality—not only through reforming the content of education to include the ethics, economics, and political science needed for self-governance, but also through the modes of interaction practiced within the little model society of the classroom itself.

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CHAPTER 9

Alexis de Tocqueville's Citizenship: A Model of Collective Virtue

Maura Priest

Introduction

This paper describes a virtue I will call "citizenship." The virtue itself is based on what Alexis Tocqueville describes in *Democracy in America*. Tocqueville himself, however, does not use the specific term "citizenship." Nor is there an extended discussion of any one particular virtue in his writings. Indeed, in one of the few pieces of scholarship specifically addressing Tocqueville on citizenship, Doris Goldstein notes that

> [m]uch of recent Tocqueville scholarship has tended either to select one of the major works or one clearly defined time span for intensive examination, rather than to trace the development of a particular idea or cluster of ideas throughout his writings. The latter approach may prove useful, however, in uncovering the role of some of those subordinate motifs which are encountered again and again, only to be swept away each time by the exigencies of Tocqueville's dominant theme: the problem of maintaining a good society in the midst of rapidly increasing democratization. (Goldstein 1964: 39)

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Goldstein and I agree that one of the "subordinate motifs" that arises repeatedly throughout *Democracy in America* is the virtue of citizenship. Unlike Goldstein's publication, however, this paper will explore the perspective of contemporary virtue ethics.

Since there is no extended discussion on citizenship, this paper is based on various brief discussions throughout Tocqueville's famous text. The theme of these is certain *dispositional traits*, which are traits that dispose Americans to aid their community and community members. Because modern virtue ethics also understands virtues as dispositional traits, Tocqueville's discussion smoothly lends itself to interpretation in terms of virtue theory.

While there is an important sense in which Tocqueville's musings on American behavior fit well with contemporary virtue theory, there is an even more important sense in which it *departs* from this tradition. Indeed, my main focus in this chapter will explain how Tocqueville's "citizenship" is a virtue that can be understood as distinct from those described in both classic and contemporary virtue theory.

There are a number of important nuances (that Tocqueville perhaps ironically describes very casually) to the virtue of citizenship that set it apart from other virtues like courage, temperance, and generosity. The critical difference, however, is the way in which citizenship does *not* make the *virtue holder* a better person (or at least not always or necessarily) but rather improves the character of *the republic*. We can think therefore of Tocqueville as describing a *collective virtue*.

Discussions of collective virtue in the virtue theoretic literature, these discussions are limited.[1] What is important about citizenship is not so much the virtue itself (although this is of interest), but the mereological features that might be applied to other collective character traits. In learning about the collective virtue of citizenship, we learn about collective virtues themselves. Not only do we learn what conditions define collective virtue, but we learn how a collective entity might encourage the development of all kinds of virtue by shaping the habits of its members. In this way, philosophical virtue ethics can use Tocqueville's citizenship as an opportunity to expand their very field of study. Some virtues traditionally ascribed to individuals can be examined in respect to collectives. Moreover,

[1] Interestingly, there has been far more discussion on collective or group virtue in other disciplines than in philosophy. Discussions include Clowney (2014), Leach et al. (2007), Reicher et al. (2008). In philosophy, discussions of group virtue can be found in Kvanvig (1992, 2007).

there might be some virtues that are *entirely absent* from *individual* members of a collective, but can nonetheless manifest in the *collective level at large*. Citizenship itself seems a trait that can be potentially manifest in both individuals and collectives. Whether or not citizenship is *a virtue* when manifest in individuals, however, is contentious. This paper will not debate that point, but only claim that (1) when manifest at the collective level it is, indeed, a virtue, and (2) understanding the trait as a trait of collectives fends off many criticisms that might apply when the trait is understood as a feature of individuals. Both (1) and (2) leave open whether or not the individual trait of citizenship is a virtue, vice, or something in between. That being said, the structure of collective citizenship highlights that not all *collective* virtues need be fit for *individual* virtue.

Although this paper is most focused on the structure and methodological features of citizenship, the importance of the particular collective virtue itself is not overlooked. Interestingly, the methodological features that Tocqueville ascribes to citizenship can help demonstrate why this characteristic is indeed a collective *virtue* and not a vice. More specifically, citizenship can be considered in light of various criticisms of patriotism and nationalism. I will argue that when citizenship is considered as solely an individual virtue, these criticisms go much further than when we consider it in the proper light, that is, as a virtue of collectives.

What Is Citizenship?

As mentioned, there is no specific place in which Tocqueville discusses citizenship, nor does he even use this word. So, what then, does Tocqueville discuss and why do we equate this with citizenship? The parts that weave together to form what I consider a dispositional virtue of citizenship are sections in which Tocqueville discusses the following:

1. The willingness of Americans to help one another.
2. The willingness of Americans to make sacrifices for the communal good.
3. The willingness of Americans to participate in political life.
4. The willingness of Americans to work together for a common goal.

During discussions on a vast array of topics throughout *Democracy in America*, these traits arise again and again. To clarify, I will not focus on *ethical criteria* for two reasons (i.e. whether or not (1)–(4) are actually moral

traits). First, I think it is uncontroversial that the willingness to help community members is virtuous rather than vicious. And more importantly, what stands out about Tocqueville's discussion of citizenship is not so much the virtue itself, but the structure of the virtue that can be applied not only to citizenship but also to many other virtues which are fitting to a collective.

Collective Virtue: Dispositional and Dynamic

Before discussing the above characteristics further, let me briefly take a step back and start with an analysis of two critical methodological features of Tocqueville's account, that is, that citizenship is (1) dispositional, and (2) that it is manifest in a dynamic process between individual behaviors, group action, individual motives, social norms, and collective institutions.

Let us begin with some greater detail concerning the features of dispositional virtues. The idea goes back as far as Aristotle, and is based on the notion that character traits are not so much grounded in how people *actually* behave, but rather in how they are *disposed* to behave.[2] A person might be courageous, for example, yet rarely engage in courageous acts because the proper circumstances do not arise. Part of what it means, after all, to have a virtue is to know the specific situations which call for its exercise.[3] If these situations do not arise, then there is no need to exercise the virtue. What matters is that *should* the circumstances arise, one would act as required. In other words, what matters is that one is *disposed* to act in a certain way. Courageous persons are disposed to face great fears, generous persons are disposed to share, and temperate persons are disposed to withstand hardships.

In various sections in *Democracy in America*, Tocqueville describes the way in which Americans are disposed to help one another and participate in activities that promote the good of the union. In the following quote, it is clear that Tocqueville is not describing mere behavior but rather a dispositional trait:

> I must say that I often saw Americans make great and genuine sacrifices for the public, and I remarked a hundred times that, *when needed, they almost never fail to lend faithful support to one another.* The free institutions that the

[2] Nicomachean Ethics, Book IV: Chapter 5.

[3] Aristotle calls this kind of judgment "practical wisdom." It is discussed in Nicomachean Ethics, Book VI.

> inhabitants of the United States possess and the political rights of which they make so much use recall to each citizen constantly and in a thousand ways that he lives in society. At every moment they bring his mind back toward the idea that the duty as well as the interest of men is to render themselves useful to those like them. (2000: 488) (emphasis added)

There is a lot of importance in the above quote, but for now, let us focus on the dispositional aspects. First, Tocqueville remarks that, "when needed," Americans are always there to help one another. The "when needed" suggests that Americans might hold back their help in certain instances, but that they are always disposed to help when to do so is in response to a genuine need. Second, Tocqueville discusses the way in which American institutions serve as reminders of one's moral duty to serve society. This is dispositional insofar as reminders keep citizens consistently disposed to do what is right. We see that important parts of the collective itself, that is, the institutions which make up the United States, play a critical role in creating a reliable disposition. Hence, we see both that Americans are disposed to help one another, and also that this disposition is not only collective in the way it is exercised (for the sake of the collective, by a sufficient number of the collective for Tocqueville to use the general term, "Americans"), but also in the way that it is maintained (via institutions, i.e. organizations that are part of the collective itself).

When discussing virtues at a collective level, it matters not only that an individual acquires a disposition to help the collective, but that the habits by which he acquires it are *intertwined with the institutions of the collective*. Tocqueville claims that America's "free institutions" "recall to each citizen constantly and in a thousand ways that he lives in society." Hence, America's institutions serve as reminders which help Americans develop good habits. This brings us back to Aristotle, who argued that acquiring virtue demands *habituating* oneself by performing certain actions again and again. In Aristotle's words, "For the things we have to learn before we can do them, we learn by doing them, e.g. men become builders by building and lyre players by playing the lyre; so too we become just by doing just acts, temperate by doing temperate acts, brave by doing brave acts" (Aristotle 2000, Book II, Chapter I). Tocqueville gladly admits to this part of the process but adds that collective institutions play a role in encouraging citizens to continue to act, that is, in encouraging citizens to habituate themselves.

Collectives, of course, are made up of individuals. Hence, it is impossible to discuss virtues of collectives without exploring features of individuals. As a result, it can sometimes be hard to discern whether a given characteristic is a feature of the group or of the group's members. Furthering complicating matters, it is also possible for both groups and group members to possess the same virtue. A generous collective might also have generous members, even when the two do not reduce to each other. Other times a group might have a given virtue even if the members of the collective do not. In this regard, Tocqueville's writings support two claims: (1) there are certain instances in which the evidence strongly supports the presence of a group virtue; and (2) during the time Tocqueville wrote *Democracy in America*, there was strong evidence that citizenship was a collective virtue of this kind. (Whether America still possesses this virtue is a separate issue, but the larger point is that it would, in theory, be possible for America or any nation state to possess it.)

Tocqueville seems comfortable with the following claim: collective virtue is dependent upon the individual behaviors, beliefs, and attitudes of the collective's members. Nonetheless, what makes it a *collective* virtue is the following: *features of the collective are intertwined with, and thereby explain the consistent display of the virtue amongst the group as a whole.* In other words, that a significant number of group members (and perhaps group institutions) are disposed to a specific virtue cannot be explained by coincidence or any common cause divorced from the group itself.

Suppose a large collective, consisting of hundreds of thousands, boasts that 90% of individual members are saving more money this year than last. First, it seems likely there is a common cause involved and that matter is not mere happenstance. Second, it also seems likely that this common cause is not merely a molecule in the air, but rather a change in political legislation or social norms. In other words, the cause can be traced back to the group.

We could also imagine a theoretical nation where every member is *privately committed* (i.e. not because of social norms, etc.) to selflessly vote for the common good even against individual needs. However, this seems incredibly unlikely, and even more unlikely that this pattern would coincidently hold over time. If something like this *did*, however, happen by chance, then this would not signify a collective virtue, but rather a collection of individuals acting virtuously.

Reflecting the notion that collective actions can be traced to social norms and shared cultural values and their influence on the group,

Tocqueville explains how collective citizenship arises with the aid of structural features of the United States, for example, interaction between local and national governments, social norms that encourage certain traits and behaviors, and a cultural commitment to morality and religion. Tocqueville's claim is that insofar as individual citizens possess traits that benefit the collective, such traits are dependent upon these special features of the collective: social norms, cultural commitment, and governmental structures. The aforementioned are all features of collectives, not individuals, as an individual does not and cannot make up a culture.

This brief discussion on the way the collective and individuals enter a dynamic process that results in virtue, is the crux of this paper: collective virtues, while requiring individual efforts, are manifest in a collective body, moreover, the collective body is crucial to the development of the virtue. In other words, individuals are merely the mechanism by which the collective acts. To have collective virtue, a group of individuals behaving virtuously is not enough; one needs collective institutions, norms, and values to encourage group virtue. Such encouragement might or might not motivate *individual* virtue, but regardless, when looked at collectively the trait is undeniably virtuous. This brings us to our next discussion: the role that *individual self-interest* plays in citizenship. Self-interest, when considered at the individual level, is rarely considered virtuous, but we will see Tocqueville make the case that what some might understand as an individual vice is nonetheless a collective virtue.

Self-Interest and Citizenship

Tocqueville was well aware that self-interest was not traditionally considered virtuous but rather the opposite (vicious). Indeed, he himself seemed to struggle with the notion that self-interested behavior could be considered ethical, despite the good results he believed befell the nation. Consider this quote:

> Americans, on the contrary, are pleased to explain almost all the actions of their life with the aid of self-interest well understood; they complacently show how the enlightened love of themselves constantly brings them to aid each other and disposes them willingly to sacrifice a part of their time and their wealth to the good of the state. I think that in this it often happens that they do not do themselves justice; for one sometimes sees citizens in the United States as elsewhere abandoning themselves to the disinterested and

> unreflective sparks that are natural to man; but the Americans scarcely avow that they yield to movements of this kind; they would rather do honor to their philosophy than to themselves. (Tocqueville 2000: 502)

Above, Tocqueville remarks that Americans are not giving themselves enough moral credit, insofar as they attribute their altruistic motivations to nothing other than enlightened self-interest. This suggests that Tocqueville cannot, himself, fully accept that self-interest is morally admirable. What we will see, however, is that even if self-interest as manifest *in the individual* is not virtuous, it can still be virtuous as manifested via *a collective*.

Although Tocqueville was skeptical about individual virtue manifested through self-interest, he nonetheless admired the way in which Americans used the natural human disposition toward selfishness to achieve selfless ends. In a matter of fact style, Tocqueville claims that an American "obeys society not because he is inferior to those who direct it or less capable than another man of governing himself; he obeys society because union with those like him appears useful to him and because he knows that this union cannot exist without a regulating power" (2000: 61–62). But can a society motivated not by what is good, but rather what is useful, still be successful? It seems it can be, and not merely successful but *ethically* successful. Tocqueville has this to say:

> Among the Americans, the force that administers the state is less well regulated, less enlightened, less skillful, but a hundred times greater than in Europe. There is no country in the world where, after all is said and done, *men make as many efforts to create social well-being*. I do not know a people who has succeeded in establishing schools as numerous and as efficacious; churches more in touch with the religious needs of the inhabitants; common highways better maintained. One must therefore not seek in the United States uniformity and permanence of views … what one finds there is the image of force … full of power; [the image] of life accompanied by accidents, but also by movement and efforts. (2000: 87–88) (emphasis added)

Tocqueville describes the American system not only as successful, but successful insofar as efforts are fostered toward "social well-being." Self-interest as manifest in the collective of Americans results in social institutions that benefit the nation and the nation's citizens.

In many ways America seems a contradiction. There is a sense in which Americans are obsessed with material wealth and their own enjoyment.

Tocqueville notes that "[i]n America the passion for material well-being is not always exclusive, but it is general; if all do not experience it in the same manner, all do feel it. The care of satisfying the least needs of the body and of providing the smallest comforts of life preoccupies minds universally" (2000: 506). In spite of this drive for material wealth, there is an even more important sense in which Americans seeking earthly pleasures is intertwined with acting cooperatively with one's fellow community members. Not long after describing the obsessive materialism of Americans, Tocqueville qualifies his remarks with the following:

> The particular taste that men of democratic centuries conceive for material enjoyments is not naturally opposed to order; on the contrary, it often needs order to be satisfied. Nor is it the enemy of regular mores; *for good mores are useful to public tranquility and favor industry.* Often, indeed, it comes to be combined with a sort of religious morality; one wishes to be the best possible in this world without renouncing one's chances in the other. (2000: 509) (emphasis added)

Far from saying that Americans' love of comfort is harmful to the collective interest, Tocqueville makes the case that because Americans desire material pleasures, they also want and strive for what is in the collective's best interest. The catch, of course, is that a society in which its members can live a life of material comfort is also a peaceful and productive society.

What seems the most interesting aspect of Tocqueville's discussions on enlightened self-interest is the way in which self-interest is both deeply individualistic and yet *also* collectively virtuous. It is deeply individualistic in the following ways. First, it stems from the American belief that each man is his own master, and as such, he has no right to control any other man, but nor do other men have any rights over him. Or, in Tocqueville's own words:

> As in centuries of equality no one is obliged to lend his force to those like him and no one has the right to expect great support from those like him, each is at once independent and weak. … His independence fills him with confidence and pride among his equals, and his debility makes him feel, from time to time, the need of the outside help that he cannot expect from any of them. (2000: 644)

We see that the individualism and egalitarian nature of Americans lead them to believe that they owe nothing to other men, nor is nothing owed

to them. But how then, could a country made up of persons who owe nothing to one another not only work together cooperatively, but do so consistently? Indeed, cooperation is just the beginning—Americans also go out of their way to help fellow Americans in trouble, and to participate in the social community through politics. Tocqueville insists that not only is self-interest not opposed to this American sense of community, but rather i*t is what fuels and maintains it.* Americans are motivated to help one another because it is in their interest to do so:

> He obeys society not because he is inferior to those who direct it or less capable than another man of governing himself; he obeys society because union with those like him appears useful to him and because he knows that this union cannot exist without a regulating power. In all that concerns the duties of citizens among themselves, he has therefore become a subject. In all that regards only himself he has remained master. (2000: 61–62)

Tocqueville knew that Americans were not simply self-interested, but that their self-interest was enlightened, and it is this enlightenment that bridges the gap between what might seem like a vice of selfishness (acting in accordance with one's own preferred ends) and the collective virtue of citizenship. Good citizens are enlightened, and know that by helping their community they only help themselves. In Tocqueville's words, "Americans, on the contrary, are pleased to explain almost all the actions of their life with the aid of self-interest well understood; they complacently show how the enlightened love of themselves constantly brings them to aid each other and disposes them willingly to sacrifice a part of their time and their wealth to the good of the state" (2000: 502). Since there is no Aristocracy ruling the community, all that is left is for the people to rule themselves. Hence recognizing that a refusal to participate in communal life will only lead to chaos, Americans see it as both wise and good that they do their part.

So far we have discussed two seemingly contrary aspects of citizenship. First, there is the self-interested motivation of the citizens themselves. Looking at traditional moral philosophy, it is hard to see how anything motivated by self-interest could lead to virtue. For example, if you look at two of the most influential moral theories in Western philosophy, Kantianism and consequentialism, fundamental to each is the idea that an individual should not count himself or herself as greater than any other individual. Another major moral theory, contractualism, is based on the idea that an individual's own interests must be balanced

against what others might agree fits their interests. Virtue ethics might seem to fit better with self-interest, although virtue ethicists themselves have denied accusations of egoism.[4]

The key to having self-interest work in a virtuous way is the disposition which self-interest creates in Americans: the disposition to *help* their community rather than to help only oneself. This comes with enlightenment. When virtue is explored in terms of the whole nation rather than individuals, we see that self-interested individuals create a nation that is always ready to work for the common good.

Self-interested persons on their own are not enough to create a virtuous society. After all, persons are self-interested everywhere, but it is specifically in America where self-interest results in collective good, and this is the second aspect of citizenship, which relies on the right types of institution. In encouraging certain habits, institutions encourage virtue in their citizens. Hence self-interested persons, with the right influence from institutions, somehow become "occupied with the general interest." Tocqueville claims that

> [t]he free institutions that the inhabitants of the United States possess and the political rights of which they make so much use recall to each citizen constantly and in a thousand ways that he lives in society. At every moment they bring his mind back toward the idea that the duty as well as the interest of men is to render themselves useful to those like them; and as he does not see any particular reason to hate them, since he is never either their slave or their master, his heart readily leans to the side of benevolence. One is occupied with the general interest at first by necessity and then by choice. (2000: 488)

It is not by chance that Americans consider it to be in their best interest to help one another. The norms, laws, and institutions of America are necessary components that make this possible.

