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Soft Despotism, Democracy's Drift: What Tocqueville Teaches Today

A Conversation

Paul Rahe, James Ceaser, and Thomas West

Editor's Note: The following exchange is adapted from a public conversation among Paul Rahe (Hillsdale College), James Ceaser (University of Virginia), and Thomas West (University of Dallas) that took place at The Heritage Foundation on April 16, 2009, the date of release for Paul Rahe's book Soft Despotism, Democracy's Drift, *and the 150th anniversary of the death of Alexis de Tocqueville.*

PAUL RAHE: Conservatism in America is now at a nadir, but there is some hope that it might recover. What would happen if it were to do so? In particular, what would happen if the Republicans were to make a dramatic comeback as they did in 1938, 1966, and 1994?

As the Obama Administration founders, and as the President's negatives rise slowly but, I think, inexorably, as the Republicans ride higher in the polls and Democratic Senators from toss-up states begin to display anxiety, such a scenario seems conceivable. Thus far, the Republicans have been tactically adept, and we can foresee the possibility (but maybe not the probability) that they will stick to their guns and refuse to become what they were before 1980: tax collectors for the welfare state.

Opposition is, however, the easy part. There is no sign that anyone in the GOP has given any serious thought to developing a coherent program for governance. In the absence of such a strategy and plan, as became evident almost immediately after Newt Gingrich resigned his post as Speaker of the House, the Republicans will wander more or less aimlessly.

Before we contemplate the future, however, we must confront an exceedingly unpleasant fact. For nearly a century now, the friends of liberty, local autonomy, and civic agency have been in retreat, and the administrative state has grown by leaps and bounds.

The ideological foundation for this development was laid during the presidential campaign of 1912, when both Woodrow Wilson and Theodore Roosevelt attacked the Constitution and William Howard Taft, its only defender, came in a dismal third. The institutional foundation was put in place one year later with ratification of the Sixteenth and Seventeenth Amendments to the Constitution, which legalized the federal income tax and provided for the direct election of United States Senators, putting the federal government in a position to secure for itself unlimited funding and

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denying to the state legislatures, which had once chosen the Senators, the capacity to defend state and local governments against federal encroachment.

Since that time, since 1913, without a respite, the conservatives have been giving ground, sometimes slowly, sometimes rapidly, and the advocates of centralized administration have gradually extended their tentacles into nearly every corner of American public and private life.

Moreover, since 1928, the only real difference between Republicans and Democrats has been the pace. Herbert Hoover, Dwight D. Eisenhower, Richard Nixon, George Herbert Walker Bush, and George W. Bush may not have been as enthusiastic about extending federal powers as Franklin Delano Roosevelt, Lyndon Baines Johnson, and Barack Obama, but they were nonetheless quite assiduous. Even under Ronald Reagan, the only recent President who made a concerted attempt to limit the growth of the federal government, the federal government extended its reach.

Of course, the localities and the states still exist. Elections take place. There are school boards, and there are town, city, county, and state governments; and they still matter—even if, on a growing and great variety of subjects, they take their orders from a national government that offers them vast sums of funding in return for strict compliance with its every whim. Our polity is a hodge-podge, but with every passing year the burden of federal regulation becomes more intolerable, and the number of mandates grows with increasing rapidity. Moreover, nearly all of the regulations imposed are devised by unelected civil servants and political appointees to whom Congress—undeniably in breach of the Constitution's separation of powers—has delegated legislative, executive, and judicial responsibilities.

Next to nothing with regard to these is examined and voted on by elected officials who can be held responsible by the voting public for the consequences of what has been done. Moreover, what remains undecided within the administrative agencies is generally dealt with in courts, unresponsive to the electorate. We may still take pride in being a self-governing people, but to an ever-increasing degree, that pretense is unsustainable.

THE TOCQUEVILLEAN CURE FOR THE FRENCH DISEASE

If we are ever to put a stop to the advance of the administrative state or even roll it back, if we are ever to recover the liberty that once was ours and reassert our dignity as citizens rather than as clients and as subjects, we must first come to understand what it is that has occasioned central administrations' seemingly inexorable march. Here, I would argue, Alexis de Tocqueville, who died 150 years ago today, on 16 April 1859, is our best guide, for what he feared with regard to his native France is increasingly true for the United States.

We have contracted the "French disease." To an ever-increasing degree, our compatriots are subject to what Tocqueville described as "an immense tutelary power which takes sole charge of assuring their enjoyment and of watching over their fate."[1] As he predicted, this power is "absolute, attentive to detail, regular, provident and gentle," and it "works willingly for their happiness, it provides for their security, foresees and supplies their needs, guides them in their principal affairs, directs their industry, regulates their testaments, divides their inheritances." It is entirely proper to ask whether it can "relieve them entirely of the trouble of thinking and of the effort associated with living," for such is evidently its aim.

Moreover, "after having taken each individual in this fashion by turns, into its powerful hands, and after having kneaded him in accord with his desires":

> [The sovereign] extends its arms about society as a whole. It covers its surface with a network of petty regulations—complicated, minute, and uniform—through which even the most original minds and the most vigorous souls know

[1] Here and elsewhere, the translation is my own.

> not how to make their way past the crowd and emerge into the light of day. It does not break wills; it softens them, bends them and directs them. Rarely does it force one to act but it constantly opposes itself to one's acting on one's own. It does not destroy, it prevents things from being born, it extinguishes, it stupefies and finally, it will reduce each nation to nothing more than a herd of timid, and industrious animals of which the government is the shepherd.

As I said, when Tocqueville wrote these words, he did not have our country in mind. He was worried—and rightly so—about his native France. Where other luminaries, such as François Guizot, looked optimistically to the rule of a technocratic elite armed with authority conferred by a liberal, quasi-democratic regime, Tocqueville anticipated something much more ominous: the establishment of a "social body" that would be intent on exercising foresight with regard to everything. It would act as a "second providence," nourishing men from birth and protecting them from "perils," and it would function as a "tutelary power" capable of rendering men "gentle" and sociable in such a manner that crimes would become rare, and virtues as well.

When under the rule of this "tutelary power," he foresaw that the human soul would enter into a "long repose." In the process, "individual energy" would be "almost extinguished," and when action was required, men would "rely on others." In effect, a peculiar brand of what Tocqueville called "egoism" initially, and "individualism" later, would reign, for everyone would "withdraw into himself." If "fanaticism" disappeared, as he suspected it would, so would "convictions" and "beliefs" and human agency itself.

