

IN THE SHADOW OF THE REIGN OF TERROR

Reviewed by Samuel Gregg

Tocqueville: A Biography

by André Jardin

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It is said that the most powerful rival apparitions of the future have been those of Karl Marx and Alexis de Tocqueville. If so, then the latter seems to have carried the day. The near-universal rejection of totalitarian systems and command economies at the end of the 20th century would have elated this 19th century French aristocrat who, from his first engagement with socialist theories in the 1840s, considered them emotivist, utopian and reactionary.

Marx continues to be studied at length in Western universities, while the significance of Tocqueville remains comparatively unappreciated. Yet, ironically enough, the best traditions of the West coalesce to form a distinct unity in Tocqueville's thought. Moreover, few have grasped the importance of situating Tocqueville within the context of his milieu in order to understand the depth of his insight into the nature and emergence of modern democracy, as well as his concerns about its possible future directions.

At last, however, a biography has been produced that provides the reader not only with a detailed exploration of Tocqueville's life as a man, political philosopher and parliamentary activist, but also the dominant themes pervading his writings. The author, André Jardin, is superbly equipped to write such a work. Apart from being director of the Tocqueville Commission in France, Jardin is also the general editor of the thirty volume official collection of Tocqueville's writings. He is thus in a position to draw upon much unfamiliar material and previously unpublished documents. His portrait of Tocqueville is, moreover, unmarred by the translators' superb rendering of the French original.

The great strength of this biography is that it examines Tocqueville's ideas and life in an integrated manner, but with measured attention to the particulars of each. Chapters detailing the events and decisions shaping

Tocqueville's life are combined with long sections that engage philosophically with his great works, the two volumes of *Democracy in America* (1835/1840) and *L'Ancien Régime et la Révolution* (1856), as well as lesser known articles published in *Le Commerce*, *Le Siècle*, *Le Courrier* and *Le Constitutionnel*. To attain such a balance is difficult, but it is one that Jardin generally accomplishes with ease.

Appropriately enough, Jardin begins by detailing Tocqueville's family background. It reveals a history that Jardin evidently considers important in explaining Tocqueville's ambiguous attitude towards so many institutions, philosophies and events, not least among which is the French Revolution.

His father, Comte Hervé de Tocqueville, was a member of one of Normandy's oldest families—indeed, the highest aristocratic caste of *ancien régime* France: the nobility of the sword. Like many young aristocrats, Hervé de Tocqueville supported the initial reforms proceeding from the Revolution, hoping, as Jardin notes, that it would reconcile the rule of law with loyalty to the king (p.5). He was, however, disgusted by the Revolution's usurpation of the rule of law, and revolted by its ferocious attack on the Church. At one stage, Hervé de Tocqueville was arrested during the Jacobins' Reign of Terror on suspicion of counter-revolutionary activities. He only escaped the guillotine by virtue of Robespierre's fall. The experience nonetheless scarred him for life. During his short time in prison awaiting apparently inevitable execution, Hervé de Tocqueville awoke one morning to discover that his hair had turned completely white (p.8).

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In his later career, Hervé de Tocqueville loyally served Louis XVIII and Charles X as a prefect of various departments following the Bourbon Restorations of 1814 and 1815. It is perhaps this, along with his mother's legitimist convictions, Jardin believes, that accounts for Alexis's self-described 'vestige of hereditary affection' (p.86) for the Bourbon dynasty. It led him in later years to correspond with the exiled pretender, the Comte de Chambord (pp.471-472), a correspondence about which few scholars have hitherto been aware.

The legacy that Tocqueville inherited from his mother's side, Jardin points out, provides even more insights into some of the motifs that were to characterise her son's political thought. His mother, Louise le Peletier de Rosambo, was the granddaughter of the great jurist Lamoignon de Malesherbes. A magistrate of the *noblesse de robe*, Malesherbes was famed for his denunciations of what he viewed as despotic acts of the pre-revolutionary royal administration. Nevertheless in 1792, Malesherbes volunteered in his mid-seventies to act as Louis XVI's legal representative when the National Convention reluctantly decided to allow the dethroned monarch a defence counsel in what many regard as one of modernity's first great show trials. For his efforts, Malesherbes was eventually guillotined in 1794, along with a great number of Tocqueville's paternal and maternal relatives who had played little to no role in *ancien régime* politics or the revolutionary upheavals.

One should hardly be surprised, then, that someone born into such a family would be very conscious of the deeply contradictory nature of the heritage bequeathed to the world by the French Revolution. Indeed, much of Tocqueville's thought reflects an ongoing intellectual wrestling with the problem of how to preserve the best of the vision of 1789 while exorcising its dark, even barbarous, side (about which we invariably hear so little from most commentators). In the end, Tocqueville himself was not sure that such a project could succeed.