Making Virtue Work: Institutions, Culture, and Principles

Egalitarianism

What exactly are the features of America and American institutions that render self-interest conducive to virtue, that is, the virtue of citizenship? Tocqueville tells us that Americans are constantly reminded that they need

[4] See Annas (2009), Toner (2006, 2010).

to work together, but how do these reminders work? Tocqueville focuses on three key features of American life. The first is *egalitarianism*, which returns time and time again as central to Tocqueville's vision of the American experience and plays a unique role in the virtue of citizenship. One reason that Americans are so driven by self-interest is that they feel they hold no obligation to others. Unlike in an aristocracy, Americans are not beholden to royalty and since Americans live life on an egalitarian playing field, they are also not beholden to each other. As Tocqueville explains:

> As in centuries of equality no one is obliged to lend his force to those like him and no one has the right to expect great support from those like him, each is at once independent and weak. These two states, which must neither be viewed separately nor confused, give the citizen of democracies very contrary instincts. His independence fills him with confidence and pride among his equals, and his debility makes him feel, from time to time, the need of the outside help that he cannot expect from any of them. (2000: 644)

We see therefore that it is only natural that Americans concern themselves with … well … *themselves*. After all, since all Americans are equal, no American owes anything to a higher authority. But on the same grounds, nor does any American owe their fellow common American any act of reverence nor charity and by extension, no individual American is, himself, owed anything from any other American. Americans know it is within their liberty to ignore, but also within the liberty of others that they *be ignored*. This then, at first glance, leaves only themselves, that is, each American left to his or her own self-interest. Notwithstanding this, the quotes above make clear that Tocqueville was sure that he witnessed what might be considered a paradoxical result: Americans were indeed motivated to be benevolent and cooperative with one another, for that, after all, is the only way to expect any benevolence and cooperation in return.[5] As the quote below shows, something similar motivates Americans to participate in political life:

[5] Although Tocqueville repeats many times that self-interest motivates Americans to act in communal ways, he does admit there is more to the story: "It would be unjust to believe that the patriotism of the Americans and the zeal that each of them shows for the well-being of his fellow citizens have nothing real about them. Although private interest directs most human actions, in the United States as elsewhere, it does not rule all" (2000: 488).

> Americans see in their freedom the best instrument and the greatest guarantee of their well-being. They love these two things for each other. They therefore do not think that meddling in the public is not their affair; they believe, on the contrary, that their principal affair is to secure by themselves a government that permits them to acquire the goods they desire and that does not prevent them from enjoying in peace those they have acquired. (2000: 517)

Self-interest is the simple answer that explains Americans' communal spirit not only toward one another, but also toward politics and public engagement and it is only because of egalitarianism, that this participation in public life makes sense at all. All citizens have the same power in political life, and hence each is motivated to participate because he knows that his political action can make a difference. In the aristocracies of the old world, citizens could not be assured that political action would have any influence.

Digging deeper into Tocqueville, at times offhanded commentary shows a more complex picture. It is not merely that Americans know that society must be governed by someone in order to remain peaceful (although this is part of the picture). The other point of interest is that Americans *identify* with the collective that is itself America. This brings us to the second feature of American norms and institutions which encourage citizenship.

Identification

There are two ways in which self-interest might be compatible with communal self-sacrifice. Both are important parts of citizenship. The first is instrumental: by engaging in public life and creating better institutions for the nation, one thereby creates better institutions for oneself. Once those institutions are in place, citizens can make use of, and benefit from, the same. This (which has already been discussed above) is instrumental benefit for it is not merely in having great institutions that a citizen benefits, but it is in making use of them oneself. Yet there is another way to look at this same phenomenon. Imagine that an American, let us call him "Sam," joins one of Tocqueville's prized "associations" in order to build a highway.[6] Suppose that this highway will benefit the country in numerous

[6]While we have yet to discuss as much in this paper, Tocqueville argues at length that one of the hallmark features of American life is the tendency of Americans to come together and build associations for cooperative endeavors. Consider, for instance, the following quote: "It often happens that the English execute very great things in isolation, whereas there is

ways. However, the highway is of no personal value to Sam; he will never use it personally, nor will any loved ones. Prima facie, it would seem as though Sam is engaging in an act of pure selflessness. He, after all, is not benefiting from the highway. But Tocqueville would tell us that this is incorrect.

Tocqueville can explain Sam's supposedly selfless act in terms of self-interest. The highway, after all, *does* benefit America. And Sam is himself an American. Because Sam's identity is wrapped up in America, he personally benefits whenever America benefits.[7] When self-interest is understood in this light, it becomes much easier to see how virtue can be compatible with a characteristic (seeking one's own good) that is traditionally viewed as a vice. When a collective manages to create an environment in which members see the collective's benefit as their own, then there emerges a direct, and as Tocqueville describes, inexorable link between self-interest and the collective good. This, Tocqueville argues, is exactly the kind of environment that America itself projects:

> In the United States the native country makes itself felt everywhere. It is an object of solicitude from the village to the entire Union. The inhabitant applies himself to each of the interests of his country as to his very own. He is glorified in the glory of the nation; in the success that it obtains he believes he recognizes his own work, and he is uplifted by it; he rejoices in the general prosperity from which he profits. He has for his native country a sentiment analogous to the one that he feels for his family, and it is still by a sort of selfishness that he takes an interest in the state. (2000: 90)[8]

scarcely an undertaking so small that Americans do not unite for it. It is evident that the former consider association as a powerful means of action; but the latter seem to see in it the sole means they have of acting" (2000: 490).

[7] Tocqueville also makes clear that a sense of identity with one's country means not only taking joy in its successes, but also feeling indigent when one's country is criticized, "The American, taking part in all that is done in this country, believes himself interested in defending all that is criticized there; for not only is his country then attacked, he himself is" (2000: 226–227).

[8] Because Tocqueville compares citizens' relation to their country to a relationship with family, it is apt to note that Tocqueville also explained love of one's family in terms of selfishness. He wrote: "What is called family spirit is often founded on an illusion of individual selfishness. One seeks to perpetuate and in a way to immortalize oneself in one's remote posterity. Whenever the spirit of family ends, individual selfishness reenters into the reality of its penchants" (2000: 49).

Tocqueville describes a sense of national identity, via self-interest, that motivates what might otherwise seem like completely selfless action. Indeed, this sense of identity is still seen in the United States today.[9] While other countries also identify with their nation, there seems something distinct about the way Americans did and continue to relate to their country. Consider, for instance, a recent National Review article that discussed the difference between European and American patriotism: "In Europe, we treat our patriotism very differently. Flag-waving is regarded with suspicion" (Wilson 2017). Americans, of course, are not afraid to wave their flag. But what is perhaps the most interesting aspect of American pride (patriotism or sense of identity) is that it is often completely divorced from what might benefit the proud actor and their personal actions. It is simply founded in the belief that what happens to one's country also happens to one's self.

We see that there are at least two ways in which a collective, in this case, the United States, manages to merge its own interests with the interests of its citizens. The first is through egalitarian institutions: because Americans see one another as equals, they also see the need to play their part in the creation of laws, norms, institutions, and associations that benefit the whole. Unlike in an aristocracy where institutions and laws often benefit the elite alone, in a true egalitarian society all citizens have the opportunity to take advantage of social goods and services.

The second sense in which America contributes to the formation of virtue in its citizens is through norms and institutions which instill in Americans both pride and identity. Actually, the pride follows from identity: because Americans internalize accomplishments of the nation as their own accomplishments, they thereby also feel pride in these accomplishments.

Republicanism

In addition to egalitarianism and identification, there is a third key methodological feature of citizenship, namely republicanism, the way in which

[9] On one hand, the number of Americans who claim to be "extremely proud of their country" is at a record low, 47%. However, when looked at in its entirety the vast majority of Americans are still proud to be Americans. As mentioned, 47% are "extremely proud," 25% "very proud," and 16% "moderately proud" (Jones 2018). Eighty eight percent of Americans express pride in their country. This is a large number, especially considering that the overwhelming majority of Americans have never held office or served in the military.

the United States gains support through the nation via the townships.[10] Republicanism is connected to egalitarianism, self-interest, and national identity and we will delineate first the relevant sense of republicanism at play in this article. What seems to interest Tocqueville most is the sense in which the townships were wisely provided with a fair amount of both autonomous authorities to direct their own affairs and an established national authority, that is, townships were granted the needed respect to be taken seriously in aiding the direction of national governance. Consider what he says below:

> The township and the county are not constituted in the same manner everywhere; but one can say that the organization of the township and the county in the United States rests on this same idea everywhere: that each is the best judge of whatever relates only to himself, and is in the best position to provide for his particular needs. The township and the county are therefore charged with looking after their special interests. The state governs and does not administer. (2000: 77)

As Tocqueville describes the relationship of townships to the national government, one cannot help but think of the relationship of Americans to each other. Earlier we saw that Americans took place in public life, in part because the egalitarian nature of America encouraged it. Because Americans saw themselves as above and below no one, it is up to them to act in their interests. Something similar arises in the spirit of Republicanism. Townships need not think of themselves as servants to the national government, but rather that they are to work with the national government as a means of promoting their own interests.

If Americans had no means of participating in townships, and had to instead participate in politics nationally, Tocqueville seems assured that they would lack the "public spirit" and patriotic feeling that so efficiently develops at the local level. Because Americans are self-interested, they clearly have a greater interest in what happens around them, than in what occurs thousands of miles away. Tocqueville describes this republican spirit as follows:

> It is in fact incontestable that in the United States the taste for and usage of republican government are born in the townships and within the provincial

[10] More work on Tocqueville and townships can be found in Allen (1998), Gannett (2003), Winthrop (1976).

> assemblies. In a small nation like Connecticut, for example, where the opening of a canal and the laying out of a road are great political affairs. … Now, it is this same republican spirit, these mores and habits of a free people, which, after having been born and developed in the various states, are afterwards applied without difficulty to the sum of the country. The public spirit of the Union itself is in a way only a summation of provincial patriotism. Each citizen of the United States so to speak carries over the interest that his little republic inspires in him into love of the common native country. In defending the Union, he defends the growing prosperity of his district … all things that ordinarily touch men more than the general interests of the country and the glory of the nation. (2000: 153)

The example of the resident of Connecticut, caring more for a canal that opens in his own town than one on the other side of the nation, highlights the self-interest he has in creating a better life for himself, (and suppose this better life includes a canal) fuels his participation in the town square. Egalitarianism plays a role here as well. Because Americans see themselves as one among equals, they are both willing to engage their own efforts in local political life, and they are also willing to participate with others who are doing the same. If Americans saw themselves as above their contemporaries, they would be resistant to bending down and working with their inferiors. On the other hand, if Americans saw themselves as lesser than fellow community members, they might fear that it is not their place to help direct affairs. An egalitarian community is free from such problematic possibilities.

Egalitarianism, Identity, Republicanism, and Citizenship

The natural human presence of self-interest alongside a political philosophy of egalitarianism is the perfect combination for the creation of a community that enthusiastically participates in local politics. Yet this, itself, would not be enough to create the virtue of citizenship. What is missing is the proper connection between local and national politics, and the sense of community with all Americans, located anywhere. The virtue of citizenship is a national, not a local virtue. The citizens Tocqueville describes have their identities wrapped up *not* with their township but with their *country*. The missing piece of the puzzle is the institutional structure of republicanism, where the national government takes the needs and recommendations of the township seriously. When residents of a township see that their efforts are taken seriously at the national level, they foster a sense of identity with the entire nation. This sense of iden-

tity, in turn, leads to Connecticut residents rejoicing not only in projects that benefit Connecticut but in projects that benefit another state thousands of miles away. The township's success becomes the success of the nation, and thereby any national success also belongs to the township.

Let us conclude this section by reviewing and drawing together the methodological features of the virtue of citizenship. This section discussed three features of American norms and institutions which motivate the development of this collective virtue. It is also important to remember that what explains the success of these features is that American institutions respect the natural dispositions of its self-interested citizens. Rather than trying to turn people into something they are not (e.g. selfless saints) the collective body that is America utilizes its self-interested populace to its own advantage. It does this through three separate but interrelated ways: egalitarian institutions, building a sense of identity, and via republican governance.

Egalitarian institutions are key to a populace that works together for the benefit of all. If persons saw themselves as below others, they might not consider it their duty to participate in governance at all. Seeing themselves as above others, they might be hesitant to work together with those below them in the social hierarchy. Not only is a sense of identity needed for Americans to care about what happens beyond the borders of their township, but a sense of *egalitarian identity*. It is one thing to feel empathy for Americans that one sees and works with day to day. It is another to care about those one has never, and will never, know. A strong sense of national identity solves this problem. One cares about all Americans insofar as all are a part of America, and America itself is part of one's personal identity. Lastly, the republican nature of American governance provides communal motivation on two accounts. First, because Americans know that governing institutions are not thousands of miles away, but right in their hometown, they feel they have power to make changes, and hence will gain rewards in return. Second, the township's ability to influence national government creates a sense of solidarity with the American government, as opposed to just the government of the township. In other words, republican government itself helps foster a sense of national identity.

Tocqueville, Vernon Smith, and Modern Economics

At this point I wish to draw a connection between Tocqueville's citizenship and modern economics. In particular, the similarities between

Tocqueville's description of the evolution of citizenship within the United States and the concepts of ecological and constructivist rationality made famous by behavioral economist Vernon Smith.[11] In brief: both ecological and constructivist rationality are the result of human action, both playing an important role in human and institutional evolutionary processes. The two play off each other in ways that eventually lead to the destruction of *inefficient* legal and cultural institutions, norms, values, rules, laws, and so on. The difference between them, however, is critical: constructivist rationality is the result of conscious human design, that is, the attempt of human beings to create institutions, laws, and norms that further certain kinds of human ends. Ecological rationality is unplanned human action that often, without anyone so intending, creates laws, institutions, and norms on its own accord, often overturning those that were intended via constructivist rationality.

Both ecological and constructivist rationality play a role in the development of Tocqueville's citizenship. However, it does seem that ecological rationality has more to say on the matter. Citizenship might ultimately be understood as the ecological consequence (the unplanned evolution) of the United States itself. Granted, within this evolutionary process, government officials and citizens alike made plans, but citizenship did not emerge because of them. Rather, citizenship was a byproduct of human action responding to America's laws, institutions, and norms (both planned and unplanned).

Although unplanned, citizenship is inevitably the result of human (American citizens') ideas, actions, and decisions. Tocqueville is quite clearly *not* claiming that there is any sort of conscious effort to create a nation whose populace possesses citizenship. Rather a combination of the conscious development of democratic institutions (Smith's constructivist evolution), alongside the ecological development of social norms within an American citizenry, creates (perhaps by an invisible hand) the collective virtue of citizenship. If we are to follow the general thought process associated with ecological rationality, the virtue of citizenship will remain a virtue of the collective insofar as it proves advantageous (i.e. an evolutionary success).

As mentioned many times before, one of the key features of Tocqueville's citizenship is the promotion of the common good (the good of America

[11] Smith's work on constructivist and ecological rationality is most notably described in his 2003 article and 2007 book.

and its citizens). According to ecological rationality, this feature increases the odds that the virtue will have staying power. After all, almost by definition, the common good is advantageous. Of course, even if the staying power of citizenship proves forceful, this does not imply the virtue will continue forever. There are many potential circumstances that threaten to make citizenship obsolete. The collective itself might even dissolve, and with it the collective virtue. Perhaps an increasing acceptance of cosmopolitan values would foster social norms that place worth on international commitments as opposed to national ones. World history shows that nations and cultures come and go. The virtue of citizenship may start to fall apart as the collective known as the United States starts to fall apart, that is, when the nation enters a downward spiral that could eventually result in its destruction. The destruction of citizenship (a nationally advantageous virtue) can be understood as a sign that the nation itself might be in its waning days. If we then take a step back and look at ecological rationality from a world view, as opposed to a national view, everything continues as evolutionary theory would predict. The virtue of citizenship will have played its advantageous role during the flourishing years of the United States. But perhaps the continued success of the United States was proving disadvantageous internationally and/or regarding human kind in its entirety. Hence, the destruction of the United States as a means to the broader flourishing of humankind is what ecological rationality would predict. This is not to say this is by any means a necessary outcome—perhaps both citizenship and the United States would continue to flourish. Or perhaps the United States will continue to flourish but citizenship, proving less advantageous in an international market, will evolve or disappear entirely. The end result, of course, is not something that can be planned, designed, or predicted.

Virtue Ethics

At this point in the paper, we will shift to an attempt to set the scene for applying Tocqueville's theory to contemporary virtue ethics. To do this, it is best to start with an overview of the latter.

Although *contemporary* virtue ethics is our focus, it makes sense to return to Aristotle, who introduced the concept and whose influence cannot be overlooked in modern work. As noted in Hursthouse and Pettigrove's article in *The Stanford Encyclopedia of Philosophy*, "[a]lthough modern virtue ethics does not have to take a "neo-Aristotelian" or eudai-

monist form (see section 2), almost any modern version still shows that its roots are in ancient Greek philosophy" (2018). Unlike later theorists who thought that morality was fundamentally about consequences (Mill and Bentham), or fundamentally about duty (Kant), for Aristotle, the foundation of morality is found in an individual's character.

Character, not surprisingly, is constituted by a collection of character traits. These traits can be understood (as discussed earlier) as behavioral dispositions. To use a simple example, generous persons are disposed to give of themselves to help those in need.[12] In Aristotle's words, "[w]e see that all men mean by justice that kind of state of character which makes people disposed to do what is just and makes them act justly and wish for what is just; and similarly by injustice that state which makes them act unjustly and wish for what is unjust" (Nicomachean Ethics, Book V, Chapter I). When Aristotle says "that state" he seems to be referencing an internal state of character that causes one to act in certain ways, in response to certain situations.

Dispositions, while necessary for virtue, tell only part of the story. Suppose someone wishes to be generous. Further suppose they are already disposed to give. This is not yet enough, for being generous means not being merely disposed to give, but also to be disposed to give to the right persons, at the right time, and in the right way. Let us turn to Aristotle's discussion on anger, where he tells us:

> For those who are not angry at the things they should be angry at are thought to be fools, and so are those who are not angry in the right way, at the right time, or with the right persons; for such a man is thought not to feel things nor to be pained by them, and, since he does not get angry, he is thought unlikely to defend himself; and to endure being insulted and put up with insult to one's friends is slavish. (Nicomachean Ethics, Book IV, Chapter 5)

[12] Within contemporary virtue ethics literature, the very notion of Character has come under attack by those who claim human beings lack anything resembling stable character traits. Human behavior is influenced by situations, not character, or so this line of objection goes (see Doris 1998, 2010; Harman 1999, 2009). Virtue theorists have defended the notion of character traits against these critics (e.g. see Athanassoulis 2000; Kamtekar 2004; Kristjánsson 2008). It might be helpful to note that even if virtue theory had a problem in respect to consistent dispositional behavior, there is no reason to think that group virtue would have the same type of problems. Groups do not have their own minds, and therefore are not subject to the same psychological traits as individuals.

What Aristotle says about anger is applicable to the other virtues. One must not merely be inclined to certain types of behaviors but inclined in the right way, in the right circumstances and so on. Let us return to generosity. Giving drugs to an addict, for instance, is the wrong type of giving. Giving money to charity when one should be working is to engage in giving at the wrong time. To give so much money that one cannot pay back personal debts is to give too much. The person of true generosity does not make these mistakes, for they know not only that they should give but that they should give at the right time, in the right way, and offer the right amount.