The new and unprecedented "species of servitude" that Tocqueville had in mind was, as he later observed, "regulated, gentle, or soft, and favorable to peace." He suspected that it could be "combined more easily" than men were inclined to imagine "with some of the external forms of liberty." He even suggests "that it would be possible for it to be established in the very shadow of the sovereignty of the people."

In this fashion—with the institution of a "unitary, tutelary, all-powerful" government "elected by the citizens" at regular intervals—one might actually satisfy the two contradictory impulses found among his contemporaries: the felt "need for guidance and the longing to remain free." What this would involve, Tocqueville explains, is a "species of compromise between administrative despotism and the sovereignty of the people," a corrupt bargain between the ghost of Jean-Jacques Rousseau and that of his erstwhile admirer Anne-Robert-Jacques Turgot in which the political doctrine of Rousseau was deployed rhetorically for the purpose of legitimizing a law-abiding, steady, reliable despotism on the Chinese model—a model of the sort that was espoused, in full knowledge of what they were embracing, by Turgot's mentors among the Physiocrats in France.

Under such an arrangement, Tocqueville remarked, "the citizens emerge for a brief moment from dependence for the purpose of indicating their masters, and then re-enter," without further ado, "their former state" of dependence. "They console themselves for being in tutelage, with the thought that they had chosen the tutors themselves," and "they think that they have sufficiently guaranteed the liberty of the individual when they have delivered to the national power."

This is the fear that brought Tocqueville to North America: that the great democratic revolution sweeping the globe would eventuate not in liberty, but in a soft, gentle despotism wholly welcome to those who would be subject to it. He came to these shores hoping against hope that he would discover in our country an antidote to the process that had in France produced a Napoleon and that seemed likely to eventuate in something far less impressive than the great Bonaparte.

And here, on these shores, Tocqueville discovered what he was looking for. In decentralized administration, local self-government, civic associations, an unfettered press, Biblical religion, and the marital solidarity characteristic of Jacksonian America, he found what

he took to be an antidote for the soft despotism that he rightly saw as democracy's drift.

Above all, he was persuaded that where there is centralized administration and individual citizens find themselves alone facing the state, they will succumb to the disposition that Pascal, Montesquieu, and Rousseau had called *inquiétude* (using a word that has a range of meanings stretching from uneasiness and restlessness to anxiety and outright fear) and, in search of a sense of security, will gradually become passive subjects. But he also saw that where there is considerable local autonomy, as there was in the United States, and the citizens experienced civic agency and learned the art of association thereby, where there is genuine and spirited public debate, where the citizens find in Biblical religion a moral anchor and a foundation for their own dignity and where they are sustained by domestic tranquility typifying their homes, the sense of *inquiétude* typical of the liberal democratic man will give way to citizens' trust in their own capacities, and they will be likely to be anything but passive and to have the confidence to join together and face down officials intent on lording it over them.

One cannot today read Tocqueville's description of democracy in America with equanimity, for as I have already intimated, to a considerable extent, the world that he described is lost. The states and localities are in thrall to the federal government. Civic associations survive almost solely as lobbying operations. Newspapers are disappearing hither and yon. Christianity and Judaism have lost their hold on much of our population. The divorce rate is unconscionably high, and, last year, 40 percent of all children in the United States were born out of wedlock. We cannot continue on the path we now tread and sustain a genuine democracy.

THE SECOND CRISIS OF THE AMERICAN REGIME

Of course, this is not the first time that the American regime has faced a great crisis. We did so once before, in and before the 1860s; and, at a terrible cost, we managed to weather that predicament by attending to the principles enshrined in the Declaration of Independence, put into practical form through the Constitution, and given an authoritative interpretation in *The Federalist*.

Tocqueville was not entirely oblivious to this first crisis when he published *Democracy in America*, but he did not fully appreciate it in the 1830s. He had planned to sojourn in Charleston, South Carolina, for a time, but his travels in North America were cut short by orders from France. Had he gone there as planned, he would have realized that the principles of the Declaration of Independence, which he had heard read out loud on the Fourth of July in Albany, New York, were under assault in another corner of the country. It was not until later, as evidenced in his letters (especially those written in 1849, when he was Foreign Minister of France, and in the 1850s), that he came to fully appreciate the danger.

We can learn something about this problem from reading *Democracy in America*, but Americans in the 1850s had no real need of Tocqueville's guidance on the dispute then current. What was at issue was clear enough, and the Declaration of Independence, the Constitution, and *The Federalist* were a sufficient guide. What was required was, simply, a reassertion of American principles.

The second crisis of the American regime—our crisis—is of a different character. It had its origins in the 1870s and in the 1880s in the most unlikely of places: among the political offspring of Abraham Lincoln. It began within the Republican Party, within the liberal wing of Evangelical Christianity, and it had its initial home in the universities.

Its proponents called themselves Progressives. They inhabited universities constituted on the German model. They thought of themselves as scientists exploring new frontiers. They were powerfully influenced by Hegel's *Phenomenology of Right* and by the social Darwinism inspired by Charles Darwin's *On the Origin of Species*.

For Abraham Lincoln, almost without exception, they expressed admiration; but under the influence of Hegel and Darwin, they abandoned as outmoded the notion, asserted by the Founding Fathers and reasserted by Lincoln, that the Declaration of Independence embodied self-evident truths. Under these influences, they came to see the Constitution as outmoded; and when the generation to which they belonged came to exercise leadership, in 1912, they advocated jettisoning both.

We do not need Tocqueville to see this apostasy as an apostasy. No one who reads the preamble to the Declaration of Independence can be comfortable with affirmative action and intrusive bureaucracy. No one who reads the Constitution in light of *The Federalist* can be satisfied with our abandonment of the two great principles of self-government enshrined in that Constitution and defended in that volume: the separation of powers and federalism. Our entire tradition weighs against the administrative state. But nonetheless it has grown. It continues to grow under Republicans and Democrats alike, and right now it threatens to grow dramatically.

TOCQUEVILLE'S CONTRIBUTION: RESISTING TYRANNICAL AMBITION AND SERVILE TEMPTATION

This is where Tocqueville comes in. Neither the Declaration of Independence nor the Constitution nor *The Federalist* is sufficient to enable us to understand what I will call the nexus of tyrannical ambition and servile temptation. The leading documents of our tradition do not address this question, nor should they have done so. The preamble of the Declaration of Independence is a statement of first principles. It is not a fully elaborated political science.

The Constitution presupposes such a political science, and much of what it presupposes is elaborated in *The Federalist*, but that work was produced for an occasion. Its aim was to encourage the ratification of the Constitution. Its authors hoped thereby to form a more perfect Union. They had no need to make the case for local autonomy; it was their task to show where its proper limits lay. As a statement of political science, it was, in consequence, incomplete because of the occasion to which it was directed. If the Founders understood the nexus of tyrannical ambition and servile temptation—and, as we shall see, at least one of them certainly did—they quite properly refrained from addressing it in this book.

This is why we need Tocqueville today. As his letters reveal, he came to America with a fully worked out account of the nexus of tyrannical ambition and servile temptation. What he looked for in these parts and found was a regime equipped with the means to resist that temptation.

His is not a book primarily about the American regime. It is a book about *democracy* as such, and he uses our regime solely as an example. He wrote in French for a French audience. His aim was to instruct *them* in what *they* needed to know. It was not necessary that he mention the Declaration of Independence. First principles were not germane to his task. The French, after all, had their own declaration, and it too embodied the principle that all men are created equal and endowed by their Creator with certain inalienable rights. This principle he took for granted, and he alluded to its implications—for example, in discussing slavery—in much the same fashion as did *The Federalist*: without citing chapter and verse.[2]

Tocqueville did speak about the gradual discovery of the equality principle in the course of European history, and he quite rightly traced this discovery to the Christian faith (for the first to talk about men being endowed by their Creator with natural rights, the first to speak about men being naturally equal, were the Church Fathers), and he highlighted the influence that Christianity exercised within Europe over a multitude of centuries. But he never suggested, as some suppose, that the truth of the principle of equality was in any

[2] See *Federalist* No. 40, which quotes a brief passage from the Declaration of Independence without ever mentioning the document itself.

way historically contingent. His subject when he talked about history and the principle of equality was the *discovery* of the principle of equality.

We need to read *Democracy in America* as Tocqueville intended that it be read: as an adjunct to *The Federalist* (which he frequently cites) intended to instruct the French in virtues they sorely lacked (and still sorely lack), but above all, in an appreciation for the vital significance of federalism and local self-government, the importance of civic associations and a free press, the political virtue of the Christian religion, and the necessity for familial harmony. We would not ourselves desperately need this adjunct to *The Federalist* had we remained true to our inheritance, had we not contracted what I call in my book *Soft Despotism, Democracy's Drift* the "French disease."

But now, alas, we are as much in need of Tocqueville as were the French in his own day, and we cannot understand the nexus of tyrannical ambition and servile temptation if we do not pay close attention to his account—indebted to Montesquieu's *Spirit of the Laws* and to Montesquieu's greatest student, Rousseau—of the distinctive political psychology of liberal democratic man. And we must also attend to what he learned from Thomas Jefferson, the one American fearful of the nexus of tyrannical ambition and servile temptation, who identified local self-government (what he called "ward republics") as the means by which this could be resisted.

Seventy-two years ago, in 1937 at the height of the New Deal, Walter Lippmann, a repentant Progressive, noted that:

> [W]hile the partisans who are now fighting for the mastery of the modern world wear shirts of different colors, their weapons are drawn from the same armory, their doctrines are variations of the same theme and they go forth to battle singing the same tune with slightly different words….
>
> Throughout the world, in the name of progress, men who call themselves communists, socialists, fascists, nationalists, progressives and even liberals, are unanimous in holding that government with its instruments of coercion, must by commanding the people how they shall live, direct the course of civilization and fix the shape of things to come…. [T]he premises of authoritarian collectivism have become the working beliefs, the self-evident assumptions, the unquestioned axioms, not only of all the revolutionary regimes, but of nearly every effort which lays claim to being enlightened, humane, and progressive.
>
> So universal is the dominion of this dogma over the minds of contemporary men that no one is taken seriously as a statesman or a theorist who does not come forward with proposals to magnify the power of public officials and to extend and multiply their intervention in human affairs. Unless he is authoritarian and collectivist, he is a mossback, a reactionary, at best an amiable eccentric swimming hopelessly against the tide. It is a strong tide. Though despotism is no novelty in human affairs, it is probably true that at no time in twenty-five hundred years has any western government claimed for itself a jurisdiction over men's lives comparable with that which is officially attempted in totalitarian states….
>
> But it is even more significant that in other lands where men shrink from the ruthless policy of these regimes, it is commonly assumed that the movement of events must be in the same direction. Nearly everywhere, the mark of a progressive is that he relies at last upon an increased power of officials to improve the condition of men.[3]

[3] See Walter Lippmann, *An Inquiry into the Principles of the Good Society* (Boston: Little, Brown, 1937), pp. 3–6.

What worried Lippmann the most—what had worried Calvin Coolidge before him, and what should worry us even more today—was the failure of those who considered themselves Progressives to "remember how much of what they cherish as progressive has come by emancipation from political dominion, by the limitation of power, by the release of personal energy from authority and collective coercion." Lippmann cited "the whole long struggle to extricate conscience, intellect, labor, and personality from the bondage of prerogative, privilege, monopoly, authority." It was, he said, "the gigantic heresy of an apostate generation" to suppose that:

> [T]here has come into the world during this generation some new element which makes it necessary for us to undo the work of emancipation, to retrace the steps men have taken to limit the power of rulers, which compels us to believe that the way of enlightenment in affairs is now to be found by intensifying authority and enlarging its scope.

It is with Lippmann's warning in mind that we should resume our attempt to understand the present discontents in light of what we can learn from Montesquieu's account of the English form of government, from Rousseau's account of commercial society, but above all else, from Alexis de Tocqueville, whose passing we commemorate today.

JAMES CEASER: There are, generally speaking, two approaches that could be taken to studying Tocqueville. One is to treat him as a political thinker or theorist and make every effort to understand his work, perhaps subjecting it to criticism. The other is to draw inspiration from him and continue the enterprise he launched of introducing a "new political science for a new era," a political science that asks how we can maintain a functioning, liberal democracy that produces a society of free men and women.