Another critical part of Aristotelian virtue ethics is the notion of the golden mean. Virtue, for Aristotle, was a means of aptly hitting the prized middle way. Most persons are disposed to go too far or too short. Every virtue, then, has two directions in which it could be made a vice. It is in hitting the middle way, that one reaches virtue.[13] Returning to generosity, many people fail by not giving enough, which (if displayed in a consistent disposition) is the vice of greed. Some others, however, are profligate: they give too much, perhaps so much that they cannot meet important financial obligations. It is only those who give of themselves, but not so much that they fail to fulfill other duties, who are truly generous; all Aristotelian virtues are of this kind, including citizenship.[14]

Collective Virtue Ethics

While much work has been done since Aristotle, it remains common to see virtue as disposition, rather than behavior itself. Many agree that virtue lies between the two extremes with vices on each end. Most also follow Aristotle, in discussing virtues typically in terms of virtues held by individuals, as opposed to collectives. At first this might seem normal. Prima facie, we think of individuals rather than collectives as having character traits. Upon reflection, however, it does seem that at least in ordinary discourse, we speak in ways that suggest groups also can possess virtues and vices. For instance, it is common to talk about major corporations like

[13] In Aristotle's words, "[h]ow far, therefore, and how a man must stray before he becomes blameworthy, it is not easy to state in words; for the decision depends on the particular facts and on perception. But so much at least is plain, that the middle state is praiseworthy" (Nicomachean Ethics, Book IV, Chapter 5).

[14] Aristotle, Nicomachean Ethics, Book V, Chapter I.

Facebook and Google as greedy or malicious. I have heard both virtues like generosity and vices like dishonesty attributed to the Catholic Church. And, of course, we can consider countries. I have heard many people call America and the UK heartless for their stand on immigration. Some of the more patriotic among us attribute traits like "creative" and "forgiving" to their country. It seems there is no shortage of instances in which we attribute character traits to groups.

Some might wonder whether the way in which talk about groups and their traits is just a matter of speaking. Perhaps groups do not really have character traits at all. Of course, whether or not groups have character traits ultimately depends on how we define such traits. As discussed, a character trait is a disposition to behave in certain ways. There seems no reason why groups cannot be disposed in this fashion. It is possible to understand dispositional states as psychological states or even brain states, and if a character trait is made up of such, it would be difficult to explain how it could be manifest in a group.

What seems most important is not whether character traits of groups have all the *same* qualities as character traits of individuals, nor whether character traits of groups are "real" traits in some platonic sense. What matters is that there is *philosophical value* in understanding groups as possessing character traits. Group traits shall be called "virtues" and "vices" not because they are identical to virtue and vice in individuals, but rather because (1) they bear important similarities to individual character traits, and (2) our language already functions as if groups had character traits. If our language functions this way, it makes sense to analyze what we mean by such talk and what function these traits serve.

Tocquevillian Account of Group Virtue and Vice

This section does not claim to explain a single way to understand group virtue; it does not even claim that this understanding is the *best* understanding. The approach taken here is more modest. In *Democracy in America,* Tocqueville delineates a *plausible* account of group virtue via his discussion on citizenship. His account is displayed through a particular methodological structure that has the potential to be modified and utilized in advantageous ways by contemporary virtue theorists. Not only is the collective virtue of citizenship itself a worthwhile contribution to the virtue theoretic literature, but citizenship can serve as a model in respect to the structure of various types of group virtue and vice.

Perhaps the most advantageous aspect of Tocqueville's description of citizenship is the way in which a collective learns to understand the tendencies of group members, and in so understanding can create systems which aid the development of group virtue. We already discussed the specific manifestations of the collective virtue of citizenship: egalitarianism, identification, and republicanism all play off each other to greatly increase the odds that the collective in its entirety will develop a collective virtue. Now, however, I want to take a step back and discuss more general circumstances.

What matters for collective virtue, in a general sense, is not the particular ways in which the collective motivates its members to develop virtue, but simply that there is this dynamic. One might prima facie think of virtue in terms of the virtues of the individual members. For instance, a collective is generous if all or at least a significant percentage of its members are also generous. But this type of account does not hold up to scrutiny. Imagine a large collective of amateur bowlers who live in Springfield, MA. Suppose that every member of this bowling club is generous. Not only does each member give at least 20% of their paycheck to charity, but they all also volunteer at least ten hours every week. Does this mean that the Springfield bowling club is generous? Not necessarily, for there is no reason to assume that any of the generous members are engaging in their giving by virtue of being a member of the bowling club. Their charity, rather, happens outside of club hours and club activities. We can even imagine that Springfield has a yearly fundraiser for the Special Olympics, and that it is custom for local sport clubs to participate. The Springfield bowling team could completely skip this fundraiser, and this despite the generosity of its individual members, the bowling club is not meeting the bare minimum in terms of standard club sport generosity.

If collective virtue is not simply the sum of the virtue of its individual members, then what is it? This is where Tocqueville and his discussion of citizenship come in. We have seen that Tocqueville argues that despite the fact that Americans are highly self-interested, they nonetheless display a spirit of communal generosity in a variety of circumstances. Three features render this type of communal spirit a group virtue rather than a collection of individual virtues:

1. Citizenship is displayed for the sake of Americans.
2. Citizenship is displayed insofar as they are Americans.
3. The collective at large (i.e. America) played a crucial role in the virtue's development.

Considering these in turn, citizenship is not merely the act of helping out one's fellow person. Rather, citizenship is displayed in helping Americans because they are Americans. Tocqueville compares this disposition with a contrasting one in "Englishmen." He notes that "[i]n a foreign country, two Americans are friends right away for the sole reason that they are Americans. There is no prejudice that repels them, and the community of their native country attracts them. For two Englishmen, the same blood is not enough: the same rank must bring them together" (2000: 541). Caring about group members simply because they are group members is one feature which makes a trait a group trait rather than some collection of individual traits: when a collection of individuals is consistently disposed to do something for the sake of the group, this dispositional tendency is best described as a group character trait.

What solidifies this aspect further is not merely doing something for the sake of the group (doing things for Americans), but doing it for the group specifically because one is oneself a group member (doing things for Americans because one is American). After all, it is possible that I do something for a group that I do not belong to. But when I do something for a group on account of being a group member, I then act not merely as an individual but as part of the group itself.

Aspect 3 listed above is a unique aspect of Tocqueville's account. Most people think of groups from the bottom up, that is, they think of the members and then of the ways in which these members acting together collectively manifests group action. Tocqueville's discussion on citizenship allows us to see that things can work the other way around. A collection can itself behave in ways that are meant to have specific consequences for the group members. This might even happen before the group really has members. Consider, after all, that many of America's legal and institutional features were drafted and discussed before the nation gained independence. The founders of the group envisioned the way in which the group's structure, institutions, and norms would influence future group behavior.

Those who create a group might create institutions that are likely to lead to virtue, or they might form the group in such a way that vice is the more likely outcome. Despite the focus on the virtue of citizenship, America also has its vices. Tocqueville discusses not only the virtue of citizenship, he also describes less flattering traits of America and Americans like materialism, which he describes in ways that are applicable not just to individual Americans, but as a spirit that is felt throughout the entire

nation, noting that "[i]n America the passion for material well-being is not always exclusive, but it is general; if all do not experience it in the same manner, all do feel it. The care of satisfying the least needs of the body and of providing the smallest comforts of life preoccupies minds universally" (2000: 506). Not only do all Americans strive for material well-being, but they do so in a manner that suggests a warped perception of material value. Tocqueville notes that

> [t]he inhabitant of the United States attaches himself to the goods of this world as if he were assured of not dying, and he rushes so precipitately to grasp those that pass within his reach that one would say he fears at each instant he will cease to live before he has enjoyed them. He grasps them all but without clutching them, and he soon allows them to escape from his hands so as to run after new enjoyments. (2000: 512)

While there is not space for greater detail here, one might argue that Americans not only possess the collective virtue of citizenship but also the collective vice of superficiality.

Citizenship Today

Having discussed the general structure of Tocqueville's collective virtue, in this section we will look at the ways it can be specifically applied. While an important feature of Tocqueville's account is the fact that it can be applied to any of a variety of collective virtues or even vices, there is no reason we should not start with citizenship. While this paper is most concerned with the structure of collective virtue, the specific virtue of citizenship is worthy itself of becoming an important contribution to contemporary virtue ethics.

We have already discussed in detail the structural aspects of citizenship. But let us briefly return and consider how these features might change if manifest in contemporary times. Do Americans still have the virtue of citizenship as described by Tocqueville? Speaking generally, this virtue is a willingness to go out of one's way to help fellow Americans and to participate in politics and communal life for the sake of the public good. In other words, citizens are those who do at minimum their part, and often go above and beyond, serving their community. It is not immediately clear to me that Americans do have this virtue. Surveys show that Americans are as divided as ever. Consider a recent article from the Pew Research Center:

> Republicans and Democrats are more divided along ideological lines—and partisan antipathy is deeper and more extensive—than at any point in the last two decades. These trends manifest themselves in myriad ways, both in politics and in everyday life. And a new survey of 10,000 adults nationwide finds that these divisions are greatest among those who are the most engaged and active in the political process. (Suh 2014)

It appears that Americans are spilt into factions, and factions hardly seem to care about the fact that we are all Americans.[15] Not only this, but America encounters a potential problem when it comes to participation in public life; many Americans do not vote or participate in politics at all.

While the purpose of this paper is not to come to any definite conclusion about the virtue of citizenship and whether or not modern Americans hold it, it is germane to our broader discussion to note that at minimum, a case can be made that the collective virtue of citizenship is no longer an apt description of Americans as such.

Suppose we accept that Americans lack citizenship. Should we go so far as to say that they actually have the corresponding vice? First, we should know which vice is under discussion. While collective virtues have certain features, which are different from individual virtues, there is no reason to think that we need to do away with the spectrum view of virtue. Hence, we can understand citizenship, like other virtues, as lying on a mean of extremes. Nations that possess the virtue of citizenship hit a desirable middle ground between two undesirable extremes. We already noted that a nation manifesting the virtue of citizenship is a nation whose members are eager to help one another, and eager to participate in public life for the sake of collective betterment. What remains, then is to reason our way into an account that can explain how one might go too far or too short in the relevant respects.

How might one go too far in helping out your community members? Likewise, is it possible to go too far in participating in public life? It seems there are a number of ways that this might come about, some of which were discussed by Tocqueville. One way of going too far, is in defending your country or country's persons in any and all circumstances. In an attempt to support one's nation in public life, we can imagine some citizens working toward supporting these war efforts and advocating for the

[15] See also Associated Press (2016).

war to continue. This would seem to be going too far. Likewise, one might blindly be willing to help a fellow country person.

If one way of taking citizenship to an extreme is supporting your country in all circumstances, even inappropriate ones, then the other extreme can be found in refusing to help. There are individuals who do not identify with their nation at all. They care neither to help their fellow country persons nor to participate in public life. One way of manifesting this type of attitude is via apathy. Apathetic citizens do not identify with their nation, and thereby do not rejoice in its successes or feel anger at its failures.

One worry some might have with any virtue like citizenship is that it will lead to, or is actually nothing but, nationalism.[16] Yet within a virtue theoretic framework, one can answer these concerns by noting that nationalism is not a middle virtue, it is the vice of an extreme—the extreme of helping one's country persons, and one's nation, no matter what. The opposite vice is a complete failure to join any communal efforts to better one's nation, or help one's fellow country persons. Neither of these extremes are virtues. And hence, nationalism is decidedly not the same as citizenship. Of course, it is possible that some nationalists will try and claim they are citizens. But this is true of most vices: persons who have vices can try to pass them off as virtues. Greedy persons can claim they are just trying to manage their money responsibly. Those who are cowards can claim they are playing it safe. And those that are indulgent will argue they just like to have fun. It should be no surprise that with the virtue of citizenship, there are also persons who will claim the virtue even though their actual trait is a vice.

Objections: Against National Impartiality

In this section I respond to two objections concerning the value of Tocqueville's notion of citizenship.[17] While the objections are distinct,

[16] Critics of patriotism might have a problem with Tocqueville's citizenship, see Dombrowski (1992), Gomberg (1990), Keller (2005), Nussbaum (1994).

[17] Rather than respond to specific works, in this section I take the overarching theme from various authors from different disciplines concerned with problems related to partiality. Some write specifically about national partiality, and others about partiality in general. My response should suffice to both type of concerns, since in explaining why one can defend national partiality, I cannot help but explain why partiality more generally can also be morally defended. Some authors who raise concerns that help motivate my response include: Arneson (2005), Audi (2009), Callan (2006), Dombrowski (1992), Gomberg (1990), Goodin (1998), Keller (2005), Landsburg (2011), Singer (1972, 2004).

they arise from a similar concern about nation states, that is, "what makes them so special?" In other words, some might worry that (1) citizenship (as applied to nations) unfairly suggests that similar concerns for community at more localized level are unimportant; while others worry that (2) the content of citizenship itself is morally problematic, insofar as it consists of an unjustified favoritism to a state and its citizens. I answer these objections here, contending that the concerns are ultimately unproblematic for Tocqueville's understanding of citizenship.

Localized Citizenship

In principle, there is no reason that smaller, more localized, groups could not possess a virtue mirroring citizenship by another name. If so, then one might wonder what point, purpose, or moral justification exists for Tocqueville's (or this article's) exclusive focus on the virtue in respect to nations. In response: while virtue at the local level is possible, there is a reason that Tocqueville focused on national virtue; there is something uniquely important about citizenship at the national level.

Even within relatively small groups, members often (if not always) have competing interests. However, the group and its members might nonetheless share important goals. Group members with competing interests but shared goals benefit from a disposition to look past the former and work toward the latter, and this renders Tocqueville's virtue of citizenship relevant to groups of all shapes and sizes. That being said, nation states are *atypical* groups in the following senses: (1) they are generally very large groups with thousands or millions of members; (2) members have not merely competing interests, but an enormous number of *directly competing interests* that must be addressed using a *common monetary fund*, a monetary fund which can *coercively demand that members pay-up*; (3) in addition to competing interests, members have a vast array of priorities and preferences, which likely effect how members wish to spend the common pool of money. The impossibility of satisfying all members results in members personally funding collective activities of which they individually disapprove; (4) unlike most groups, exiting the group is both impractical and costly, if not entirely impossible; (5) in spite of competing interests, citizens also have important *common* interests, for example: (a) that fair trade deals with other nations are arranged; (b) that the government not be overtaken by tyrants; (c) that public infrastructure is well maintained; (d) that the nation is not attacked by other nations, and so on.

The combination of shared common interest, the high cost of group exists, and the state's coercive power over member finances creates an unusual group dynamic where persons who may have little personally in common nonetheless can gain great reward from working together, and are threatened with disaster if they either refuse to do so or do not do so successfully. This results in a difficult but critical challenge: in spite of competing interests, how can self-interested persons be motivated to work together for the common good, that is, the common interest? This is where citizenship comes in. In groups that are not nation states, the same set of challenging yet motivating dynamics are unlikely to occur.

The above defense of a sharp focus on collective citizenship as virtuously manifest in nations by no means implies that a collective virtue akin to citizenship is superfluous, much less impossible, outside the confines of nation states. It is simply that something especially interesting and important happens when collective citizenship arises within the confines of a country.

While all truths are circumstantial, speaking generally, it seems quite plausible that the larger the group and the more diverse its members, the harder cooperative member action becomes. Citizenship is a means to rise to this challenge, especially important in a country like America which is made up of plenty of land, people, and diversity.

Worries About National Favoritism

The second objection to Tocqueville's notion of citizenship as a virtue concerns the question of how to justify a special commitment to your own country as *morally* valuable above an egalitarian commitment to other nations or peoples. Numerous scholars with a variety of disciplinary expertise have expressed criticism for partiality of all kinds, but especially for national partiality or related concepts like patriotism and national pride.

The short defense of national partiality suggests that it is part of human nature (evolutionary nature) to care about some persons more than others, that is, humans have an evolutionary tendency to connect first to our kin and second to our "tribe." Nations and national commitment provide an outlet to the common and perhaps inevitable human tendency toward tribalism. As long as a commitment to country is manifest in morally acceptable ways, or more preferable yet, morally admirable ways, not only is there nothing morally wrong with concern for one's country and country persons, this general concern might be praiseworthy. It can be praiseworthy first, insofar as concern for country is displayed via acts of altruism,

kindness, and sacrifice, and second, because virtues that fit well with human nature are preferable to those that work against it. When moral norms and virtues work *with* (rather than against) our evolutionary tendencies, such norms and virtues are likely to have a much higher adherence rate.

Of course, the key to the above argument is that national commitment is indeed manifest in a morally admirable or at least morally acceptable fashion. As I will contend below, the virtue of citizenship indeed clears this bar.

Some might be unsatisfied at this point, contending that even if tribalism falls in line with our evolutionary nature, it is a bad part of our nature that we should try to overcome. A simple response is that moral systems *ought* to work within the confines of natural human dispositions, at least insofar as this is possible without grossly violating moral laws. Otherwise, we are likely to end up with a failed moral system, that is, a moral system that has an especially low adherence rate, for overcoming natural dispositions is difficult.

The next claim in the defense of national partiality is this: it is indeed possible to imagine a type of national partiality that does not grossly violate moral laws. First, holding special allegiance to a circumscribed group, does not, in itself, imply actively harming or failing to help outsiders. In other words, it is possible to have the virtue of citizenship while still treating non-citizens respectfully and sometimes going out of one's way for non-citizens. To analogize: I can prioritize my school work while still caring for and loving my spouse. Likewise, citizens and a country can prioritize national interests while still leaving room for interests that stretch beyond state borders.

In response to the above argument, some might insist that any type of national prioritizing is problematic. After all, they might contend, there are no ethically logical grounds that support favoring the needs of, say, a United States Citizen over the needs of an Argentinean citizen. However, in addition to going against natural human tendencies, there are moral benefits associated with national partiality. First, because citizens hold a special relationship to one another in virtue of being members of a common country, they have important and significant shared interests, shared perspectives, and often shared knowledge. These three commonalities are critically intertwined with each other in the following ways: (1) in virtue of sharing many interests, citizens are more likely to be informed on *how* to forward many interests of their fellow country persons. This is opposed

to the likely ignorance of citizens concerning ways to forward the interests of foreigners. (2) Citizens are more likely to be motivated to work in the interests of their fellow country persons, after all, the interests of fellow country persons often coincide with personal interests.

One need not be a consequentialist to see ethical value in strategic moral action. Strategic moral action is using carefully chosen methods which aim to increase the odds of especially favorable moral outcomes. The following appears plausible: when persons are reasonably well informed about how to achieve a particular end, and moreover, are motivated to achieve it, this increases the odds of attaining said end. Citizens, hence, can work together for the common good of the citizenry in a manner that is especially efficacious. As said previously, while fellow citizens have many competing interests, they also share significant common interests. Moreover, by virtue of residing within the same national borders, being subject to the same government, and sharing many of the same social and political institutions, citizens are comparably well informed (i.e. when compared to non-residents and non-citizens) of how to work within their system to achieve desired ends. This gives strong reason, both moral and pragmatic, for all citizens, of all nations, to give some sort of special priority to their own country.

One can imagine, for example, an inefficient use of moral resources being an American citizen who randomly selects the aim of improving the governmental election process in Brazil. Being outside the community, with no special expertise in the matter, this individual is unlikely to be able to have effective impact, and risks intruding into matters beyond his understanding, having unforeseen consequences, being unaware of what Brazil needs and how those needs are best achieved.

As a final line of defense supporting national partiality, here is a point from the perspective of moral value. Close relationships and a sense of community are morally valuable and thus when persons have an equal allegiance to all individuals and all places, they lose something valuable. Imagine that "Casey" criticizes you for the special relationship you have with your circle of close friends, and argues that all persons ought to equally be your friend. Casey contends that there is nothing special about your friends in particular, and that hence there is no moral reason for these friends in particular to get so much of your time, company, good will, and concern. Rather, you ought to treat everyone like they are equally your friend.