Tocqueville did that for his day; but, of course, that was his day. The Tocquevillean project consists of asking these same questions in our day. Just as he treated institutions, religion, media, the arts, architecture, the family—in short, almost everything we find in society—with a view to how to maintain a free society, we must do the same within political science for our time.

Paul Rahe's fine new book opens up fruitful avenues for both approaches to the study of Alexis de Tocqueville: for what he meant in his day as well as for what he could mean today. We are doubly grateful to Paul for this achievement.

TOCQUEVILLE AND AMERICAN CONSERVATISM: THE FIRST FUSIONIST

My assignment this afternoon is to comment on Tocqueville's relationship to conservatism. Tocqueville himself could not have conceived his thought in this way, because the term "conservative," if it had been invented, would only have been invented recently, before he came to America. Edmund Burke, for example, never uses the word "conservatism," although Tocqueville was very much aware of Burke's thought.

As for America, Tocqueville knew and met many thinkers associated with the American Whig Party who were conservative in a new sense. They were conservative not in the way Europeans were, but in a way that embraced free and popular government. When we look back at Tocqueville and consider him in context, it is clear that he was influenced by these thinkers. These thinkers in turn helped to shape the Whig Party in the United States.

As for modern American conservatism, which is a term that identifies a coalition of different bodies or strains of thought that have been joined together under

one word, Tocqueville could have known nothing. Still, the truth is that if you look today at the various conservative safe houses in Washington, beginning here at Union Station and making your way uptown via Massachusetts Avenue and then to the K Street corridor, and perhaps all the way up to Georgetown University, you can find many centers and institutions that would be proud to name Alexis de Tocqueville a senior scholar, even a distinguished senior scholar.

When it comes to the notion that Americans were once "Anglos" and religious before they ever embraced natural rights philosophy, Tocqueville was Sam Huntington before Sam Huntington. When it comes to the notion that a huge central state with a massive centralized administrative bureaucracy takes us down the road to serfdom, Tocqueville was, of course, Friedrich Hayek before Friedrich Hayek.

When it comes to the idea that a robust Biblical faith among the American people should have its place in the public square, Tocqueville was Richard Neuhaus before Richard Neuhaus. When it comes to the great cultural perspective that modern democratic civilization can flatten, debase, and diminish the human spirit, Tocqueville was Richard Weaver before Richard Weaver. When it comes to the notion that secondary powers and associations are the central elements of a pluralist society, Tocqueville was Robert Nisbet before Robert Nisbet.

On this point, Tocqueville could even be of help to the leader of the philanthropy project at Hudson, Bill Shambra; and Tocqueville's book, which treated philosophy and philanthropy on a level with Arthur Brooks's *Who Really Cares*, could easily have qualified him to be president of the American Enterprise Institute. Tocqueville was warning against the tenpin long before Robert Putnam had become CEO of Bowling Alone, Inc., at Harvard.

Finally, as for the idea of America as a great world power and empire of democracy, roaming and policing the world, Tocqueville was Bill Kristol before Bill Kristol. Indeed, I observe that Tocqueville even wrote a recent editorial for the *Weekly Standard*,[4] for which I hope his estate was properly remunerated.

There are obvious tensions among these various strands of the conservative movement today, but they come closer to being assembled into some kind of coherent whole in the thought of Tocqueville than in anyone else's. Tocqueville's connection with these different parts of conservatism is well known, and it needs no further elaboration here.

TOCQUEVILLE AND "DEMOCRATIC TYPES"

I would like to try to add one other perspective to viewing Tocqueville's work. I hope it can open up a new avenue for conservatives' reflection on Tocqueville's thought.

At the end of the day, as I think all would agree, the final and most important criterion for analyzing and assessing different regimes is the kind or kinds of human beings that they tend to produce and promote. This is so even in our modern understanding of society, where the role of the political is limited primarily to protecting our rights and views of happiness, as distinct from earlier societies, where political responsibility went much farther, explicitly aiming to produce specific ideas of virtue or right thinking.

Yet even today, under this modern understanding, we keep our eye on the result of our arrangement, and we would be dismayed if free societies promoted on balance unworthy human beings. In fact, it is remarkable how much of public policy discussion still connects directly or indirectly to the question of the kinds of human beings that our society encourages. This is true whether we are speaking of education policy, drug laws, rules of marriage, or even the tax code. In the end,

[4] See "Barack Obama's America: *a timeless critique from Tocqueville*, by Alexis de Tocqueville," *The Weekly Standard*, Vol. 14, Issue 24 (March 9, 2009), at *http://www.weeklystandard.com/Content/Public/Articles/000/000/016/202tgqya.asp*. A note at the end of the article says that it is taken "*From* Democracy in America*, volume two, part four, chapter six: 'What Kind of Despotism Democratic Nations Have to Fear' (translated by Harvey C. Mansfield and Delba Winthrop).*"

a responsible social science cannot avoid the fundamental question of the character of human beings.

Tocqueville helped to develop this way of thinking about and judging modern societies. His approach to the relationship between regimes and the character of human beings they produce begins with a background conception of man, or human being as such, who is fixed on a few consistent and constituent points. This is the permanent or non-plastic part of the human character. It includes, for example, some glimmer of a deep intimation that prompts every man to ponder the reason for his own existence.

Then, on top of this idea of man as such, Tocqueville proceeds to place a set of lenses that powerfully shape humans into different types.

The first great set he employs derives from the "social state" and the historic era. One lens comes from a social state of hierarchy, and it gives us the general type called "aristocratic man." The other lens derives from the social state of equality, and it gives us the general type called "democratic man." These two types are so dramatically different in so many important ways that Tocqueville at some points describes them almost as characters of a different kind or species.

This approach that connects an age or era to a general type of human being was subsequently picked up and radicalized by two of the greatest philosophers of the 19th and 20th centuries, respectively: Nietzsche and Heidegger. Each spoke of what amounted to a unique type for our modern epoch: the herd, or the modern European, in Nietzsche's case and *das Man*—sometimes symbolized as the American—in Heidegger's case. These types were of such low and dismal quality as to lead these thinkers to suggest the need for a complete transformation of society, radically blowing up the constitutions of the so-called civilized societies of the time.