The first problem with Casey's line of argument is that his suggestions are, in practice, impossible. The attempt to treat all like close friends would inevitably result in "friendships" missing all or most of the features which make friendship so special. If 5000 of your close friends have an especially difficult Thursday, there is neither a bar large enough to accommodate all of them, nor can any individual sympathetically and sincerely listen to thousands of buddies at once. This loss of intimacy is also a moral loss, even if there is nothing morally special about the persons you consider close friends. In the same way, if all persons in the world were treated as if they were members of a common community and culture, we would lose all that is special about community and culture. Even if one is not particularly moved by loyalty to country, it is hard to argue that a sense of culture is worthless, and even harder to contend that communities lack value.

Conclusion

In closing, Tocqueville's sparse yet consistent discussions of what I call "citizenship" can teach us a lot. By "us," I refer to both any scholar fascinated by Tocqueville, but more specifically contemporary virtue ethicists. As mentioned, virtue ethics has mostly focused on individual virtue, although there has been some literature on collective virtue.[18] Tocqueville's discussion on virtue and citizenship opens up new doors. We can see that not only is collective virtue possible, but also that it is distinct from a collection of individual virtue. Moreover, we need not assume that collective virtue is one directional, that is, that we can only move from the virtue of individuals to the virtue of collectives. Rather it is just as important to recognize the way in which the collective might encourage certain behaviors in its members, and in so doing pave the way for virtue at the collective level. One such virtue might be citizenship.

When we recognize that citizenship need not imply nationalism, the former seems a particularly useful virtue for a nation to hold. At least, it does, if we understood citizenship in the same way as Tocqueville—striving to help those around you, and striving to make laws that render your

[18] It seems apt here to repeat an earlier footnote: Interestingly, there has been far more discussion on collective or group virtue in other disciplines than in philosophy. Discussions include Clowney (2014), Heugens et al. (2008), Leach et al. (2007), Reicher et al. (2008). In philosophy, discussions of group virtue can be found in Kvanvig (1992, 2007).

own country just and a better place to reside. These seem beneficial ends regardless of what particular ethical theory one might favor.

Citizenship is just the beginning of a true literature on collective virtue. Once we recognize that a collective is not dependent on the whims of its members to acquire virtue, there is no reason not to strive for all kinds of collective character improvement. Nations can strive to be generous, caring, and patient. And it is not only nations which might be collectively virtuous, any group is a candidate. A sports team, for instance, might strive to acquire the virtue of sportsmanship in the same a nation strives for citizenship. There are many other types of groups, and hence many ways collective virtue might be manifest. A constant in all such examples of collective virtue is the dynamic process between individuals and collectives which explains why the virtue is properly ascribed to the latter rather than the former.

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CHAPTER 10

Open-Sourcing Civil Society

Vlad Tarko

Introduction

The utopian expectations about social media, and internet technologies more broadly, have lately suffered a severe backlash. Initially, the expectation was that social networks would facilitate the expression and aggregation of communal concerns and, hence, offer a bottom-up technology for empowering communities and enabling self-governance. Instead, the spread of "fake news", combined with the use of technology to create "filter bubbles" (Pariser 2012), seems to have undermined our capacity to form a sense of "shared communities of understanding" (to use Vincent Ostrom's (1997) term), and, as such, they seem to be undermining some of the civil society foundations of democracy that de Tocqueville ([1835] 2003) has emphasized. This goes hand in hand with the rise of populism and the undermining of intellectual elites' capacity to foster a "consensus" narrative (Gurri 2018).

Furthermore, the initial expectation was that internet technologies would undermine market power by facilitating pervasive decentralization and lowering search costs, and that open-source collaborative systems would outcompete more traditional proprietary systems (Raymond 1999;

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Benkler 2002, 2006; Reynolds 2006; Tapscott and Williams 2006; Shirky 2008). Instead, despite of the outstanding success of open-source systems in some areas, massive economies of scale and network effects have still led to centralization and to increased concerns about ownership of personal data (Posner and Weyl 2018). Information technologies have both enabled some new forms of collaborative production and helped some firms with traditional organizations to gain from network economies.

One of the most interesting recent political economy developments has been spurred by Glen Weyl's "radical liberalism" initiative, which is based on the claim that new technologies, like cryptocurrencies, and improved institutional structures, as assessed by mechanism design theory, can help us facilitate the emergence of self-governing communities and offer robust protections against stifling top-down authorities (Buterin, Hitzig, and Weyl 2018; Posner and Weyl 2018). Interestingly, Weyl is taking Tocqueville's perspective on democracy explicitly into account, as he tries to offer a counter-balance to *both* the individualism of classical liberalism, which, in Weyl's view, did not properly account for how individual preferences and identities are determined by a sense of belonging to various overlapping communities (Weyl 2019a), *and* the statism of social democracy and nationalism, which underestimate the dangers and inefficiencies of centralized political control (Weyl 2019b, c).

Can technology help rather than hamper building an improved variant of liberalism that takes *all* the following concerns seriously, rather than highlighting some and underplaying others?

1. The problem of private market power.
2. The inefficient or mistaken public policies democracies adopt due to poorly informed and biased voters.
3. The incentive and knowledge problems associated with expert rule.
4. The problem of the often large-scale and relatively long-term negative externalities generated by creative destruction.
5. The possibility that technological innovations and economic processes undermine some beneficial norms and social institutions, but evaluating and managing cultural changes poses nearly insurmountable knowledge problems.

The two main perspectives on institutional design, which can be identified along the varieties of capitalism dichotomy between "liberal" versus "coordinated" governance strategies (Hall and Soskice 2001; Coates 2005;

Hancké et al. 2007; Aligica and Tarko 2014), are based on simplified assumptions about the nature of the problems involved. These two perspectives are usually overly optimistic (and dismissive) of either the problems 1, 4, and 5, as is the case with the libertarian-leaning perspective or the problems 2 and 3, as is the case with the progressive-leaning perspective. By contrast, taking all these problems seriously *simultaneously* creates a major intellectual challenge. In what follows, I explore a Tocquevillian approach to these challenges, an approach that emphasizes federalism and the role that civil society can play in mediating the problems and discovering solutions, and ask whether the internet and new information technologies can facilitate, rather than undermine, the attempts to strengthen self-governance.

Tocqueville's Warning and the High-Tech Recovery of Mutual Aid Societies

Over the past century, both economic and political developments have tended to undermine the role of civil society mechanisms, and we are living through the consequences of various attempts to substitute civil society with either corporate or government solutions. We are in many ways currently living through the Tocquevillian warning:

> Governments … should not be the only active powers: associations ought, in democratic nations, to stand in lieu of those powerful private individuals whom the equality of conditions has swept away. … [W]e must acknowledge that [intellectual and moral associations] are as necessary as the [political and industrial associations] to the American people and possibly more so. In democratic countries, the knowledge of how to form associations is the mother of all knowledge since the success of all the others depends upon it. … In order to ensure that men remain or become civilized, the skill of association must develop and improve among them at the same speed as the spread of the equality of social conditions. (de Tocqueville [1835] 2003, 599–600)

Similar to Weyl (2019a, b, c), Tocqueville is concerned here about *both* market power *and* government abuse. In his view, it is civil society that it is supposed to counteract the problems of both. Moreover, participation in civil society activities teaches people some important lessons and skills about managing a community—which become essential in the political realm. People without any practice of civil society activities are bound to

have flawed views about how a community works. For example, they will not fully appreciate the dangers of using coercion rather than persuasion, and they will lack the skills of working to reduce conflicts by means of compromise and compensation. Such lack of knowledge and social skills leads them to make important errors about how politics and government should work.

As the role of civil society associations has declined, the role of government and markets as a substitute has increased (Beito 2000). This has affected both the quantity and the structure of charitable activities. For example, mutual aid societies, which used to help people pool risks and receive help when in need, have been replaced by regular insurance and/or government programs. However, insurance suffers from an adverse selection problem and the market solution to this problem (i.e. enabling differential signaling on the part of customers) goes against privacy concerns. For example, if health insurance companies would gather detailed genetic information on their customers, they could charge a person more if they happened to have some genetic markers, making them more susceptible to some illnesses. Allowing health insurance companies to gather and to use such information would go a long way toward eliminating the adverse selection problem, making the insurance market more efficient. But this is obviously highly problematic both on privacy grounds and due to equity concerns (punishing people for carrying some random genetic characteristic strikes most people as unacceptable).

As a result of such concerns, insurance markets are heavily regulated by government. However, the government regulation of insurance usually includes rules that make the adverse selection problem *worse*, such as Obamacare's rule about not paying a higher rate due to pre-existing conditions, combined with rules that try to patch the problem in other ways, for example by requiring everyone to buy insurance such that the insurance market does not unravel. One big problem with such regulatory packages is that they lead to greater market concentration, implying lower quality of service and higher overall prices. In other words, in the attempt to solve the adverse selection problem while keeping privacy concerns a priority, they make the issue of market power worse. This leads many people to support full nationalization. Weyl (2019b) provides a useful general argument about the problems with statist proposals like single-payer healthcare or the "Social Wealth Fund".

The key observation here is that, in cases like these, we are faced with major social trade-offs and it is far from obvious what is the best way of

making those trade-offs because the social and economic consequences are so broad, entangled, and hard to predict. If we put less weight on privacy and fairness concerns, we could have a far more efficient health insurance market, but maybe those concerns are indeed more important, especially as they are interconnected to many other areas far removed from healthcare. By contrast, going too far in the other direction, by over-regulating healthcare, also raises large concerns, for instance about undermining medical research and development. Furthermore, insurance costs are distributed as a power law, which makes the problem even more complicated. According to the US Medical Expenditure Panel Survey, the top 1% of health insurance beneficiaries account for almost 23% of the total costs (Hastings 2016).

When presented with such a situation, a Tocquevillian would ask whether some form of civil society regulation could, perhaps, offer better remedies. Can we use internet technologies to rebuild a high-tech version of mutual aid societies? Could, for example, smart contracts built on a blockchain provide a decentralized substitute both to insurance companies with large market power and to government top-down management, by facilitating the formation of communities of people who voluntarily choose to be subjected to certain type of mutual aid rules? Can an open-source organization, which is generally well-suited for taking advantage of numerous small contributions rather than relying solely on few large contributors, help?

The basic economic logic behind such a solution is to compensate individual-level material loss with some sort of communal subjective value. Because health insurance companies are prevented from identifying who the healthy individuals are, and give them lower rates, the monthly insurance payments of such individuals would be too large compared to the costs of their actual medical needs. As such, unless they are mandated to buy insurance, they tend to drop out of the market. This is the standard story of adverse selection. Can they nonetheless be persuaded to voluntarily participate in a community risk-pooling, not because of personal material profit and a cold risk calculation, but for more abstract communal reasons? We obviously don't know yet. Such arrangements worked in the past, but maybe they could not be replicated today.

One reason to think this might work is that, while power laws are generally a big problem for firms and governments, as they make it impossible to think in terms of the "average person", the long tail is an advantage for civil society mechanisms as it implies the need for only very small individual

contributions from the people in the long tail. Hence, modest social preferences can be enough to overcome adverse selection.[1] Whether or not such mutual aid societies could be recreated depends on how such communities are built, and on the nature of the long-term "social contracts" that such risk-pools would create. Their success depends on their institutional ability to activate social preferences. There may be good reasons why the mutual aid societies of the past were replaced by market and government substitutes, but new technologies might, perhaps, make them feasible once again.

Creative Destruction and the Possibility That Technology Has Socially Damaging Unintended Consequences

As Tocqueville has noted, as division of labor increases in society, "the time is drawing near when man will be less and less able to produce, of himself alone, the commonest necessities of life" (de Tocqueville [1835] 2003, 598). We are of course already there. As a consequence, "[t]he task of the governing power will therefore perpetually increase, and its very efforts will increase everyday" (de Tocqueville [1835] 2003, 598).

The extent to which this governance task will be allocated to the coercive power of the state or to voluntary associations matters: "The more [government] stands in the place of associations, the more will individuals, losing the notion of combining together, require its assistance" (de Tocqueville [1835] 2003, 598). In Tocqueville's telling, this has potentially disastrous social consequences because the government cannot perform many of the tasks of civil society. Both the typical liberal and progressive perspectives on governance generally focus on the market-government dichotomy and generally neglect the possible role of civil society. Can new technologies and improved institutional design really fix these issues and bring back a greater role for civil society?

The liberal approach to institutional design focuses on market-based solutions to social issues (Friedman 1962; Murray 1996; Brennan 2012), and is based on analogies to markets, such as the ideas of Tiebout competition and polycentricity (Tiebout 1956; Ostrom et al. 1961; Ostrom 1972, 1991, ch. 9, 2005, ch. 9; McGinnis 1999; Aligica and

[1] "Social preferences" are utility functions that partially depend on what other people have.

Tarko 2012; Boettke et al. 2014), even for conceptualizing non-market governance mechanisms. This liberal approach is based on emphasizing knowledge and incentives problems associated with top-down government control (Levy 2002; Leeson and Subrick 2006; Pennington 2011; Boettke and Leeson 2012) and on emphasizing the problems stemming from voters' rational ignorance and biases (Buchanan 1954; Riker 1982; Caplan 2001, 2008; Somin 2013; Achen and Bartels 2016; Brennan 2016), while at the same time arguing that market mechanisms can cope with and address a wider range of social problems than it is commonly believed (Stringham 2015).

The problem of private market power and the economic and social costs generated by creative destruction are generally underemphasized. While many works and authors on the liberal side of this debate do not deny the existence of these problems, they are generally optimistic that the scale and duration of such problems are relatively small, and, hence, they can be addressed by palliative solutions, rather than by fundamental institutional design placing these issues near the center of attention.

For example, it is argued that while creative destruction and "permissionless innovation" creates certain social-economic costs, trying to regulate the economy in order to prevent these costs from occurring would create even bigger problems, especially in the long term (Postrel 1998; Aligica and Tarko 2012, ch. 4; Thierer 2016; Cowen 2018). Similarly, while market power exists, anti-trust policies often make things worse (Shapiro 2010), and regulations often enhance rather than reduce market power as a result of being captured by existing large firms (Stigler 1971; Peltzman 1993; Bó 2006), as mentioned earlier in the case of health insurance.

By contrast, the coordinated approach to institutional design emphasizes the problems that the liberal approach downplays. Even when creative destruction is beneficial to all in the long term, it still creates winners and losers as one of its immediate effects, rather than being a Pareto improving process (Aghion and Howitt 1992; Caballero and Hammour 1996; Broda and Weinstein 2010). These negative externalities can be both large scale and relatively long lasting. Furthermore, these effects can go hand in hand with market power, contributing to inequality (Kaufman 1989; Manning 2003; Piketty 2015; Azar et al. 2017; Azar et al. 2018; Naidu et al. 2018). The coordinated approach is downplaying, however, the problems associated with the use of government power to address such issues. For example, the precautionary principle is often proposed as a useful criterion for managing creative destruction, but this greatly

underestimates the ease with which this idea can be misused and the costs associated with such misuse (Thierer 2016).

The consequences of economic disruption are not purely economic, but they can also undermine the capacity of local communities to self-govern. For example, it is often argued that migration patterns (both internationally and domestically), caused by changing economic conditions, can disrupt the local flavor of various communities to the chagrin of existing residents (Borsook 2000; Borjas 2016). The coordinated approach to such matters is to propose various types of top-down policies at either local or national level. Instead of trying to help communities to *cope* with change, the focus is on highly inefficient, and usually hopeless, attempts to *prevent* change. The implicit assumption here is also that the democratic system works relatively efficiently (Wittman 1995), and/or that the knowledge and incentives problems associated with the expert attempts to devise such top-down policies are not as serious or insurmountable as the liberals claim. But these assumptions are almost certainly overly optimistic (Koppl 2018). The results are more likely to be highly inefficient NIMBY (Not In My Back Yard) zoning laws or overly restricted immigration policies.

According to the classical liberal perspective, our social-institutional reality is too complex to allow a comprehensive analysis and top-down redesign. As such, the common recommendation is to keep changes small-scale and piece meal—experiment locally first, rather than adopt overly ambitious large-scale sudden changes (Hayek 1960; Sugden 1993; Ostrom 2005). Unfortunately, it may not always be possible to avoid large-scale social changes, especially when they occur as side-effects of some technological and economic developments. Some of these changes can affect even the most fundamental institutions in society, for example the structure of the family (Becker 1991). And what if some of these large-scale changes are for the worse? (Webb 2019) Liberals like Michael Polanyi have discussed such possibilities in the past (Polanyi and Prosch 1975), but we still have no obvious solution to the problem. Most recently, various aspects of this issue have been considered at length by Gerald Gaus (2006, 2010, 2013, 2018).

The main difficulty is that the same knowledge problem that prevents large-scale top-down institutional design also prevents us from predicting such negative social-cultural side-effects until it is already too late. The same knowledge limitations prevent us from preparing a timely response to them, although we may build alternative scenarios (Aligica 2005, 2007). The liberal approach to such issues is to simply have the optimistic

faith that whatever disruptions occur, they will end up being for the better. The coordinated approach, by contrast, is overly optimistic about the capacity of governments to solve such issues by means of top-down policies.

What if *both* these optimistic perspectives are mistaken, at least in some cases? The market process cannot provide a solution to such a problem as it is the market process itself that is generating the, possibly negative, social disruption. Can civil society mechanisms provide an alternative to both the market and the government failures? Some policies, such as universal basic income (UBI) or a negative income tax (NIT), are increasingly proposed as a solution to some forms of technological disruption, but do they cause even greater problems of their own? (Boettke and Martin 2012).

To be clear, I don't want to claim that the middle-ground position here is *always* correct. For example, I am not particularly concerned about computers completely replacing human labor any time soon. This remains a far-fetched scenario for still a long time to come, and the liberal optimism is entirely justified here, while the UBI is a proposed "solution" to an imaginary problem. The mistaken intuition here is due to the assumption that software is *general purpose*. Instead, increasingly advanced software is highly specialized to performing specific tasks, and learning how to use these programs requires increasingly specialized training. Hence, division of labor (and the rise in productivity and of wages associated with it) is likely to continue, and human labor is not going to become obsolete (although we might choose to work less as we become more productive). Rather than assuming that future software will be like a super-user-friendly version of Microsoft Office that would be able to do anything without the assistance of humans, one can get a better intuition of the evolution of software by looking at something like the *R* ecosystem of over ten thousand different specialized packages, each of which require some effort to learn. As I see it, division of labor in the future will become increasingly connected to the use of complementary specialized software, but workers with different software knowledge are not going to be fungible.

But to illustrate the idea of a potentially socially harmful technology, here's another example, which, by its nature, is also possibly far-fetched—as we don't yet know how the future is actually going to be. As virtual reality improves (along with its haptic accessories), how many people will choose Nozick's Experience Machine over the real world? What social and economic effects would this technology have once it matures? Unsurprisingly, much of this technology is currently developed by the porn industry. This could be socially beneficial, for example, by reducing rates of sexual assault.

But it could also, conceivably, have a wide variety of negative consequences. The market forces here will be pushing in the direction of providing virtual reality technology, while the potential government regulations are unlikely to be either very successful or particularly helpful. As such, the only hope for properly guiding the development of virtual reality is for civil society to manage the demand. This example, I think, provides a fairly general point about the relationship between markets and civil society. Markets generally supply whatever is demanded, but the demand can be shaped by norms, by the example of prestigious people, and so on.

The bottom line here is that the nature and the scale of potentially negative social effects of technological disruptions depend on how well civil society works. Furthermore, this also pushes in the liberal, polycentric direction. Because we don't know in advance what is the best possible response, it is better to have access to multiple different communities, with different norms and institutions. Such communities, even when they are overlapping in the same geographical area, can respond differently to technological disruption, and some will turn out to be better equipped than others for coping with new challenges. Such social experimentation will benefit all, helping all communities eventually learn the best responses.