Tocqueville did not, of course, take this step. The reason is not just that he was more moderate politically (though he was) and not just that he had studied so closely the ravaging impact of an effort, in the form of the French Revolution, to tear up and remake society, which touched members of his own family. It was, rather, that he was never as deterministic or pessimistic as Nietzsche or Heidegger. The democratic man he sketches in the end is still a broad type that contains a range of possibilities or sub-types. Some of the sub-types are of defensible quality; some are sad and dismal.

There is, in short, another set of lenses that Tocqueville applies on top of democratic man. This set yields different varieties of democratic man.

Most Tocqueville scholars have noticed something like this. It is now time, I think, to take what is implicit and make it explicit by giving names to each of these new types and developing more concretely their characteristics. The project should be to describe how Tocqueville envisions these types, which ones are more or less worthy and how the worthy ones would be encouraged and the dangerous ones averted. As a starting point, I will designate a couple of the negative types.

I would mention, first, "Globo-Man." The psychology of Globo-Man is distinguished by the fact that his point of connection to others is not to any particular society, but to everyone—to humanity as such. He is a practicing congregant of the religion of humanity.

This disposition is an outgrowth of the tendency of democratic man to move away from a connection to class (in the aristocratic sense) and to the nation. Globo-Man has become uneasy with notions of the nation and national honor; he looks beyond the nation, to a negation of the nation, in the form of an attachment to the world and to world citizenship.

It is clear that in their professions of belief, many Europeans are closer to or have reached this point. The issue also divides our own populace, with the fault line falling somewhere between younger and older Americans. The cleavage showed up in the last election. While many of the young respected John McCain's biography, they did not find it nearly as appealing or as worthy as Barack Obama's personal quest for identity, which had a greater resonance with the notion of the religion of humanity.

There is no doubt that this vast constituency of the religion of humanity strongly favored President Obama, who was, so to speak, elected by the world

and can be counted as the first President of the World. Whether he flirts with considering himself more in this light than as a mere local politician (that is, President of the United States) has been a matter of much speculation.

For Tocqueville, the stopping point of effective attachment in our age should be the nation. It remains the only unit that is still capable of great action and that can uphold a meaningful standard of honor. In other words, if the identification of man is humanity, the notion of greatness must grow dimmer and dimmer.

The other democratic sub-type I will mention is "Present-Day Man." The characteristic element of this character is the identification of a time horizon with the now, meaning "my life," the time in which I live. Present-Day Man has no connection to a long past and only the vaguest connection to the future.

The advent of Present-Day Man is one of the most notable traits of our time, perhaps more pronounced in Europe than in the United States. It is likely the source of the demographic collapse of large segments of modern liberal democratic society. For without a serious horizon of the future coming from a cause that will endure, be it a political or religious one, or better still a combination of those two, there is no reason to procreate for a time beyond our own.

I will stop at this point, urging only that scholars today find the time and energy to study the different sub-types of democratic man as part of Tocqueville's project to create a new political science for a new era.

THOMAS WEST: Tocqueville's picture of 1830s America is wonderful. We can still learn from his insights on the importance of religion, the family, local self-government, private associations, and much more. The question is how useful Tocqueville is for us today.

In his book *Soft Despotism, Democracy's Drift*, Paul Rahe argues that Tocqueville can help us understand both what pushes democracy toward despotism and what remedies can keep democracy from degenerating into tyranny. I am in qualified agreement with Rahe's judgment. However, although Tocqueville's book is unquestionably brilliant, I am not convinced that it is as helpful as one might wish in diagnosing the despotic drift that we are in the grip of.

DOES TOCQUEVILLE MISUNDERSTAND THE AMERICAN FOUNDING?

Today I will limit my remarks to Tocqueville's misunderstanding of the American Founding and therefore of America. The most striking sign of that misunderstanding is that in a 700-page book on America, Tocqueville never once mentions, let alone analyzes, the political theory of the American Founding as articulated in the Declaration of Independence and in many other founding documents.

The logic of Rahe's own analysis points, I believe, to these defects in Tocqueville. Toward the end of *Soft Despotism*, Rahe turns to today's political scene. He describes the origins of today's despotic state in the ideas of Progressive intellectuals who were active "in and after the 1870s and 1880s." These men, says Rahe, "aimed at the foundation of a new political regime." The Progressives dismissed "as outdated the concern with individual, natural rights" that was shared by Jefferson, Hamilton, and Lincoln.[5]

Rahe implies that the origin of today's problems is not, as Tocqueville had argued, the logic of the people's democratic passions and ideas, arising from the equality of conditions. The origin lies instead in the ideas of disgruntled intellectuals who rejected the principles of the Founding and of majority rule. For all their talk of the need to make America more democratic, the Progressive and later liberal hostility to local self-government reveals their true agenda.

[5] Rahe, *Soft Despotism*, pp. 244–245.

The demand for change came from the top down, not from the bottom up; from anti-democratic elites, not from the people.

A common complaint among Progressive intellectuals a century ago was that the American people continued to be stubbornly loyal to the Founders' ideas. In 1903, Charles Merriam wrote that:

> [The doctrines of] natural rights, the social contract, the idea that the function of the government is limited to the protection of person and property…are no longer generally received [among political scientists]…. Nevertheless, it must be said that thus far the rejection of these doctrines is a scientific tendency rather than a popular movement. Probably these ideas continue to be articles of the popular creed.[6]

That complaint continues to be echoed today.

Rahe's analysis raises this question: If the Progressives and today's liberals feel the need to attack the natural rights theory of the Founding, does that not imply that the theory was and continues to be regarded as a significant obstacle to the liberal refounding of America in the 20th and now 21st centuries? Does it not also imply that part of the remedy for today's ills might be found in a revival of the natural rights thinking that animated the Founding?

Rahe admits that Tocqueville did not "do full justice to the American regime," because "[h]is aim was to instruct his [French] compatriots in what they most needed to know." Rahe says that Tocqueville was not "disdainful" of the "principles…enshrined in the Declaration of Independence," but that since "the French Revolution had impaired" local self-government, he did not think that abstract doctrines of equality and liberty were what the French needed to hear. Tocqueville meant to remind the French of the blessings of "the municipal liberties…that they themselves had once enjoyed."[7]

But when Rahe says that Tocqueville fails to "do full justice" to America, does he not imply that Tocqueville may not be the best guide either to understanding America or to analyzing the problem of the current movement in the West toward despotism? It really does not matter whether, as Rahe argues, Tocqueville tacitly agreed with the natural rights teaching but concealed it from his French audience for pedagogical purposes or whether, as I suspect, Tocqueville followed his mentor Rousseau in rejecting the idea of natural law in the sense that Locke and the Founders understood it. Either way, Tocqueville does not tell us what America really was.

There is evidence of Tocqueville's rejection of the idea of natural right. In the only chapter where he affirms "the idea, so general but at the same time so simple…of the equal right to freedom that each bears from birth,"[8] he also says that all general ideas are false. Thus, it should be no surprise when Tocqueville attributes the teaching that all men are "naturally similar and equal" not to philosophers, but to Christianity.

In another passage, Tocqueville speaks of justice not as an eternal principle inherent in the natural order, or discovered from an examination of the natural order, but as a "law…that has been made or at least adopted…by the majority of all men."[9] In other words, it is authoritative not because it is in accord with an eternal standard of right, as the Founders said, but because all men accept it.

Tocqueville says he appeals here "from the sovereignty of the people to the sovereignty of the human race."[10] Mankind's general will, as it were, is the source of justice. But Tocqueville unfortunately implies that

[6] Charles Edward Merriam, *A History of American Political Theories* (New York: Macmillan, 1903), p. 332–333.

[7] Rahe, *Soft Despotism*, p. 223.

[8] Alexis de Tocqueville, *Democracy in America*, trans. Harvey C. Mansfield and Delba Winthrop (Chicago: University of Chicago Press, 2000), p. 413.

[9] *Ibid*., p. 240.

[10] *Ibid*.

if the will of mankind should change, justice would be redefined.

WHY DEMOCRACY NEEDS A THEORY OF INDIVIDUAL RIGHTS

Elsewhere, Tocqueville speaks of democracy as providentially destined. If this claim is not a mere rhetorical ploy, it means that whatever history points to is right and good. This is not an affirmation of the eternal wrongness of slavery and oppression. It is a confession of belief in Progress and an affirmation of history, not nature, as the standard of right.

Tocqueville's blindness to, or silence on, the Founders' political theory reminds me of a 1996 statement of Supreme Court Justice Antonin Scalia. In the question-and-answer period after his speech, Scalia was asked whether democracy requires protection of individual rights. Scalia responded: "The whole theory of democracy, my dear fellow, is that the majority rules, that is the whole theory of it. You protect minorities only because the majority determines that there are certain minorities or certain minority positions that deserve protection."[11]

Tocqueville, in agreement with Scalia, also presents "the whole theory of democracy" as being nothing more than the rule of the majority. It has no internal source of self-restraint. But if there is nothing in the theory of democracy but majority rule, then the majority may do anything it wants unless it is restrained by some principle or cause wholly external to the "theory of democracy."

This is not the Founders' "theory of democracy." Tocqueville never mentions the fact that the Founders had insisted from the beginning that the right of the majority to rule stems from the same law of nature that puts moral limits on the majority. Jefferson explains in his First Inaugural Address:

> All, too, will bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will to be rightful must be reasonable; that the minority possess their equal rights, which equal law must protect, and to violate which would be oppression.[12]

In the Founders' theory, all people are born with equal natural rights, the violation of which is forbidden by the law of nature—whether the will of the majority agrees or not.

Tocqueville rightly argues that majority rule without any moral limit is a dangerous doctrine. He sees that Americans in the 1830s did not actually believe that the majority has a right to do whatever it wants. He concludes that American democracy must have succeeded because of some historical accident. Somehow, America became an amalgam of disparate elements, some of which turned out to be very useful in restraining the majority.

That historical accident, in Tocqueville's analysis, was the presence in early America of the legacy of the English aristocratic past. Three of these elements of aristocratic provenance are the idea of individual rights, the practice of local self-government, and the Christian religion.

Tocqueville writes that the Americans "have taken from the English aristocracy the idea of individual rights."[13] The claim that individual rights are not a democratic idea follows necessarily from Tocqueville's equation of democracy with majority rule.

For Tocqueville, the real founding of America was in Puritan Massachusetts, as he tells us in the second chapter of his book. For that to be true, however, there would have to be a basic continuity between early Puritanism and the Founding. It is true that the Puritans had local self-government, but they had no individual rights. Furthermore, the Puritan conception of the purpose of government was very different from

[11] Quoted in Robert A. Conner, "Justice Scalia and Yogi Berra: A Matter of Interpretation," September 17, 1996, at *http://www.columbia.edu/cu/augustine/arch/newnino.htm#10* (citing Catholic News Service, June 14, 1996, p. 14).

[12] Thomas Jefferson, "First Inaugural Address," March 4, 1801.

[13] Tocqueville, *Democracy in America*, trans. Mansfield, p. 648.

that of the Founding. For the Puritans, to quote John Winthrop, "the end [of political life] is…to serve the Lord and work out our salvation under the power and purity of his holy ordinances."[14]

The Founders, in contrast, started from the idea that all men are born equally free and independent and that they have equal natural rights to life, liberty, and property. It follows that the only legitimate source of the rule of one person over another must be consent. The idea of individual rights and the idea of majority rule are two sides of the same coin. Far from being an aristocratic heritage, individual rights are a juridical expression of the equal natural liberty of each person. Government derives its purpose from these basic ideas. Its purpose is to secure the life and liberty which each person possesses by nature but which are in danger from the violence of others.

Tocqueville never mentions this fundamental difference between the Puritans and the Founders concerning the purpose of government.

HOW AMERICAN DEMOCRACY IS IMPROVED: HISTORICAL ACCIDENTS OR POLITICAL PRINCIPLES?

The Founders' theory of democracy was articulated in a coherent theory that they conceived as a rational whole. It was not an amalgam of disparate ideas and customs blended together by blind historical forces originating in their colonial and European past.

What, then, does Tocqueville think is the basis of majority rule? Unlike the Founders, he has little to say on this important question.

At one point, he makes this observation: "In nations where the dogma of the sovereignty of the people reigns, each individual is…supposed to be as enlightened, as virtuous, as strong as any other of those like him."[15] Hardly anyone in the Founding era would have agreed with this remark, for everyone was aware that human beings are unequal in regard to virtue, intelligence, beauty, and so on. Jefferson, Madison, and the other Founders justified periodic elections in part on the ground that it would lead to greater competence in government than would a democracy without elected representatives.