But for this to work, governments must avoid trying to get involved prematurely, and imposing some half-baked top-down one-size-fits-all "solutions" that will hamper civil society from discovering a better approach. Social problems should often be left to civil society because they have context-dependent solutions and people living in the same political jurisdiction have different vulnerabilities and will need different approaches. Unfortunately, identifying a problem is all too often seen as synonymous to saying that the government should do something about it, which pushes in the misguided one-size-fits-all direction. But for this objection to government intervention to hold weight, we need functional civil society organizations and a responsive mechanism for updating and enforcing social norms.

Tocqueville gives us an example that, in retrospect, is rather ironic: alcohol temperance in United States versus France. This is a good example of how difficult it is to form accurate expectations about specific social trends and future policies, and also about the complex ways in which civil society and governments can interact. Despite his forecasting error here, I think Tocqueville's general point about the usefulness of civil society still stands:

> The first time I heard that one hundred thousand men in the United States had committed themselves publicly to give up strong drink, I thought this was more of a joke than serious proposition and, at first, I did not see very clearly why these overly sober citizens did not contend themselves merely with drinking water in the privacy of their own homes. (de Tocqueville [1835] 2003, 599)

The whole point of this public gesture, however, was to provide an example to others in order to influence their behavior, "[t]hey had acted exactly like a nobleman who dresses very plainly in order to inspire contempt for luxury in ordinary citizens". Civil society organizations are useful for boosting the signal and spreading ideas by persuasion:

> In the United States, as soon as several inhabitants have taken up an opinion or an idea they wish to promote in society, they seek each other and unite together once they have made contact. From that moment, they are no longer isolated but have become a power seen from afar whose activities serve as an example and whose words are heeded. … I realized that these one hundred thousand Americans, alarmed by the spread of drunkenness around them, had wished to give their support to temperance. (de Tocqueville [1835] 2003, 599)

He contrasts this with the attitudes in France, saying that "if these one hundred thousand men had lived in France, each one of them would have made individual representations to the government asking it to keep a close eye on all the taverns throughout the realm" (de Tocqueville [1835] 2003, 599–600). Of course, ironically, it was United States that eventually adopted the top-down coercive "solution", as people organizing in support of temperance (men and women) did eventually turn to government. But given the disastrous experience with prohibition as well as with the War on Drugs, Tocqueville's point stands that the correct approach to promoting temperance is to rely on civil society. We need to appreciate this point in general.

This raises a broader set of general questions. When should we rely on governments, on civil society or on markets? Under what conditions can we expect civil society to actually succeed in discovering the proper social norms in response to the challenges posed by some new technological disruptions? What can we do to increase our chances that this would happen? I'm going to first discuss the question about social norms and then about civil society organizations.

Comparing the Context-Dependent Usefulness of Social Norms, Private Contracts, and Laws

In the context of discussing creative destruction, it is useful to revisit Tocqueville's arguments regarding the danger of substituting civil society associations with government, and his warning about the type of "despotism" that can occur under democracies. Tocqueville noted that, because the solution to many issues involves changing the *demand* on the market, the attempts to use the government are often problematic because the government would, implicitly or explicitly, need to constrain freedom of opinion:

> A government can no more be competent to keep alive and to renew the circulation of opinions and feelings amongst a great people, than to manage all the speculations of productive industry. No sooner does a government attempt to go beyond its political sphere and to enter upon this new track, than it exercises, even unintentionally, an insupportable tyranny; for a government can only dictate strict rules, the opinions which it favors are rigidly enforced, and it is never easy to discriminate between its advice and its commands. … Governments therefore should not be the only active powers: associations ought, in democratic nations, to stand in lieu of those powerful private individuals whom the equality of conditions has swept away. (de Tocqueville [1835] 2003, 599)

As before, Tocqueville's concern is that the attempt to use the government to counteract market power can make matters worse, and, instead, civil society associations should provide the balance.

The distinction between formal rules and informal norms, used by Tocqueville in the above quote, tends to be poorly understood. A common assumption is that informal norms are just imperfect, or incipient, formal rules. But, as explained by Elinor Ostrom and Sue Crawford, the difference is more interesting and they serve complementary social purposes (Ostrom 2005, ch. 5). According to their clarification, rules have specific penalties that are relatively well defined in advance, while norms have unspecified and non-universal penalties—different people can be punished very differently for the "same" offense, and the same offense can be judged radically different depending on context.

This definition seems to support the "norms are imperfect rules" point of view, but it doesn't. Ostrom's point is that, in cases that are highly complex, and which have numerous context-dependent qualifiers, it would be

a mistake to try to pre-define a clear rule. This is the civil society version of Oliver Williamson's point about the impossibility of having fully specified contracts, which would account for every possible circumstance (Williamson 1996). The same idea applies in the social and legal realm. Whatever the rule, it will occasionally fail because it would be too simple for the situation at hand. It is precisely for this reason that the vagueness inherent to norms can be useful, both for accounting for complexity and as a discovery procedure—as norms evolve via cultural evolution, we gradually learn how to best respond to various types of offenses. As such, prematurely formalizing the response would be counter-productive.

I venture saying that Tocqueville had a similar insight in mind when he noted that "a government can only dictate strict rules, the opinions which it favors are rigidly enforced, and it is never easy to discriminate between its advice and its commands". By contrast, civil society associations and social norms provide an alternative without these issues—precisely *because* of their flexibility and vagueness.

Leeson and Coyne (2012) noted that "different social-rule sources may be appropriate in different contexts" and they propose that we can compare the costs and benefits of contractual arrangements, social norms, and laws by thinking of (a) the "wisdom" they are likely to embed (i.e. the extent to which past experiences are likely to be taken into account), (b) the ease of changing them in the face of failures, (c) the degree of choice they offer, allowing society to cater to different preferences, (d) the ease of creating them in the first place (production costs), and (e) the problems they are going to create due to heterogeneity and the associated uncertainty about what the rules actually are. Table 10.1 provides a summary of the trade-offs involved, and may be useful for analyzing which type of source of regulation is preferable under different contexts.

Table 10.1 Costs and benefits of contracts, norms, and laws

		Contracts	*Norms*	*Laws*
Benefits	*Wisdom*	Medium	High	Low
	Alterability	Easy	Hard	Medium
	Freedom of choice	High	Low	Medium
Costs	*Production costs*	Low	High	Medium
	Heterogeneity costs	High	Medium	Low

Source: Author's creation

Contracts—which are an essential part of the institutional foundations of markets—are easiest to create and change, as they only require the consent of relatively few people. This, however, creates heterogeneity, which can become a problem if, say, we would only be using private clubs for providing public goods. Heterogeneity is a benefit in terms of the freedom of choice it provides, but it creates costs in terms of rules uncertainty. The wisdom embedded into contracts is non-negligible because the parties to a contract have "skin in the game". However, they are likely to have less wisdom than social norms because they take into account the experience of fewer people over a shorter period of time.[2]

Laws are the least likely to embed too much wisdom because the creators of laws are generally different from those subjected to the laws—hence, laws suffer from an incentive problem only weakly counteracted by democratic mechanisms. Although norms may embed the greatest amount of wisdom, they are relatively hard to change, as no one is in charge—they require the operation of cultural evolution over a sustained period of time. Laws are harder to change than contracts and they provide less freedom of choice than contracts, but they are still easier to alter than norms and often provide more freedom of choice (as long as jurisdictions are not too large). This makes laws optimal for *some* types of activities, when we need uniform rules with clear penalties, which can also be changed relatively easy, but not for all contexts. In many cases, governing a problem via social norms and civil society organizations is the optimal route.[3]

The way in which norms evolve is via the existence of overlapping communities exhibiting different norms and different outcomes. Any evolutionary process works by building upon (1) variation, (2) transmission, and (3) selection. Every time all these elements exist, we have something akin to evolution by natural selection and we end up with the emergence of a complex (but unplanned) order (Dennett 1995; Gaus 2006, 2018; Hodgson and Knudsen 2010; Ostrom 2014; Tarko 2015). In the case of

[2] Leeson and Coyne (2012) disagree with me on this point, which is why they conclude that "given that the wisdom and alterability benefits of private rules [contracts] are much greater than those of both legislation and norms and, further, these benefits likely weigh more significantly in citizens' cost-benefit calculus than the potential costs associated with social rules, many societies currently governed by legislation and norms may be governed inefficiently".

[3] There is a debate about the extent to which corporate social responsibility can take upon the role of civil society organizations, but I'm not going to elaborate on these themes here (Aligica and Tarko 2015).

cultural and institutional evolution, the norms and the rules differ from one community to another (variation), they are preserved through time thanks to tradition (transmission), while some of them might be changed due to learning or due to random fads (variation), and the performance of communities, along multiple desirable characteristics, is influenced by their norms and rules, leading to some communities prospering and being more successful than others, which leads to those rules and norms to spread via imitation (selection) (Gaus 2006, 2018; Ostrom 2014). Hence, rules and norms tend to "adapt" (via tradition, experimentation, and learning) to whatever the people subjected to those rules and norms consider to be desirable features of a community.

The efficiency with which such a process is able to discover better rules and norms depends on both the degree of experimentation, and on the capacity to accurately evaluate the results. Experimentation is greater if decentralization is larger. As Vincent Ostrom (1991, 220) put it, "the range of human experiences, with the assemblages of associations that coordinate what each does both for oneself and for others, needs to be sufficiently diverse so that we acquire the learning that can accrue from human institutions".

As such, the internet's capacity to enable more numerous communities, by allowing people to form connections without the need for geographical proximity, should be seen as potentially highly beneficial. But this is conditional on how these communities interact toward forming a polycentric system bound together by certain common rules and norms (Ostrom et al. 1961; Ostrom 1972, 1991, ch. 9, 2005, ch. 9; McGinnis 1999; Aligica and Tarko 2012). The capacity to learn is greater if people evaluate the results rationally, for instance making better use of social science theories and empirical methods.

The question is to what extent we can use technology to enable the emergence of a functional polycentric system and enable the use of rational methods, rather than just enable a Hobbesian cultural war of all against all. In what follows, I want to explore this question by seeing the extent to which we can draw broader lessons for how to build communities in the internet era from the successful operation of open-source projects. Open source is successful because of a *technological infrastructure* that enables people to interact in particularly productive ways. The internet by itself does not provide this infrastructure, and, hence, whether it enables productive or destructive phenomena is open-ended. Part of the early misguided optimism about the internet was due to not understanding the

need for carefully designing additional organizational mechanisms. But now that we understand this better, we are in a better position to ask whether an open-source-like technology be adapted for broader social purposes.

The Strengths and Limits of Open Source

Open-source software has been one of the most interesting industrial organization developments in recent decades. While, in typical firms, product development happens within the confinement of the firm, and it is usually protected by secrecy and patents, open source deliberately opens the technology and encourages outsiders to (a) freely copy and repurpose the technology for their own ends, and (b) volunteer zero-priced labor to improve the firm's product. The revenues of open-source firms come from donations and grants and/or from selling adjacent services (such as web hosting or customer support). Some open-source projects are supported by large companies like Microsoft or Google.

Significant skepticism about the viability of the open-source production model persisted until the late-1990s. This skepticism has gradually diminished as open-source products out-competed many proprietary systems in fundamental areas such as server's operating system (Linux gradually replaced Microsoft Windows NT), databases (SQL [Structured Query Language] and Postgres replacing Oracle), and programming languages (e.g. HTML5 and JavaScript replacing Adobe Flash). The internet infrastructure today is mostly based on open-source Linux servers using open-source databases, the two main web browsers (Chrome and Firefox) are open source, and the main programming languages are also open source. The most used mobile phone operating system (Google's Android) is also a version of Linux. Because a lot of open-source development is done on a voluntary basis and the products are zero-priced, the value-added is not included in GDP, although it is massive. For example, the estimated value, for US in 2017, produced by the development of open-source (and zero-priced) programming languages "R, Python, Julia, and JavaScript exceeds 3 billion dollars" (Robins et al. 2018). The value of Linux is undoubtedly even larger. It is remarkable that such a large fraction of the fundamental infrastructure of modern information technology is supplied as zero-priced products supported financially by voluntary donations and via complementary paid services.

The reason why open source has out-competed proprietary (closed) systems in such areas has been understood at least since mid-2000s (e.g. see Malone et al. 2003; Benkler 2006; Reynolds 2006; Tapscott and Williams 2006; Shirky 2008), but the limits of the open-source model are still not fully understood, which is why over-enthusiasm about it characterized the mid-2000s era. Why is it that open-source consumer goods (e.g. Libre Office as opposed to Microsoft Office, GIMP as opposed to Adobe Photoshop) virtually invariably fail to become anything more than minor players (despite being free)?

The strength of open source is easiest to understand using the example of how Wikipedia out-competed professional encyclopedias such as Encarta and Britannica. There are two key elements to Wikipedia's model. First, as pointed out by Shirky (2008), the strength of Wikipedia's model is to take advantage of the very long tail of contributors. As it turns out, most contributors to Wikipedia only make one (small) contribution. But the *number* of those contributors is enormous—the tail of this distribution is very long. If, say, Britannica would like to include the same amount of material in their encyclopedia, they would have to pay quite a large number of people. Wikipedia gets this content for free, by facilitating the aggregation of very small volunteer efforts. By contrast, Britannica's model is based on using only the efforts of a few contributors (which can be paid and identified before the fact), hence giving up on the long tail entirely. Second, Wikipedia is not overrun by noise and deliberate falsehoods because it is much easier to revert a change (one click) than it is to make one (clicking "edit" and actually writing something). As such, the large contributors, who are heavily invested in the project, can relatively easily police it against ill-behaved actors.

The same logic is at the heart of all open-source projects. They involve, on one hand, taking advantage of the long tail of volunteers (either would-be/could-be contributors or people providing feedback), and, on the other hand, some policing or approval process that does the quality control. Doing quality control on the work done by volunteers is much easier than giving up on the volunteers and doing the entire work yourself. This doesn't simply happen automatically—it is enabled by an advanced technological infrastructure of version control,[4] bug reporting, and gathering

[4] Version control is similar to "Track Changes" in Word or with the history of edits on Wikipedia, but operates on a complex collection of files rather than just on a single document, and it allows the owner of an open-source project to easily see what changes others

feature requests. These have been created to help the development of Linux, as a way of easily gathering user feedback and enabling volunteer developers, and variants of these ideas are now widely used for all software development.

But the above argument seems to prove too much. Not all open-source projects work better than proprietary ones. Why does open source outcompete proprietary systems in some areas, but not in others? My hypothesis is that it is due to how network externalities work. Open source makes it easy to "fork" a project, that is, to make a copy of the project and develop it in a somewhat different direction independent of the intentions of the original developers. To some extent, this is an advantage, as it allows hyper-customized products to be created, rather than everyone having to use a one-size-fits-all solution. For instance, there are hundreds of different versions of the Linux operating system (called "distros"). But this possibility of "forking" is also a cost to consumers, who may be overwhelmed by too many choices, and it dissipates resources for development. Instead of having developers combine efforts and make use of division of labor, they, instead, duplicate their efforts slowing down the advancement of the technological frontier. This type of dissipation of efforts is kept in check (to some extent) if large network externalities are present as the network externalities incentivize the pooling of efforts—the risks of needlessly "forking" a project are greater in the presence of a winner-take-all economy. As such, it is not surprising that the most successful open-source products are platforms—operating systems, database systems, and programming languages—while the least successful ones are consumer products with few network externalities.

Lessons from Open Source for Building More Efficient Civil Society Organizations

Open source can be seen as a civil society mode of production in that it involves the voluntary cooperation of many people to produce a public good (software is non-rivalrous, while open-source licenses also make it largely non-excludable), while relying primarily on donations and external funding for financing. As such, it may provide broader lessons for how to improve the operation of civil society in general.

have proposed and to easily revert changes if they prove misguided. This also allows developers to try out different ideas without fear of breaking the product.

The first lesson is about network economies and their role in avoiding duplication of efforts. This tells us *which* civil society efforts are likely to be more efficient than regular private markets, mirroring the Leeson and Coyne (2012) arguments discussed earlier. While Leeson and Coyne (2012) are mainly concerned about the proper scope of contracts, social norms, and laws, we can also think in terms of the proper scope of different types of organizations—private firms, civil society organizations, and government agencies.

As Benkler (2006, 35) put it,

> There are no noncommercial automobile manufacturers. There are no volunteer steel foundries. You would never choose to have your primary source of bread depend on voluntary contributions from others. Nevertheless, scientists working at noncommercial research institutes funded by nonprofit educational institutions and government grants produce most of our basic science. Widespread cooperative networks of volunteers write the software and standards that run most of the Internet and enable what we do with it. Many people turn to National Public Radio or the BBC as a reliable source of news. What is it about information that explains this difference? Why do we rely almost exclusively on markets and commercial firms to produce cars, steel, and wheat, but much less so for the most critical information our advanced societies depend on?

Part of the answer is that information enables large economies of scale and civil society organizations are more likely to be useful for cases involving network economies. This is why Microsoft Windows was out-competed by Linux (for servers), after it appeared to have near-monopoly dominance. In private markets, network economies lead to market power (and monopoly in the extreme), but this does not automatically imply that these areas of activity should be taken over by governments. Civil society organizations and open source-like organizations might be a better solution. It was precisely the monopoly rents that companies like Microsoft or Oracle were having that created the incentive for open-source alternatives to be developed that would provide the same service without the cost created by the monopoly rents. But open-source and civil society organizations have managerial costs that private firms do not.

A civil society-like organization has the advantage of keeping valuable information public, while a private firm has the incentive to keep it secret and earn a monopoly rent from it as a result of taking advantage of the network economy. The flipside of this is that civil society has an organizational

disadvantage—as it is vulnerable to free-riding. The nongovernmental organization (NGO) is an organizational structure that tries to have some of the advantages of both private firms and of dispersed civil society. But it is still the case that NGOs have worse organizational forms than private firms. For example, publicly traded firms have a mechanism for changing a poorly behaving management: Poor management leads to a decline in stock prices, which makes it easier for an outsider to gain control over the firm (by buying enough stocks) and then changing the management. By contrast, poorly managed NGOs can be much more difficult to reform, partly because their performance is harder to measure and partly because there are fewer mechanisms for changing the management.

In a nutshell, the optimal positioning on the spectrum from private firms to NGOs to decentralized civil society depends on the trade-off between the capacity to produce valuable information (in a usable format) in the face of free-riding and coordination problems, and the capacity to make the gains from using this information widely available (rather than concentrated) (Table 10.2). Under certain conditions, NGOs might be the optimal organization as it has lower incentives to restrict supply as compared to a regular firm (because of their non-profit status), while being in a better position to incentivize production than diffuse civil society. But this also means that it would be inefficient to produce everything with non-profit organizations. When monopoly rents are small, the more efficient organization of for-profit firms is the deciding factor. Sometimes even when the monopoly rents are high, firms are still the best organizational form due to their greater capacity to organize production efficiently. For example, Marvel or Disney movies have large monopoly rents, but I'm guessing few would argue that they should be produced by non-profits.

An example of this is higher education, with private non-profit universities generally performing better than both private for-profit universities and

Table 10.2 Social costs and benefits of private firms, NGOs, and civil society

		Private firms	*NGOs*	*Civil society*
Benefits	*Free-riding problem*	Small	Medium	High
	Coordination	Easy	Medium	Hard
Costs	*Monopoly rents*	High	Medium	Low
	Restricted supply	High	Medium	Low

Source: Author's creation

state-universities. Education can be seen as a borderline case.[5] Schooling per se is a club good (exclusion is easy), but it is still largely concerned with information produced by a civil society, in this case the scientific community and other scholarly communities. Although firms do contribute to scientific knowledge, they are biased in the direction of producing proprietary and secret technical knowledge that can give them a competitive advantage. As such, the non-profit structure of most universities may be a more appropriate organizational form for scientific production. In a sense, it is precisely their greater tolerance of inefficiency that makes them better suited for scientific and scholarly production, as the value of such products cannot be accurately assessed for very long periods of time.