According to Tocqueville, religion is a second beneficial accidental element in America, similar to individual rights. Religion too, he writes, is a "precious inheritance from aristocratic centuries."[16] In other words, religion has no necessary connection with the idea of majority rule, but by a happy accident, America was able to blend the amoral spirit of liberty (majority rule) with the moral spirit of religion (Christianity). Thus, Tocqueville argues that democracy finds in religion the moral guide that it would otherwise have lacked.

The actual relationship between religion and democracy is more complicated. American statesmen have long been appreciative of the support provided by religion for the moral principles of American politics; but they made a distinction between religious support for those principles and the principles themselves, which were thought evident in human nature and therefore inseparable from the theory of democracy.

Lincoln once remarked that the idea of equality is "the father of all moral principle" in us.[17] He meant that the principles of the Founding are themselves moral principles. If majority rule is right, slavery is wrong. For the Founders and Lincoln, Christianity agrees with this truth, but the moral truth in question can also be known by reason alone.

A third historical accident that made American democracy successful, according to Tocqueville, was the tradition of local self-government. One must agree with him that this tradition was indeed important, but Tocqueville argues that the logic of democratic ideas is hostile to local liberty. Democratic peoples, he says, prefer centralized, uniform government. Perhaps

[14] John Winthrop, "A Model of Christian Charity," 1630, at *http://religiousfreedom.lib.virginia.edu/sacred/charity.html*.

[15] Tocqueville, *Democracy in America*, trans. Mansfield, p. 61.

[16] *Ibid*., p. 519.

[17] Abraham Lincoln, Speech at Chicago, Illinois, July 10, 1858, at *http://teachingamericanhistory.org/library/index.asp?document=153*.

that is why, in a footnote criticizing my own essay on Tocqueville,[18] Rahe says that:

> [West] rightly takes Tocqueville to task for failing to emphasize the significance for Americans of the Declaration of Independence but does so in so exaggerated a fashion that one is left thinking that he believes that their colonial heritage of self-government somehow ceased to matter to Americans on 4 July 1776.[19]

Rahe's remark seems to be based on a tacit appeal to Tocqueville's view that the more people are devoted to the idea of equality, the less they will care about local self-government.

But it was precisely the Founders' devotion to individual natural rights that led at least some of them to be enthusiastic advocates of local self-government. Jefferson writes:

> What has destroyed liberty and *the rights of man* in every government which has ever existed under the sun? The generalizing and concentrating all cares and powers into one body…. [W]hen there shall not be a man in the State who will not be a member of some one of its councils, great or small, he will let the heart be torn out of his body sooner than his power be wrested from him by a Caesar or a Bonaparte.[20]

In agreement with Jefferson, John Adams remarked, "The consequences of these institutions [of town government] have been, that the inhabitants…acquired from their infancy the habit of discussing, of deliberating, and of judging of public affairs." This, says Adams, was one of the "principal sources of that prudence in council" which "produced the American Revolution, and which I hope will be sacredly preserved as the foundations of the liberty, happiness, and prosperity of the people."[21]

In sum: The Founders' America was not an amalgam of "perfectly distinct" elements, as Tocqueville says, but a regime and a way of life informed by a coherent theory of democracy. Here is a powerful resource for advocates today of limited government and responsible liberty—a resource about which Tocqueville has nothing to say.

Discussion

PAUL RAHE: Let me respond by pointing to a contradiction in Tom West's remarks. He said that Tocqueville misunderstands the Founding, that he is silent on the Declaration of Independence in a book on the American Founding. Later, he agrees with me that *Democracy in America* is not a book about America at all.

If it is a book about the American Founding, if it is a book about America, then silence on the Declaration of Independence would indeed be odd. But if it is a book of political science about democracy focused mainly on France with an eye to American institutions and American practices as they might be useful to the French, then his silence on the Declaration is utterly meaningless and of no significance whatsoever.

[18] Thomas West, "Misunderstanding the American Founding," in *Interpreting Tocqueville's Democracy in America*, ed. Ken Masugi (Lanham, Md.: Rowman & Littlefield, 1991), pp. 155–177.

[19] Rahe, *Soft Despotism*, p. 330, note 6.

[20] Thomas Jefferson to Joseph C. Cabell, February 2, 1816. (Emphasis added.)

[21] John Adams to Abbe de Mably, 1782, in John Adams, *The Works of John Adams, Second President of the United States: with a Life of the Author, Notes and Illustrations, by his Grandson Charles Francis Adams* (Boston: Little, Brown and Co., 1856), Vol. 5, pp. 495–496.

It is not that Tocqueville concealed the natural rights founding, as Tom West suggested was a possibility, or that he disagreed with the idea of natural rights; it is that he did not need to talk about it.

In fact, Tocqueville takes the idea of natural rights for granted, and he applies it in the case of slavery. He is the man who is personally responsible for the abolition of slavery in the French colonies, and the argument that he makes during the Second Republic on behalf of abolition is an appeal to natural rights. Moreover, when Tocqueville talks about religion in *Democracy in America*, what he is interested in is how people came to recognize that they have natural rights.

Both Tocqueville and the American Founders look back to Montesquieu. Both emphasize mores and manners, history and tradition. If you look at the opening pages of *The Federalist*, you will see nearly all of the themes that are supposed to make Tocqueville different from the Americans in his orientation. In other words, in these opening pages one sees an appreciation for the peculiar history that made this a very good site for establishing a regime of natural rights and limited government. Tocqueville, writing for the French, wants to talk about that particular history.

If he were a scholar completely detached from a political purpose, writing an account of the American Founding, then there would be a point to his silence on the subject of natural rights. But what he is trying to do is to explain to the French why democracy works in America. I think all of this reveals that Tocqueville looks to the same foundations that the American Founders looked to.

JAMES CEASER: This reading of *Democracy in America*, of course, would make the book primarily for the French and not a book on democracy as such that would speak fully to Americans. I know that Tom West made that point: If it was written for the French, are we to accept it as a book that is instructive for America as well?

One possibility is Paul Rahe's, which is that the book is primarily for a European audience and not for an American audience, and this explains Tocqueville's silence on the Declaration. Another possibility would be that Tocqueville intended the silence, more generally, also for America.