One can wonder how this logic would apply in other areas, for instance with respect to social networks. Even if critics of the apparent market power of Facebook and Google are correct, it does not imply that the best solution would involve government regulation. We can speculate that it might still be possible that in the same way that open source out-competed other platforms, open-source social networks might still outcompete Facebook or Twitter (despite their failure to do so up until now), especially if it becomes possible to use new technologies like the blockchain, that enable large-scale decentralized cooperation. The ideal might be to have a social networks protocol in the same way that we have the email protocol or the HTML language, and, once a good such protocol is developed, closed-source social networks might find it hard to compete.

Based on the above analysis (Table 10.2) it seems that the biggest difficulty is turning social network data into a usable form. A strong economy of scale is at work here: the personal data of one person has virtually zero value by itself—personal data becomes valuable only as a component of the social network. What companies like Facebook or Google do is (a) enable users to reveal this information, by providing them with personal benefits (the free product) in return of their personal data, and (b) structure the social network data in a usable form (e.g. in a form that can be used for advertising purposes). Your *individual* personal data has virtually no economic value because you have a very limited buying capacity, but the various *patterns* in the social network data are very valuable. Currently, this useful structured data is *produced* in companies like Amazon, Google,

[5] I should mention here that existing tax law biases organizational forms toward non-profits, which is probably inefficient. It's hard for me to tell what the situation of higher education would be if this legislative bias wouldn't exist.

or Facebook. They do not just passively *gather* it from the users. But this also means that *anonymized* social network data loses nothing over the personalized data kept by, for example, Facebook. As such, it sounds like an open-source social network data, which makes the anonymized data publicly available, while individual users have encrypted identities on the network, might be possible.[6]

The second, and most important, lesson we can draw from open source is about the ability to use technology to facilitate large-scale coordination for a collective purpose. As mentioned, open-source development is enabled and greatly facilitated by programming tools such as version control, which makes it possible for many people to work on a single large project tracking contributions and easily reversing errors, and dedicated social network platforms like GitHub, which enable users to raise issues and propose new features, enable other developers to contribute code, and enable communication between the main developers and others. It is websites like GitHub that enable the capturing of long tails in Wikipedia-like fashion. For example, a large number of contributors do little more than correct spelling errors in the documentation. In the aggregate, such small-scale contributions are substantial and would require significant resources to perform *within* an organization by a paid employee.

These kind of tools are currently missing in other areas of the civil society, although these other areas incur very similar types of issues. For example, the existing network of NGOs would benefit from access to a customized GitHub-like social network that would enable systemic feedback, discussions of new ideas and new possible approaches, and enable voluntary small-scale contributions to specific projects. Moreover, the efficiency of the NGOs ecosystem would increase if they were more transparent, along the open-source model. Right now, NGOs operate based on the organizational model of the private firm—rather than relying on a form of organization geared toward capturing the long tail of possible small-scale voluntary contributions.

This current inefficiency of civil society appears to me to be largely due to not yet having the customized social network *technology* that would enable the use of long tails. Existing tools, like change.org, Facebook

[6] I say "might" because, even if the identities are anonymized, it might still be possible to recover them by interpolation. This is, for example, an issue with Census data.

groups, the defunct Facebook Causes, and Twitter are at best good for raising awareness and coordinating protest activities (and at worst enabling mob behavior), but they are not useful for facilitating actual productive activities in the same way that a website like GitHub is useful for developing open-source applications. Presumably, better tools for civil society organization will sooner or later be developed, either by new social networks or as new features of existing social networks.

Conclusion

The typical varieties of capitalism opposition between "liberal" and "coordinated" economic systems focus exclusively on the market-government dichotomy. Problems are supposed to be solved either by means of competitive markets or by means of government regulations and services. The role of civil society is ignored. But authors from Tocqueville to Vincent Ostrom have argued that this is a serious error (de Tocqueville 2003; Ostrom 1991, 1997; see Aligica 2019 for a recent in-depth argument). If they are correct, a lot is at stake in avoiding the decay of civil society. As Vincent Ostrom (1991, 219) put it, "[a]n appropriate use of diverse structures offers the prospect of yielding error-correcting potentials that require human beings to go beyond winning elections and putting together winning coalitions"; instead, "a system of governance characterized by federalism and polycentricity can achieve rationality only by reference to an open public realm as its core".

The initial promise of the internet as a force for social progress has so far not been achieved, and many have now switched to over-pessimism. What both the initial over-optimism and the current pessimism ignore is that the potential benefits come as a result of using technology for careful institutional design. This is hard work and requires a great deal of ingenuity, but these institutions are not mysterious. While they do require appreciating the existence and use of power laws and (modest) social preferences, they don't require a "new form of economics" or the radical revision of rational choice theory. As the technologies underpinning open-source development show, this kind of institutional design is definitely possible and able to deliver spectacular results within its area of applicability. The still open question is whether we will succeed in learning from open source for enabling civil society more broadly.

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CHAPTER 11

Collective Individualism and Revolution: Reading Tocqueville in Beijing

Junpeng Li

Never widely known except among the intellectuals, Tocqueville suddenly became a household name in China in 2012. On February 25 that year, Hua Sheng, a well-known economist and businessman who had connections with the high-level leadership because of his active participation in the economic reforms in the 1980s and personal wealth,[1] posted a message on Sina Weibo, a Chinese microblogging website and then the most popular social media platform in China,[2] "I went to the sea (*hai li*)[3] to visit my old leader. He recommended that I read Tocqueville's *The Ancien Régime and the French Revolution*. He believes that a big country like China that is playing such an important role in the world, whether viewed

[1] Hua's wife is Tie Ning, President of the China Writers Association since 2006 and then an alternate member of the CCP's Central Committee.

[2] Twitter has been banned in China since 2009.

[3] An apparent abbreviation for Zhongnanhai, the headquarters of both the CCP and China's central government.

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from the perspective of history or the external environment facing it today, will not modernize all that smoothly. Nor have the Chinese people paid enough price. The path during the past few years has been smooth, but setbacks will be inevitable in the near future" (Fewsmith 2012: 1, with minor revisions). Because Hua worked under Wang Qishan, then a powerful member of the Chinese Communist Party's (CCP) Politburo Standing Committee who later became Secretary of the CCP's Central Commission for Discipline Inspection and currently serves as China's Vice President, there was little doubt that the "old leader" referred to Wang, who has enjoyed the reputation of an avid reader and deep thinker among top CCP leaders. The message caused immediate national sensation. In days, it was forwarded at least 1094 times and commented 349 times.[4]

What adds to the credibility of this news is Wang's reported conversation with Chinese colleagues over lunch in September 2011 when he visited the University of Oxford in the United Kingdom. Wang said, "Deng Xiaoping said that it would take the strong efforts of several generations, perhaps even tens of generations, of people in China to really catch up the West. ... The People's Republic of China has been established for only 62 years and the economy has only been really rapidly developing for 33 years. ... Can we really become the world's best country in an instant? It's difficult. We probably have not yet suffered enough or paid a high enough price. Simply put, we still have a long way to go" (cited in Fewsmith 2012: 2, with minor revisions). Strikingly, Wang transformed Tocqueville's muse on the high cost of freedom into the high cost of totalitarianism and authoritarianism. Ever since Deng Xiaoping took power in the late 1970s, the CCP has sought a gradual and conservative reform path—meaning economic growth without giving up its grip on power.

Before long, *The Ancien Régime and the French Revolution* and *Democracy in America* became national bestsellers, with numerous new Chinese translations appearing in the following months and years. Moreover, Tocqueville seemed to have fascinated more than one top Chinese leaders, as Li Keqiang, then China's Vice-Premier and now Premier, has reportedly recommended *The Ancien Régime and the French Revolution* to his colleagues in the party (Huang 2013). The ruling elite's interest in Tocqueville did not appear to be a groundless rumor, as the news has been reported in such official media outlets as the overseas

[4] Like many other social media platforms, Sina Weibo has been heavily censored with many messages quickly deleted and many accounts shut down. Therefore, the numbers are underestimated to some degree.

edition of the *People's Daily* and People's Daily Online (News of the Communist Party of China 2013; Zhang Guangzhao 2013).

But why? A French who wrote in the early and middle nineteenth century, Tocqueville never visited China. In his writings China was mentioned merely a neglectable number of times. His main interest was Western societies, or the "Christian world" in his words. Does it mean that the CCP intended to reform? But if so what kind of reform? After all, the market-oriented reform had been a national priority for more than three decades, and therefore there seemed no need to send such a signal. Democratization? Few would characterize the following years, up till now, as an era of political reform. Does it suggest that the CCP was not interested in political liberalization at all for it might lead to its downfall, as the French Revolution led to the fall of the monarchy? But while Tocqueville was ambivalent toward democracy, he nevertheless saw it as an irresistible historical force and was clearly excited about the dynamic democratic society in America. What about "good governance" or "controlled democracy"? Let us not forget that the Chinese state has increased administrative centralization, tightened its grip over the civil society, and expanded the state-owned sector—against Tocqueville's warning in almost every way.

Most journalistic accounts of and popular speculations on the sudden popularity of Tocqueville among China's top ruling elites have centered on the so-called Tocqueville paradox or Tocqueville effect: as social conditions improve, popular frustration grows rather than lessens; in other words, a repressive regime runs the risk of total collapse when it tries to reform itself. For example, Wang Yan, the deputy editor of *Dushu* (Reading), an influential intellectual magazine, put it simply, "Revolution despite prosperity, this is the so-called Tocqueville 'paradox'" (cited in Gao Bin 2012). Chen Pokong (2013), a dissident based in the United States, commented, "Wang's calling on people to read *The Ancien Régime and the French Revolution* reveals the collective anxiety of the top leadership represented by Wang: Today's Chinese society strikingly resembles the French society on the eve of the French Revolution; people's living condition has seen improvement in reform-era China, but discontent has been persistently growing; would further reform being more uncertainties and lead to unrest, rebellion, or even revolution?" (https://www.rfa.org/mandarin/pinglun/chenpokong/chenpokong-01302013164240.html, retrieved 25 May 2019). An anonymous blogger wrote, "Without doubt people's living standards are far above what they were 30 years ago, but, on the contrary, people's discontent with society is great than ever" (Fewsmith 2012: 2).

I do not intend to dispute such a reading—indeed I think it makes much sense as there are many signs of the CCP's concern of an imminent revolution. What I propose in this chapter is to go deeper by contemplating why China's communist leaders were interested in a book about the origins and meanings of a revolution that broke out in the late eighteenth century and what on earth this book tells us today about a country ruled by a socialist party. My main argument is that rather than a signal of the direction of China's economic and political reforms, Tocqueville's popularity in China should be seen as a revelation of the leaders' lack of vision, or more precisely, the lack of a blueprint that can lift China and the party out of the trap caused by partial economic and political reforms. While contemporary China is not a democratic country politically, it indeed resembles pre-revolutionary France in many ways, and the most striking similarity is the rise of "collective individualism." Ironically, such a collective individualism was brought about by the communist rule, which is why in pre-revolutionary France many people see contemporary China.

Social Democracy in China

In *Democracy in America*, and in particular in its second volume, Tocqueville had a rather gloomy view of democracy. While Tocqueville never believed that democracy was an unmitigated good for society, he enthusiastically endorsed what he saw as the embodiment of democratic spirit and institutions in America in the first volume. In the sometimes obsessively detailed descriptions of American society, Tocqueville painted an optimistic picture of democracy's promise. Despite his own autocratic upbringing, Tocqueville (2012: 10–12) saw the advance of democracy as "a providential fact" that was beyond human power. Written five years later, the second volume warned a depressing world of egalitarian mediocrity and even democratic despotism.[5] Tocqueville saw despotism as the natural tendency—although not inevitable destiny—of democracy. By democratic despotism Tocqueville was not referring to an absolute anarchy or a dictatorship; instead, he cautioned that a democratic society might only be interested in the ordinary and no longer pursued any larger purpose. In other words, people were concerned only about themselves and no longer considered the public good and their responsibility.

[5] For the apparent disparities between the two volumes of *Democracy in America*, see Drescher (1964, 1988); Nisbet (1976–1977).

Tocqueville never gave a clear-cut definition of democracy; indeed, he tended to use the word to indicate different things in different settings, and one could argue that his concept of democracy changed between the two volumes or even in each volume. In the first volume, Tocqueville mainly viewed democracy as a process toward an "equality of conditions," which would erase social and political privileges. Such a celebration, however, gave way to a deep worry of the loss of public engagement and moral compass in the second volume.

Consistent with the traditional understanding since ancient Greece, Tocqueville did talk about democracy in a political sense by referring to a form of government based on the true will of the people. Democracy in this sense indicated the sovereignty of the people, free and fair elections, majority rule, equal political rights, active participation of citizens in public life, and a rule of law.

In more places, however, Tocqueville had a much more social sense of democracy. In other words, democracy constituted what Tocqueville called the "social state." According Tocqueville's definition:

> The social state is ordinarily the result of a fact, sometimes of laws, most often of these two causes together. But once it exists, it can itself be considered the first cause of most of the laws, customs and ideas that regulate the conduct of nations; what it does not produce, it modifies. (Tocqueville 2012: 74)

Based on such a conceptualization, democracy fundamentally suggested a society of equal men and a way of life (Schleifer 2012: 60–64). In Tocqueville's words, democracy manifested "equality of condition." Historian Pierson (1938: 6–7n) went further by claiming that "Concerning Equality in America" would have been a more accurate translation of the title of Tocqueville's book.

What, then, does Tocqueville mean by "equality of condition"? It is important to place the term in its historical context. Tocqueville was deeply impressed by the fluidity class boundaries in America. On the one hand, unlike France where feudal hierarchies had existed for many centuries, America was not burdened by class struggles. The lack of formal aristocratic privileges and the promise of class mobility enabled Americans to live as each other's equals. More broadly, however, Tocqueville appeared to have in mind equality in a wide range of dimensions, including not only economic but also social and political categories, in American society, such as a rough equality of wealth and widespread private land ownership

rights, open access to basic education, more or less equal privileges in government, equal civil rights before the law, widespread egalitarian attitudes, and even the disappearance of fundamental distinction in habits and tastes (Schleifer 2012: 56–60).

By distinguishing democracy in its social and political senses, we are better equipped to understand the complex nature of democracy, particularly the tension between equality and liberty. For most classical political thinkers, equality and freedom were two sides of the same coin and went comfortably hand in hand. It was Tocqueville, along with John Stuart Mill and Benjamin Constant, who began to seriously think about the dilemmas of democracy as new democracies emerged at the beginning of the nineteenth century (Smith 2012: 214–242). Not only was there a threat of organized threats to humanity represented by the tyranny of the majority, but also a collectivity of like-minded, short-sighted individuals who thought that they were equal to one another—"soft despotism" in Tocqueville's words—could be a more profound threat to human liberty.

With Tocqueville's understanding in mind, we can see why it can shed light on contemporary China. China is certainly not a political democracy. It has been ruled by a communist party since 1949. While China is formally a multi-party state with eight minor political parties legally in operation, the CCP essentially monopolizes the political power and such a one-party rule is beyond challenge. "People's democratic dictatorship" (*renmin minzhu zhuanzheng*), the form of government ordained by the constitution, implies that the CCP acts on behalf of the people whereas the indispensable dictatorship of the proletariat justifies the CCP's use of coercive power against "reactionary forces." The leader of the CCP often takes command over military—and administrative to a certain degree—matters. As the most powerful political organ, the tiny Politburo Standing Committee makes important national decisions behind closed doors. The National People's Congress and the Political Consultative Conference are widely considered "rubber stamp" bodies. "Separation of powers," "judicial independence," and "multiparty competition" are declared "dangerous Western concepts" incompatible with China's "national essence." Although some townships and urban areas have experimented with open and contested elections of government officials, the CCP retains firm control over the operation of government. In essence, China is characterized by an authoritarian political system.

In many aspects, however, Tocqueville's meditations on democracy as a social state apply surprisingly well to today's China. Imperial China was

characterized by a hierarchy of social status. Such a system was broken by the May Fourth movement. The ten turbulent years of Cultural Revolution (1966–1976) essentially erased the old system of social stratification and even turned it upside down—the urban youth were transferred to rural regions, party officials at various ranks were removed from power, teachers were publicly humiliated by their students, parents were denounced by their children, intellectuals were forced to receive "reeducation," schools and universities were closed for much of the early period, and the only criterion for college enrollment in the later period was the class background of the students' parents.

After the Cultural Revolution, China launched the program of reform and opening-up. The 1980s was a decade of hope and excitement for numerous Chinese citizens. Under Deng Xiaoping's leadership, China dismantled radical Maoism and shifted its priority from ideological orthodoxy and class struggle to economic rehabilitation. In terms of the economy, decollectivizing agriculture greatly increased agricultural production, introducing a dual-track price system effectively alleviated the problem of shortages in the cities, allowing the operation of private businesses generated a burst of entrepreneurialism, encouraging township and village enterprises generated much employment, introducing foreign direct investment significantly boosted income and exportation, and decentralizing decision-making motivated local officials to find new ways to grow the economy. The political reform was much more moderate and quieter, but the CCP gradually moved away from endless political campaigns and withdrew itself from people's daily lives, which led to a much looser political atmosphere. All those initiatives, however, proceeded on the premise that the CCP's monopoly of political power would not be challenged. With the perception of an existential threat, the CCP crushed the Tiananmen Square movement with tanks and live ammunition.

After three years of economic backsliding and political purge, China renewed its program of economic reform. In the entire 1990s, China achieved the fastest economic growth in the world with an average annual economic growth rate of 11.2 percent in the first nine years (http://en.people.cn/english/200003/01/eng20000301X115.html, retrieved 19 January 2019), the poverty rate reduced from 63.8 percent in 1981 to 16.6 percent in 2001 (Chen and Ravallion 2004: 152), hundreds of millions of peasants were pulled out of poverty, and rapid urbanization and large-scale rural-to-urban migration led to unprecedented urban growth. By the end of 1990s, China was well on its way to become

an economic giant. Such a trend has continued to this day. Although China's economic growth has significantly slowed down in recent years, many believe that China will be the only viable challenge to the United States' dominance on the world stage.

However, an important component has been missing from the reform since the early 1990s: political liberalization. In other words, China's economic reforms have not been characterized by free-market capitalism, but rather a sort of crony capitalism that by nature differed little from the Russian transition in the 1990s (Pei 2006, 2016). After the Tiananmen Square incident, the emotional bond between the intellectuals and the political establishment broke up completely and has never recovered, and the communist ideology was no longer appealing to the mass. To reestablish its legitimacy as the ruling party, the CCP largely moved ideology to the backstage and concentrated on the economy. In the next few years, China saw unprecedented marketization, decentralization, and privatization. Moreover, with the absence of political liberalization and the CCP's monopoly of political power, rent-seeking and corruption became even much rampant than the 1980s as a large number of well-connected government officials and businessmen amassed huge fortunes through a systematic seizure of state assets. On the one hand, the rich and the powerful took advantage of each other in the process of selling state enterprises, often at exceedingly low process, to individuals, often with political connections. On the other hand, the working class, who was supposed to reign supreme in a socialist society and with "iron rice bowls" (*tie fanwan*) of guaranteed lifetime employment, was sacrificed on the altar of marketization. From 1998 to 2000, 20.3 million workers were laid off from state-owned enterprises (Guang 2009: 30). As economic rationality was spreading its logic into virtually all spheres of social life and the free market sounding the horn of victory, the communist party retained firm authoritarian control and the prospects for democracy seemed dim. The CCP not only survived the "liberating" forces of the market, but also benefited and even consciously promoted free-market capitalism.

Collective Individualism

Such a blend of state-steered marketization and political authoritarianism has created a strange situation: collective individualism. In *Democracy in America*, Tocqueville contemplated the chilling effect of individualism in

a political democracy[6]; in *The Ancien Régime and the French Revolution*, however, his concern shifted in the dire consequences of a society torn asunder by many exclusive groups who had little interest beyond themselves and numerous individuals who though only in such groups:

> Our fathers did not have the word *individualism*, which we have forged for our own use, because in their days there was no such thing as an individual who did not belong to a group and could see himself as standing absolutely alone' yet each of the thousand small groups of which French society was composed of thought only of itself. It was, if I may put it this way, a sort of collective individualism, which prepared souls for the true individualism that we have come to know. (Tocqueville 2011: 91)

In such a society, not only were different classes sharply separately from each other, they were also separated within themselves. For Tocqueville, whereas individualism might ultimately lead to social stagnation or even disintegration in democratic America, collective individualism was responsible for the disastrous political upheaval in autocratic France. Communist China is certainly different from autocratic France. Most notably, economic marketization has significantly improved the material well-being of average Chinese citizens while creating a new class structure, the tight political control of the CCP—in particular its relentless tendency to search for subversives—resulted in widespread political apathy. A conscious design of the CCP, such political apathy—as harmless and even beneficial as it appears on the surface—leads to the loss of organic solidarity of the society and can be political subversive.

While the waves of revolutions since the early twentieth century had subverted, or at least attempted to subvert, the old social orders (Chong 2017: 82–83), it was the loss of political ideal and ascend of materialistic culture beginning in the 1990s that really changed the "habits of the Chinese heart." On the one hand, equality of social status has been widely accepted as a social norm. Contemporary China is certainly not an egalitarian society. Personal wealth, political power, and hierarchical rankings

[6] Later, Tocqueville linked individualism to the "passion for material well-being that is in a sense the mother of servitude, an irresolute yet tenacious and unalterable passion, which mixes readily and, as it were, intertwines with any number of private virtues, such as love of family, regular morals, respect for religious beliefs, … which allows for honesty, precludes heroism, and excels in making well-behaved but craven citizens." See Tocqueville (2011: 109–110).

often bring about privilege; those combining political and economic capital constitute a class-like social stratum; the princelings are in many cases unbound to social regulation and supervision; and discriminations based on natural and social categories are routinely displayed. However, as a discourse, equality has permeated into nearly every corner of the society, and most people view it as a desirable and worthy pursuit. In a national survey conducted in 2012, more than 70 percent of the respondents believed that disparities as a result of family background, innate endowments, or speculations should be narrowed; while only 10.4 percent of the respondents disapproved of inequality in power per se, 81.1 percent of the respondents disapproved of using privilege to appropriate public resources; and while fewer than 20 percent of the respondents were against any privilege, as many as 90 percent questioned the justification of privilege (Renmin luntan wenjuan diaocha zhongxin 2012).

On the other hand, without an open and free political environment, such an equality of social status can lead to social decay. In the introduction to the first volume of *Democracy in America*, Tocqueville identified three ideal types of society throughout Western civilization. The ancient aristocratic European society, notwithstanding its social suffering, was one in which royal power "peacefully governed" its people, society "enjoyed several kinds of happiness," and "the social body … could have stability, power, and above all glory" (Tocqueville 2012: 19–20); in a well-functioning democratic society, "[s]ince each person has rights and is assured of preserving his rights, a manly confidence and a kind of reciprocal condescension … would be established among all classes. … The free association of citizens would then be able to replace the individual power of the nobles, and the State would be sheltered from tyranny and from license. … [T]he people will appear untroubled, not because they despair of being better, but because they know they are well-off" (Tocqueville 2012: 20–21); and in a society that was trapped between aristocracy and healthy democracy, for which Tocqueville had early nineteenth-century France in mind, political authority was at once disdained and feared by the people, the government was all-powerful and the people weak, the relatively equal distribution of personal wealth led to envy and distrust, and everybody saw social evil but no one was willing to take positive initiatives (Tocqueville 2012: 22–24). Tocqueville (2012: 24) deplored the "strange confusion" that he was witnessing in France where nothing deserved "to excite more distress and more pity" and democracy did not "take hold of society little by little in order" but instead had not "ceased to march amid

the disorders and the agitation of battle." Strikingly, Tocqueville's depiction of early nineteenth-century France resembled contemporary China in a certain way. Admittedly, the revolutionary fervor is long gone as most Chinese people have no taste for such a radical change of social structure as the French Revolution. It would be a mistake, however, to think that revolutions are consequences of intentional human actions.

A note is in order here. The ideal type of a chaotic society described in the last paragraph is early-nineteenth-century France while the French Revolution broke out in 1789 and arguably ended in 1799 when the Coup of 18 Brumaire brought Napoléon Bonaparte to power. However, we should not forget that Tocqueville insisted in *The Ancien Régime and the French Revolution* that despite the ostensible disruption, the French Revolution to a large extent not only continued the work of the Ancien Régime, but also completed it (Brogan 2008: xiv). In other words, while breaking out swiftly and suddenly, the French Revolution was the culmination of centuries of changes in social structure and political culture. Notably, Tocqueville saw a disjunction between social democracy and political democracy in both pre- and post-revolutionary France. In his view, for a society to prosper, political democracy must exist in harmony with social democracy. The progress of social democracy was under way in France long before the revolution and had continued decades after, but political democracy was severely out of pace (Schleifer 2012: 62–64). Without political freedom, social equality led to class conflict, which paved the way for tyranny; administrative centralization, which was a direct consequence and component of illiberal politics, provided the means for such tyranny. Kahan (2010: 62) described such a blend of social democracy and political centralization aptly: "Old-regime France was a place where people who had become basically the same had to live under laws and institutions that treated them as though they were different."

As an authoritarian state, China has a sophisticated set of mechanisms of rational administration. In terms of elite politics, the Politburo Standing Committee, currently consisting of seven members, enjoys unrivaled political power. As the ruling and sole governing party, the CCP takes control of political, economic, military, and ideological affairs. In many cases, the leader of the party concurrently holds the offices of General Secretary, Chairman of the Central Military Commission, and State President, which give him or her both civilian party and military authorities. While the highest-ranking officer of civil service is the Premier, the party leader usually has much, if not indeed more, to say. Since assuming

power at the end of 2012, Xi Jinping has further centralized his power by creating a series of high-level steering committees chaired by himself. While there are formal elections within the party, high-level party leaders are in general selected by their superiors and party elders in opaque processes. There are open elections at the county level, but the CCP plays a significant role in the selection of desired candidates. Notably, since the early 2000s—and in particular since Xi took power—the CCP has tightened its ideological control by promoting a set of personal and national ethos of "China Dream," emphasizing the absolute leadership of the CCP in national affairs, promoting patriotism, indicating that Chinese media must serve the party, escalating Internet censorship, increasing the regulation of textbooks at various levels, and calling for allegiance to the CCP from Chinese universities and installing surveillance mechanisms on university campuses.

While in *Democracy in America* Tocqueville contemplated the potential dire consequences of individualism in democratic societies such as America. In *The Ancien Régime and the French Revolution*, Tocqueville sought the roots of the French Revolution and its political violence in terms of political psychology (Elster 2009). More specific, Tocqueville identified a unique hybrid of social democracy and political illiberalism in aristocratic France: not only were the noble (aristocracy), the peasants, and the bourgeois completely severed from one another—in terms of both social and economic status and mentality—but also members of each class were separated within themselves. Such a breakdown of traditional social bonds was a major precipitant of revolutionary transformation in late eighteenth- and early nineteenth-century France.

Tocqueville noticed that in Ancien Régime France, one the one hand, everyone looked like each other—as a result of the equality of conditions people had the same taste for things and same mode of thinking; on the other hand, the different classes were split into small, isolated and virtually self-contained sub-societies in which people only cared about their own interests and were not interested in the public life at all. Lacking solidarity, citizens in such a society found it hard to act in common, which made the society easy to be turned upside down by a revolutionary force (Tocqueville 2011: 76–92). Such a pattern had much to do with the shortage of political liberty, as Tocqueville stated:

> [P]olitical liberty, which has the admirable power to foster necessary relations and mutual ties of dependence among citizens of all classes, does not always make them similar in doing so. In the long run, it is government by

> a single individual that always has the inevitable effect of making people both similar to one another and mutually indifferent to the fate of their fellows. (Tocqueville 2011: 79)

Tocqueville's description of the causes and consequences of the French Revolution must be disturbingly resonant as China's top leaders read it. In a sense, contemporary China has contracted the "French disease." On the one hand, people became increasingly similar in many respects. They feel that they are equal citizens; they feel that they are as wise as anyone in terms of personal judgments; they no longer believe in communism but at the same time embrace moral relativism; they think and feel in much the same way; they essentially live in the present at the expense of the future; and they no longer cherish family values as geographical and social mobility grows.

On the other hand, similar to pre-revolutionary France, Chinese society has been divided into several mutually impervious micro-societies that do not communicate much with each other: the power family who enjoy an array of privileges because of their political power and connections, the super-rich who embrace Western lifestyle, and the average people who try to make ends meet every day. Like what worried Tocqueville, these people have withdrawn themselves into their own small circles of family and friends and do not have purposes larger than themselves. It is exactly for this reason that many people miss the 1980s, a decade perceived by many as one of ideals. Similar to Ancien Régime France, in contemporary China, the growth of the bureaucratic state has tended to make individuals alike and reinforce the passions that separate them (Mélonio and Furet 1998: 28–29).

Ironically, such a "collective individualism" is largely a result of the CCP's own making. After the 1989 Tiananmen Square protests, the CCP has been wary of any ideological challenges to its authority. The ideological control was somewhat relaxed in the late 1990s when Deng Xiaoping died, but was retightened in the early 2000s and has been repeatedly raised by Xi Jinping as an existential matter for the CCP. As a result, the CCP has welcomed consumerism as it not only boosts domestic demand but also diverts people's attention away from politics. Moreover, the CCP has worked hard to erase the collective memories of significant events such as the Tiananmen Square protests and the Cultural Revolution. In order to control what information people can receive, the CCP has retained a firm control of the publishing industry, exerted a heavy censorship on the Internet, and blocked Google (including Gmail), Facebook, Twitter, Instagram, and Wikipedia—as well as thousands of other foreign websites

such as the *New York Times*. As the supply of information is restricted and the demand for truth suppressed, people preoccupy themselves with material pursuits and physical excitements, worrying more about their own ambitions and personal rights than pursuing a common good. The millennials grew up without knowledge of Tiananmen or the Cultural Revolution, and view such concepts as human rights, liberty, and democracy as empty or radical. As average people's material conditions have improved significantly, they care more about the fairness of distribution between themselves and their acquaintances than about general social well-being. As the government has been growing in the past two decades or so, a job in a government agency is widely considered to be the most envied position.

With the rapid growth of the Internet, a civil society burst into life in the late 1990s and early 2000s. Numerous public debates on critical issues erupted; many non-governmental organizations were created and attracted many young volunteers; numerous books that disseminated liberal values were published; a variety of forms of contentious activities, both in real life and on the Internet, were developed; and house churches were mushrooming in both urban and rural areas. Such a burgeoning civil society, however, met with suppression in the late 2000s and was almost entirely nipped in the bud by the Xi government in the 2010s—even the term "civil society" itself became political sensitive and was banned by the CCP in the early 2010s. When there exist only isolated individuals and the government, those individuals will leave all common concerns—including blames—to the government. As the political power was highly concentrated in the government, heavily disciplined people began to blame the government for all their woes and losses—even bad weather, warned Tocqueville (2011: 70).

In his provocative study, political scientist Pei argues that contemporary China is an intrinsically unstable society because a gradual transition will ultimately fail in a country where the ruling party must retain significant economic and political control for the sake of political survival (Pei 2006). This is Tocqueville's message as well. For both individualism and collective individualism, his remedy was a combination of local government, civil associations, and an active role of religion in civic life, but none these three is acceptable in the eyes of the CCP leaders. Local government would mean the weakening of the central authority and decreasing revenue of the central government—China's radical tax reform of 1994 was an attempt to consolidate government control over the economy and increase the fis-

cal extraction of the central government. Civil associations would mean increasing costs of the CCP's control of society both organizationally and ideologically—the relaxation of societal control in the 1980s ended in the Tiananmen Square protests of 1989, whereas the burgeoning civil society in the 2000s ended with the CCP's purge of liberal intellectuals and much tighter control over non-governmental organizations till this day when even "civil society" itself has become a sensitive word in the public life. An active role of religion would mean a direct ideological challenge to the communist orthodoxy—the crackdown on Falun Gong in 1999 indicates that the CCP would in no way tolerate such a challenge. In short, with political liberty, the CCP would quickly collapse; but without political liberty, the possibility of a political revolution looms large.

A central theme of *The Ancien Régime and the French Revolution* is that a revolution can happen when the economy has been quickly growing for decades. China's communist leaders must find such a message chilling, as implied in Wang Qishan's speech at Oxford at the outset of this chapter. China's decades of economic growth have been nothing but extraordinary, and China appears to be an orderly society with a well-functioned bureaucratic system, but economic prosper does not offset social contention, and laws do not match mores. As people turn away from associational life and concern themselves with private and economic affairs, and as the civil society has been handicapped by the government, the prospect that a fractured China is coming apart at the seams must be unsettling to the top leaders. A society of homogenous individuals who are similar in habits and opinions, isolated from each other, and deprived of their traditional social links and organic solidarity is one prone to quick dissolution, and China is becoming—or has become—such a society. A more disturbing message from Tocqueville is that rational administration tends to accelerate such a process. Since social democracy and political illiberalism are two sides of the same coin of communist China, there seems no way out of this trap.

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CHAPTER 12

Deconstructing American Exceptionalism

Katelyn C. Jones

Political scientists have often explored the limits of the concept of American exceptionalism (Prasad 2016; Walt 2011; Hodgson 2009; Shafer 1999; Wilson 1998; Lipset 1997; Kammen 1993). The best-known interpretations present American exceptionalism as a concept beneficial for both the U.S. and the world more broadly. Some have praised the U.S. as central to the future of freedom and order in international affairs (Huntington 1993). Others have lauded American exceptionalism as a gift to the world that cannot be matched by any other country's contributions (Hirsh 2004), and still others praise U.S. exceptionalism as central to the spread of democracy and the institution of a liberal international institutional order (Smith 2012; Ikenberry 2011).

Other scholars, however, are more skeptical of American exceptionalism's existence and positive consequences. For instance, Stephen Walt (2011) argues that exceptionalism is a myth for five reasons, including: there are other countries that present themselves as having unique responsibilities (cf. Bell 1991), the U.S. does not behave better than other nations, and the U.S. is not necessarily a key leader for moral goods in the world. Ultimately, Walt asserts that the U.S. has behaved like other

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states—in a self-interested fashion—and has devoted little energy to the idealistic pursuits that the myth of American exceptionalism posits (leading the free world, playing a positive role in international affairs).

In his book, *The Myth of American Exceptionalism*, Godfrey Hodgson (2009) presents American exceptionalism as a "dimension of American patriotism," "a form of nationalism" (14–15), and he asserts that it is dangerous domestically and globally to overemphasize the exceptionality of the U.S. (9). While Hodgson stresses that the U.S. is *not* exceptional due to its basis in established European ideas and principles of governance, he also acknowledges its uniqueness because of the American frontier experience (64). This is not to say that the unique is all necessarily good, though. He concludes the book with an exploration of negative exceptionalism. Hodgson points to the number of Americans in prison, the death penalty, and gun control as examples of the U.S. being uniquely bad in comparison to her European counterparts (140). What is ultimately damning about this negative exceptionalism is the contrast between the myth Americans paint of it being positive—something the U.S. excels at—and the empirical reality that the U.S. is most often exceptionally bad in dangerous ways.

The contemporary scholarly skepticism of American positive exceptionalism, especially in light of failed humanitarian interventions (Coyne 2013), is not surprising. Interestingly, though, scholars overwhelmingly root the negative exceptionalism in policy decisions that indicate a clear break with liberal ideals rather than in the concept of American exceptionalism itself (cf. Forsythe and McMahon 2016). This leads one to ask: are American exceptionalism's apparent positive and negative traits inherent in the very concept of American exceptionalism? To unpack American exceptionalism's positive and negative elements conceptually and not just in practice, I maintain that it is necessary to deconstruct the concept through careful analysis of the idea's textual emergence in Alexis de Tocqueville's writing, exceptionalism's widely recognized forefather (Shafer 1999).

While American exceptionalism is conventionally painted as something to celebrate and laud, something good and desirable so far as it upholds liberal ideals (cf. Walt 2011), I contend that American exceptionalism is, and always has been, a characteristic with both positive and negative traits. And because of these tensions, the degree to which it upholds liberal principles inevitably wavers. As I explained above, the idea that exceptionalism can be negative and/or positive is not completely new (cf. Hodgson 2009), but the assertion that exceptionalism's positive and negative elements are

evident in the very concept and nature of American exceptionalism is noteworthy. This chapter novelly examines exceptionalism's concurrent negative *and* positive elements in both theory and practice.

To demonstrate these tensions' entrenchment in the very idea of American exceptionalism, I turn to evaluate and deconstruct the foundational notion of American exceptionalism. I deconstruct the concept by interrogating the progenitor of American exceptionalism, Tocqueville's texts, ultimately revealing the pluralistic presence of positive and negative exceptional qualities as present in U.S. exceptionalism from its initial creation. Doing so, I highlight how the increasingly apparent separation of exceptional behaviors from liberal ideals is not surprising because of exceptionalism's latent undesirabilities.

I proceed to make my argument that exceptionalism entails intrinsic tensions between positive and negative traits by first explaining deconstruction as an approach to reveal repressed conceptual pluralities. I describe what it means to deconstruct a concept by explaining Jacques Derrida's approach to deconstruction; I also consider why a deconstructionist approach is especially suited to an analysis of American exceptionalism. Through a careful reading of Tocqueville's writings, I go on to establish American exceptionalism as self-deconstructing because it intrinsically entails multiple and competing meanings. To demonstrate the utility of a deconstructionist approach to interpret exceptionalism, I then turn to analyze the exceptional in practice today. Recognizing the tensions latent in theoretical treatments of American exceptionalism, I use a deconstructionist approach to analyze one specific example of the U.S.' exceptional behavior: U.S. policy advocacy in the United Nations' (UN) Third Committee, which has been couched in the U.S. delegation's assumed sense of liberal superiority. In doing so, I demonstrate both the value of a deconstructionist approach to examine exceptionalism in practice and the continued deconstruction of the exceptional today. Finally, I consider the implications of recognizing the concept of American exceptionalism as self-deconstructing for future scholarship.

It is important to note that this chapter does not challenge the idea that the U.S. behaves exceptionally today, nor does it challenge the idea that the U.S. is exceptional historically. In fact, I acknowledge and accept that recent behaviors are indicators that the U.S. is becoming increasingly exceptional in terms of its repeated sidelining of international law and norms. Rather, this chapter challenges the relevance of the dominant interpretation of American exceptionalism as *positive*.

Due to its interdisciplinary nature, this chapter contributes to research on both Tocqueville and theories of international relations (IR). It contributes to Tocqueville scholarship insofar as it illuminates the negative and positive elements of American exceptionalism present in Tocqueville's original presentation of the concept, providing an example of how deconstructionist methodology can provide new insight into Tocqueville's oeuvre. It also contributes to IR scholarship insofar as it examines the implications of domestic-level undemocratic liberalism for the current and future world order. Ultimately, I demonstrate American exceptionalism's changing significance and its wavering connection to liberal ideals as inevitable due to its intrinsic contestability.