One strand of conservatives raises the following question: Is it helpful in human affairs to proclaim general doctrines of right as a way of achieving right in society? Or is the inevitable effect of these doctrines, especially the Lockean doctrine, to undermine liberty? Most doctrines of abstract right, expressed in historical moments, have not done very well, as the occasion of the French Revolution illustrates. On that occasion, abstract doctrines of natural rights led to centralization of power rather than a limitation of power. I am only repeating the arguments of Burke, with whom Tocqueville was much acquainted by the time he wrote his other classic, *The Old Regime*.

There is a deeper point, then, to Tocqueville's silence. It is that there is a problem with abstract proclamations of general rights; such doctrines are not the best or the only way to understand how societies are formed, and they can in fact be dangerous. So, taking nothing away from the Declaration, how long can the American polity be set up simply on the basis of ideas from the Declaration? This argument would be, I think, a challenge Tocqueville posed to Americans. He intended his silence about the Declaration to be instructive for Americans as well as for Europeans.

At the time of Tocqueville's writing, perhaps Locke was understood incorrectly. This would be a historical point, but there was an important movement against Lockeanism at the time Tocqueville was writing. It included some of the intellectuals whom he met with in the United States. On the basis of the anthropology which all understood (or thought they understood) to underlie Locke—namely, a fully materialist understanding, which called into question religion, and a concern for tradition (because, after all, if you can figure it out from the state of nature, what do you need tradition for?)—many began to reject Locke.

There is a deeper conservative argument that Tocqueville is making. To what extent does Tocqueville want to embrace the notion of founding, that societies are founded at a single point in time? I think, as Tom West pointed out, that Tocqueville's silence about the Declaration was meant to introduce another understanding of founding. Instead of founding being that which took place simply in 1776 and 1787, Tocqueville offers the alternative idea of founding that emphasizes the growth and evolution of institutions.

So the question could be this: Is it good for free societies to be based on the idea of a pure founding, which opens the way to rational administration and control, because if you can found, why can you not found a rational state? I think Tocqueville wanted to introduce this issue.

The final question would be whether this teaching, once introduced (and I think there is something to be said for it), needs some correction in its own right. That, I think, has been Tom West's crusade over the years, and there is much to be said for his correction, especially in light of our tradition and history.

I would conclude by noting that Tocqueville probably would have rewritten *Democracy in America* in a different way after the Civil War. The Founding would have reappeared in a more robust light, and the Declaration might have appeared in a more prominent way.

THOMAS WEST: I appreciate these comments very much. Based on what we have just heard, I would like to raise the question: What would be the advantages of an appeal to abstract right?

Given the concerns that Tocqueville implicitly and Jim Ceaser explicitly stated, it does seem to me that, as Jim Ceaser implied at the end, the appeal to abstract right can in fact be very useful in certain political circumstances. Obviously, this appeal was a key element in Lincoln's arsenal when he tried to rally the nation to oppose the indefinite expansion of slavery because, as he saw it, the principle on which that expansion was being defended was the idea that the majority can do whatever it wants.

In other words, this abstract doctrine seems to persuade people to believe more strongly in right and in the rightness of their nation. I think it is especially difficult for intellectuals to believe in democracy, since to be an intellectual implies that you know more than most people. And one of the useful features of the Lockean doctrine is that it appeals to intellectuals as something they can figure out, but this means that they also have to restrain themselves for the public good and ultimately for their own good.

JAMES CEASER: The difficulty lies in how most people interpret "rights." This is the issue. If one looks at most judicial interpretations of "rights" in the world, one sees the exact opposite of Lockeanism. Rights refer to so-called second- and third-generation rights, which include a right to housing, medical care, vacations, and an equal income, not to mention a right to marry any unrelated individual regardless of sex.

So this is the problem: If you claim that an abstract doctrine can establish the one, correct theory of government, you open yourself up to the wrong or false interpretation of that doctrine, which is going to occur more often than not.

Some efforts to establish governments based on doctrines of natural rights have ended in disaster. In the case of the French Revolution, for example, natural rights doctrine was the source of tyranny, not of freedom. Because of this result, some of those on the side of liberty, like Burke, opposed the proclamation of abstract doctrines of rights for fear that they created an opening for enlightened despotism, which is the marriage of strong government to philosophy.

So how does one solve this problem of when to make use of abstract doctrines and when not? I am not sure that there is a simple theoretical solution. I think it is something that must be resolved politically, meaning by prudence. I think there is a statesmanlike understanding of when to use doctrines of rights and when not to use them.

Tocqueville, I believe, made a judgment of what was best for America at the time he wrote. I agree with Tom

West that Tocqueville's judgment would have been revised in light of the failure of the Whigs to address the problem of slavery because of their fear of abstract doctrines. The "re-introduction" of an abstract principle was required to deal with this issue.

Furthermore, if you are going to rely on tradition, how can you have a realistic tradition in the post–Civil War United States that omits a central role for the doctrine of natural rights in American politics? To do so would be to create the utter absurdity of an American tradition that has forgotten Abraham Lincoln and the Civil War.

PAUL RAHE: Let me add something to this, because I think Jim Ceaser is probably right, certainly with regard to France. Tocqueville and his family had witnessed a rupture. His parents came within three days of being executed under Robespierre; his grandparents and his great grandparents were executed.

What is interesting is that when he leads the campaign against slavery in France, he has recourse to abstract natural rights. He returns to those themes because that is the argument that is there to be made.

In that sense, it seems to me that he is very close to Montesquieu who is, on prudential grounds, suspicious of Lockeanism because he fears that it will lead to a great rupture in France and to tyranny. But when Montesquieu comes to talk about slavery, he also turns to the question of abstract natural rights. So it is a kind of tempered Lockeanism that you find in Montesquieu, tempered by the fear of the possible outcome of such appeals, and I think the same thing is true with Tocqueville.

THOMAS WEST: If the idea of abstract rights is tied to nature and natural law, which it was in the Founding, that entails the obligation to ground rights in moral duty and in nature, meaning to human nature. The rights you have by nature are the things you possess by nature—your life and your liberty.

If the doctrine of natural rights is understood that way, it cannot be expanded into universal health care and all the rest. But once you cut yourself off from nature, and turn to history or "evolving concepts of human dignity," where we are today, then of course the doctrine of rights will be dangerous. So I would say that doctrines of rights which are tied to human nature can be a stable foundation for a conservative philosophy.

PAUL RAHE: The trouble is that in the French Revolution, those same doctrines led to horrible consequences that no conservative can embrace. This demonstrates the danger that conservatives perceive in such doctrines.

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