The Meanings of Deconstruction and a Deconstructionist Approach

To understand what deconstruction entails, I turn to one of the approach's preeminent founders—Jacques Derrida. Derrida presents deconstruction as an approach that can be used to illuminate the meanings of "things—texts, institutions, societies, beliefs, and practices." Deconstruction highlights the shortcomings of limited, singular interpretations of things by bringing forward the multiple, and often competing meanings, that exist simultaneously. In challenging dominant interpretations of texts, institutions, and so on, Derrida maintains that obstacles to research can be overcome and one's mind can be opened to new approaches and possibilities (Caputo 2011: 33).

Derrida explains: "Deconstruction is neither a theory nor a philosophy. It is neither a school nor a method. It is not even a discourse, nor an act, nor a practice. It is what happens, what is happening today in what they call society, politics, diplomacy, economics, historical reality, and so on and so forth. Deconstruction is the case" (Derrida 1989: 95). Deconstruction, therefore, is not something that the researcher actively *does*, but rather something that happens and the researcher observes and participates in. Derrida importantly suggests that the individual does not deconstruct on one's own, but rather that texts deconstruct themselves, writing, "The deconstruction does not *apply itself* to such a text, however. It never applies itself to anything from the outside. It is in some way the operation or rather the very experience that this text, it seems to me, first does itself, by itself, on itself" (Derrida 2002: 264).

John D. Caputo (2011) further clarifies deconstruction's meaning and aim: "The very meaning and mission of deconstruction is to show that things—texts, institutions, traditions, societies, beliefs, and practices of whatever size and sort you need—do not have definable meanings and determinable missions, that they are always more than any mission would impose, that they exceed the boundaries they currently occupy. What is really going on in things, what is really happening, is always to come" (31). Deconstruction's goal, therefore, is to press against limited interpretations and boundaries that emerge in texts, institutions, and so on. Deconstruction is intrinsic to a text insofar as texts are always plural and do not contain a singular meaning. Singular meanings are imposed by logocentric procedures of interpretation that impose boundaries on texts and ideas. A deconstructionist approach, therefore, illuminates repressed pluralities and challenges dominant logocentric interpretations. Deconstruction is the tension "between what [the text] manifestly means to say and what it is nonetheless constrained to mean" (Norris 1987: 19).

But how exactly does one apply a deconstructionist approach? How can new approaches, meanings, and possibilities become apparent to the researcher from deconstruction? The core of the deconstructionist approach is observing the deconstruction that is happening within the thing of concern, whether it is a text, an institution, or a concept. In the case of a text's deconstruction, which is the primary concern of this chapter, Derrida maintains that the text's multiple meanings—and, therefore, deconstruction—become evident with careful attention to three different types of context surrounding the text. Catherine Zuckert (1991) summarizes these contexts as linguistic, historic, and logical. The linguistic context refers to the fact that a word cannot be understood in isolation. To understand a word, one must use it in a sentence. A word's meaning depends, therefore, on the broader linguistic structure and grammar, which, as Oxford English Dictionary entries illustrate, vary over time (Zuckert 1991: 336–7). Moreover, the meaning of a word or phrase depends on the broader literary context. The statement, "Stop pulling my leg," for instance, could refer to a plea to end a physical tug at one's leg *or* an inquiry regarding another's seriousness depending on the context in which it is said.

The historical context refers to the fact that the meaning of a text depends on the audience. The world in which the reader lives when reading a text will change how the text is read, and ultimately what the text means (Zuckert 1991: 337). The text's meaning changes with every reading. Finally, the logical context refers to the assertion that words only

acquire meaning in relation to other words—their negations. Derrida especially stresses that words' meanings emerge insofar as they are distinct from other words. For instance, Derrida notes that life cannot be understood without reference to death (Derrida 1973: 145) and faith cannot be understood without reference to science (Derrida 1998: 72–73, n. 27). And because the meaning of the word being read at a given moment and the meaning of this word's negation are constantly changing, the relationship between these words is always shifting.

The logical context for understanding a thing is continually shifting depending on the thing's context, that which it negates, and the context in which the audience is observing the thing. A deconstructionist approach, thus, entails an attentiveness to these multiple contexts—linguistic, historical, and logical—and the ways that these contexts influence meaning at any given moment. It is in recognizing these multiple meanings and tensions that deconstruction becomes apparent and opportunities for thinking and rethinking about meanings and actions emerge. If one acknowledges myriad meanings, one sees the different possibilities and consequences within a text.

Deconstruction is properly understood as an experience of openness to the disparity, the tension, the newness, or the break evidenced and experienced in the text itself. Derrida maintains that an important component of deconstruction, therefore, is an openness to all areas of research to the degree that they can provide important insight into new discoveries and the creation of new understandings and approaches (9–11). Consequently, a deconstructionist approach is well-suited to examine concepts like exceptionalism that have been interpreted and deployed with various understandings. It can uniquely bring forward the theoretical and practical contexts that contribute to ever-changing multiple meanings of American exceptionalism.

In the next section, I use Derrida's understanding of deconstruction to inform my reading and interpretation of American exceptionalism. I examine how American exceptionalism is present and presented in Tocqueville's writings, and I am attentive to disparities, tensions, and pluralities that emerge in these presentations. Moreover, as I proceed to consider the concept's manifestations in institutions and policies in the following section, I similarly consider how it deconstructs itself in practice with especial attention to linguistic, historical, and logical contexts. I carefully interpret Tocqueville's works and events with attention to the ways that American exceptionalism presents and deconstructs itself by unpacking tensions and disparities as they reveal themselves.

Deconstructing American Exceptionalism

To understand how the very idea of American exceptionalism deconstructs itself, I turn to Tocqueville's writings on America. It is interesting to note that while Tocqueville is often referred to as the progenitor of "American exceptionalism," he never uses that phrase specifically. Thus, the assertion that "American exceptionalism" is found within Tocqueville's writing is a singular, logocentric interpretation. It represents a conceptual and historical narrative imposed on Tocqueville because "American exceptionalism" does not appear verbatim in Tocqueville's text. Rather, Tocqueville describes Americans as being in an "exceptional situation" (455). To be in an exceptional situation is not necessarily the same as being exceptional. For instance, visiting Iceland and seeing the Northern Lights would put me (in my opinion) in an exceptional situation. But being in Iceland and seeing the Northern Lights does not make me necessarily exceptional as a person. Thus, interpreters' equation of being in an exceptional situation with latent exceptionalism is flawed logically. While Tocqueville *may* have equated the two, the text does not explicitly say that. The very claim that "American exceptionalism" is located in Tocqueville's writing is an imposition on the text as written and represents only one potential interpretation of what Tocqueville is saying.

Understanding the phrase "American exceptionalism" as an idea imposed on Tocqueville's text, it becomes possible to recognize repressed meanings of the American "exceptional situation" within the text. And in being attentive to the ways that this idea of the exceptional deconstructs itself, I maintain further pluralities reveal themselves and challenge conventional singular, positive interpretations of American exceptionalism. Recognizing these intrinsic tensions in the idea of the "exceptional situation" illuminates the exceptional's latent deconstructability. I turn now to consider these pluralities in Tocqueville's text, highlighting especially the positive and negative traits the text brings forward.

The section most often quoted as being the foundation for the idea of American exceptionalism is in Volume 2, Chapter 9 of *Democracy in America* (2006). Tocqueville writes: "Thus the Americans are in an exceptional situation, and it is unlikely that any other democratic people will be similarly placed" (455). From Abraham Lincoln to Ronald Reagan, this claim has often been read out of context, yielding claims that there is something particularly special (in a good way) about the American experience that makes it the "last best hope of earth" (Lincoln 1862) and a "shining city upon a hill" (Reagan 1980). There is something unique about the American situation that makes it extraordinarily good at achieving equality and liberty.

If one reads beyond this sentence, though, a repressed tension in this presentation of the exceptional emerges, and it becomes apparent how concept of the exceptional deconstructs itself. Broadening this sentence's literary context, one sees that Tocqueville's understanding of the exceptional nature of the position of the U.S. to not necessarily be a good thing. Tocqueville continues,

> Their strictly Puritan origin; their exclusively commercial habits; even the country they inhabit, which seems to divert their minds from the study of science, literature, and the arts; the accessibility of Europe, which allows them to neglect these things without relapsing into barbarism—a thousand special causes, of which I have indicated only the most important, have singularly concurred to fix the mind of the American on purely practical objects. His desires, needs education, and circumstances all seem united to draw the American's mind earthward. Only religion from time to time makes him turn a transient and distracted glance toward heaven. (455–6; Volume 2, Chapter 9)

Following the initial claim of exceptionalism, then, Tocqueville indicates that the American citizen's mind, because of its unique and exceptional position, is unconcerned with higher education (science, literature, and the arts) and more concerned with the practical. While this is not a fundamentally negative consequence of the U.S.' unique geography, commercial practices, and Puritanical roots, it is not an undeniably positive one either. Thus, the self-deconstruction of the exceptional reveals itself. Using a deconstructionist approach to read Tocqueville and examine different contexts, the idea of "American exceptionalism" reveals itself as *not* fundamentally rooted in his writing. Further, it becomes apparent that the idea of the exceptional presented does not entail the singularly positive characteristics conventionally assigned to it.

Tocqueville's concern with the tensions latent in the exceptional are also apparent earlier in the same chapter. He writes, "It must be admitted that few of the civilized nations of our time have made less progress than the United States in the higher sciences or had so few great artists, distinguished poets, or celebrated writers," which Tocqueville ultimately attributes to the country's first immigrants whose interests were hostile to the fine arts and literature (454; Volume 2, Chapter 9). Here, too, we see an apparent disparity within the exceptional: The U.S. excels exceptionally in some areas, but languishes exceptionally in others. The extraordinary nature of the U.S., therefore, makes it a site for capital, but not the arts,

to flourish. Despite the typical understanding that the exceptional contains that which is good, desirable, and to be imitated, Tocqueville's exposition of the exceptional reveals this to not be the case. Rather, exceptionality reveals itself to entail both positive and negative elements, tensions that make the exceptional's self-deconstruction apparent.

The intrinsic multiplicity of the exceptional's characteristics is brought even more to the forefront when one expands the concept's historical context. This plurality becomes particularly clear when reading the original, unedited manuscript of *Democracy in America*. Tocqueville writes,

> If peoples remain democratic, civilization cannot then be born in their midst; and if it happens by chance to penetrate there, they cease to be democratic. I am persuaded that humanity owes its enlightenment (*lumières*) to such chances and that it is under an aristocracy or under a prince that men still half-savage gathered the diverse notions which later must have permitted them to live enlightened, equal, and free. (Yale Tocqueville Manuscripts: 456–57)

Here, Tocqueville indicates that the democratic project is ultimately *unsustainable* because of its exceptional nature. America's exceptional focus on the pragmatic prevents the "diverse notions" that cultivate equality, freedom, and enlightenment from emerging, thereby impeding enlightenment and undercutting the very ideas central to the democratic project. Democracy cannot be sustained if civilization—literature and the arts—enters the sphere, and Tocqueville indicates that this penetration is essential for progress and enlightenment. Once civilization emerges, America will no longer be democratic. Thus, America's exceptional pragmatism is its downfall, making democracy untenable when confronted with civilization.

Aurelian Craiutu and Jeremy Jennings (2004) present compelling evidence from Tocqueville's letters that his views about the American democratic project became increasingly pessimistic over time, pointing to the ways that America failed to achieve the democratic dream envisioned. In a 1 September 1856, letter to Francis Lieber, Tocqueville wrote,

> I have passionately desired to see a free Europe, and I realize now that the cause of true liberty is more compromised today than it was during the epoch when I was born. I see around me nations whose souls seem to weaken as their prosperity and physical force grow, nations which remain, to borrow Hobbes' phrase, robust children who deserve only to be treated by means of the stick and the carrot. Your America itself, to which once turned the dream of all those who lacked the reality of liberty, has for some time in my view given little satisfaction to these friends. (179)

Tocqueville moreover noted that individuals in positions of power to govern the U.S. lacked education and moderation, and were devoid of the principles necessary to govern (Tocqueville 1986: 227). "As such, American politics appeared to Tocqueville more and more as an arena for brute instincts and appetites" (Craiutu and Jennings 2004: 404).

Reading Tocqueville's presentation of exceptionalism in *Democracy in America* as singularly and consistently optimistic, such a shift would appear dramatic. However, by recognizing that Tocqueville contends a lack of higher education and idealistic thought makes the U.S. exceptional, this apparent pessimism is unsurprising, and arguably consistent with Tocqueville's pluralistic interpretation of the U.S. and that which constitutes the exceptional when writing *Democracy in America*. Rather than his letters signaling a dramatic break, they present in a more pronounced way Tocqueville's understanding of the unsustainability of the American project precisely because of what makes the U.S. exceptional. In Tocqueville's later reflections, then, the exceptional's self-deconstruction further sheds light on American exceptionalism's intrinsic disparities.

Recognizing exceptionalism to be the predominance of brute instincts and appetites over education and moderation, the tale of American exceptionalism transforms dramatically. From something positive, it becomes something negative and to be concerned about. From a characteristic that draws other nation-states to the U.S. in an effort to emulate American ideals and institutions, acknowledging its repressed characteristics reveals the exceptional as a trait that other actors want to avoid at all costs. Ultimately, it means that the very enlightened liberalism that is supposed to characterize the American project is at best fleeting and at worst never actually present. For Tocqueville, what makes America exceptionally different from other nation-states is the same as what makes the American democratic project bound to disappoint.

A Contemporary Example of Exceptionalism's Deconstructability

Like Cheryl B. Welch (2003), I maintain that Tocqueville's interrogations of American exceptionalism and its liberal roots provide a window into thinking about the contemporary role of American exceptionalism in international politics. I moreover contend that the deconstruction of American exceptionalism theoretically provides insights into American exceptionalism practically. Derrida suggests that deconstruction will not

result in definite answers, but it will always creatively and destructively point to the limits of knowledge and move academics to recognize ideas' infinite discourses. Acknowledging the infinite discourses present within the idea of the exceptional, I turn now to consider how pluralities within the exceptional have emerged more recently.

Considering exceptionalism's deconstructability today with attention to the tensions uncovered in the last section presents even more discourses entailed in the idea of the exceptional. More specifically, recognizing how the concept of the exceptional continues to deconstruct in contemporary policymaking, we gain further clarity regarding the concept's latent disparities and can imagine new policy possibilities. In line with recent scholarship exploring tensions in Tocqueville's oeuvre between freedom and unfreedom, liberalism and illiberalism (e.g., Benson 2017; Duong 2018; Englert 2017; Tillery 2009), I move now to deconstruct exceptional tendencies present in U.S. foreign policy with especial attention to the tensions therein, as I established in the last section.

I focus especially on the U.S. engagement in human rights laws globally because the U.S. has historically presented itself as exceptional, and positively so, in the human rights space, but there are ample examples of the U.S.' hypocrisy (e.g., Guantanamo, domestic incarceration rates and policies, Abu Ghraib). Here, I concentrate on one motion that the U.S. recently made in the context of the United Nations under the guise of clarifying and improving international human rights law. This example illuminates the overt narrative of positive exceptionalism and the latent negative components of this same exceptionalism of the U.S. As such, it demonstrates how the nature of the exceptional continues to deconstruct in the American context and presents novel avenues for research questions and policymaking.

In 2018, reports surfaced that the U.S. had proposed to eliminate the language of "gender," and instead use the language of "women" in forthcoming human rights documents from the UN's Third Committee, which is concerned with addressing social concerns, humanitarian affairs, and human rights issues that impact people globally (Borger 2018). While this move may *seem* insignificant, it is not. The proposed amendments would replace mentions of "gender-based violence"[1] with "violence against women," therefore openly denying the potential for anyone who does not

[1] Gender-based violence is defined as harm that is perpetrated against a person's will and based on power inequalities stemming from gender role.

identify as a woman to experience violence on the basis of their gender identity. Moreover, the language of "women" is historically understood to only include cis-women. As Jamie J. Hagen (2016) explains, this conflation of gender and women is problematic: "It must be noted that reports which use the words 'woman' and 'gender' interchangeably neglect to consider gender as it is experienced beyond the stereotype of heteronormative women, erasing many experiences" (326). The proposed modifications would erase the experiences of men and transgender people, people who, too, can experience gender-based violence. And if UN Human Rights documents do not include these individuals' experiences, it will be difficult to measure the violence and discrimination they face. Further, it will be nearly impossible to hold perpetrators of violence accountable, contributing to increased impunity and increased gender-based violence.

The U.S. proposes these proposed modifications under the guise of wanting to increase specificity (Borger 2018). However, this apparent positive intention is not what it seems. Given increased hostility to non-gender-conforming and non-heteronormative people (Levenson 2018) and the rise of toxic masculinity under the Trump administration (Johnson 2017), this push in the Third Committee is in fact an attempt to spread domestic hostility toward non-cis-gendered individuals abroad. Rather than reflecting contemporary liberal values of equality for all, these moves would reflect illiberal and unenlightened perspectives on human rights, identity, and violence more akin to non-Western UN members (e.g., Saudi Arabia and Russia) than typical U.S. allies (Borger 2018).

In this case, the U.S. is exceptional among democracies for endorsing this change. And this exceptional behavior is *negatively* exceptional. In fact, this behavior goes against the very liberal tendencies that many attribute as making the U.S. exceptional in the first place. The proposed changes then reveal themselves to be self-deconstructing. Initially, the modifications appear to be advancing the goal of protecting women and crafting more specific human rights agreements. At closer evaluation, and with special attention to these claim's historic, linguistic, and logical contexts, these shifts reveal themselves to entail a repressed and distinctly illiberal tendency that works against the initial positive aim. The U.S. presents itself explicitly as an exceptionally virtuous guide in the UN, one that aims to uphold human rights agreements as best possible, but reveals itself to be exceptional in negative ways.

Conclusion

In recent years, scholars and commentators have pointed increasingly to the U.S. as failing to uphold its liberal, exceptional ideals at home and abroad. This chapter has demonstrated that the U.S.' exceptionalism, from when it was first acknowledged in Tocqueville's *Democracy in America* to contemporary policy today, has failed to uphold these ideals. In fact, American exceptionalism is characterized intrinsically by its negative *and* positive characteristics. As a result, it is unsurprising that the exceptional behaviors of the U.S. appeal more and more distant from liberal ideals. In fact, this is inevitable given the evident deconstructability of the exceptional.

To make this argument, I began by exploring political science literature on American exceptionalism, underscoring the paucity of critical scholarship on American exceptionalism as it was originally presented in Tocqueville. I then went on to present a deconstructionist approach as best suited to assess American exceptionalism in Tocqueville's writings and in action today. I proceeded to deconstruct exceptionalism in Tocqueville's writing, highlighting the exceptional's intrinsic negative and positive characteristics. Finally, I examined these same tensions' evidence in recent U.S. engagement in human rights agreements within the UN.

Going forward, I encourage researchers to recognize the links between a concept's theoretical underpinnings and the way the concept is used to analyze current events. In this chapter, understanding exceptionalism through a deconstructionist approach provided insight into the role and presence of exceptionalism in U.S. foreign policy today. Similar insights could be garnered into other concepts deployed in political science scholarship, such as representation and diversity.

More specifically, I encourage future political science scholarship grappling with the concept of exceptionalism to acknowledge how it was originally established in Tocqueville's writing. Doing so, scholars can be attentive to the ways that exceptionalism's presence changes over time as it self-deconstructs. As such, research will understand exceptionalism as a living and changing concept, rather than a monolithic entity that always appears one way or the other. American exceptionalism remains relevant to scholarship not because of its sway, as Shafer (1999) contends, but rather because of its continually revealed tensions. It is a relevant topic of inquiry because of its intrinsic contestability in both theory and practice.

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[1] Note: Page numbers followed by 'n' refer to notes.

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