At the same time, Jardin speculates that Tocqueville's family legacy—of which he maintains Tocqueville was extremely conscious (p.9)—explains many of the consistencies that pervade his thought. The most important of these was Tocqueville's tremendous regard for the rule of law and due process. One would not expect

less from a great-grandson of Malesherbes. Others include Tocqueville's concerns about the apparently irresistible trend towards the centralisation of great power in the state's hands, his deep suspicion of any attempt to subvert the law or constitutional processes for political ends, his distaste for ideologues of any form, and his detestation of anarchism and the mob.

Born in 1805, just after Napoleon Bonaparte's termination of the first French Republic, Tocqueville was initially brought up in a family milieu where political discussions were conducted with discretion. This is hardly surprising, given his parents' experiences during the Terror.

Until 1820, Tocqueville resided with his mother in Paris. But more important, according to Jardin, is the fact

that he lived under the tutelage of Abbé Lesueur. The priest not only allowed his charge remarkable freedom, but encouraged his literary inclinations and instilled in Tocqueville a deep religious faith. As he grew older, Tocqueville was plagued by powerful doubts about the existence of God as well as many of the doctrines proclaimed by the Catholic Church. These qualms led Tocqueville to occasional bouts of despair. It was not until near the end of his life that Tocqueville even discussed the experience of scepticism with anyone. Not even his English

wife, a convert to Catholicism, to whom he was devoted, had any inkling that he experienced such anguish (p.384). No doubt, Tocqueville's situation was not helped by the fact that, in later life, he frequently found himself opposing those who insisted that the royalist cause and the cause of the Church were indistinguishable.

Tocqueville never, however, descended into anti-clerical or anti-religious diatribes. Nor did he adopt Voltaire's slightly condescending attitude of regarding religion as socially useful for controlling the masses but hardly to be taken seriously by someone as enlightened as himself. Significantly, Jardin points out that Tocqueville considered the questions posed by religious belief to be *the* most serious matters of all, and he never abandoned the practice of his faith for any lengthy period. While Jardin is 'not so bold as to assume any certainty about [Tocqueville's] last thoughts' (p.532), he states that Tocqueville died at peace with the Church, and without any of the last minute attempts to bargain with God (through the Bishop of Orléans, Félix Dupanlop) that characterised the last

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moments of the ex-Bishop of Autun and Foreign Minister of successive republican, imperial and royal regimes, Charles-Maurice de Talleyrand.

After 1820, Tocqueville went to live with his father in the Metz prefecture. Alive as ever to the importance of context, Jardin stresses that this experience gave Tocqueville his first insight into the extent to which state power in France had been centralised. The Revolution had swept away the intermediate associations and civic institutions (Edmund Burke's 'little platoons') that had, to a surprising extent, limited the *ancien régime's* powers. Napoleon's organisational reforms had completed this centralising process, leaving the state apparatus with few real constraints on its administrative powers.

Observing the pleasure that his father took in fulfilling his political, administrative and legal duties helped Tocqueville to decide that a career as a lawyer and, eventually, in parliament was more to his liking than the military path embarked upon by his brothers. Thus it was that while serving as a *juge auditeur* at the Versailles court of law, Tocqueville witnessed Charles X's departure into exile in 1830. This followed the riots precipitated by the king's decision to break parliamentary resistance to the government's proposed changes to electoral laws by ruling by ordinance.

In observing these scenes, Jardin stresses, Tocqueville was torn. Writing to his future wife, Tocqueville stated: 'All of this—the bloodshed in Paris, the shouts of alarm—haunts me relentlessly' (p.86). But accompanying this fear of revolutionary violence was Tocqueville's belief that the king had attempted to put himself above the law. That, in Tocqueville's mind, was unforgivable. In Jardin's view, the experience of these conflicting feelings helped to solidify Tocqueville's conviction that the motif of liberty under law, guided by moral absolutes, was the only political ideal worth pursuing.

But other horizons had already begun to dawn within Tocqueville's mind—frontiers that would allow him to explore a country that already claimed to be pursuing precisely such ideals. Citing a previously unpublished letter, Jardin states that less than a month after the July Revolution, Tocqueville indicated his 'very strong desire to visit North America. I will go there and see what a great republic is' (p.90). The ostensive reason for the visit was a question

that had been puzzling educated French opinion: how to reform the penal system. As the United States had maintained a variety of penitentiary systems for some time, Tocqueville's colleague and friend, Gustave de Beaumont, wrote a report underlining the necessity of sending two English-speaking, French magistrates to America to investigate. But, as Tocqueville himself admitted, 'The penitentiary system was an excuse: I used it as a passport that would allow me to go everywhere in the United States. In that country, where I encountered a thousand things that I didn't expect, I also found some that were related to the questions I had so often asked myself' (p.93).

This was an understatement. In one of the most perceptive parts of this biography, Jardin brings to life just how different the United States visited by Tocqueville and Beaumont between 11 May 1831 and 20 February 1832, was from Continental Europe. He points out, for example, that in Restoration France, the salons were dominated by men holding public office as well as gentlemen of leisure devoted to disinterested scholarship. Hence, '[o]ne of the first surprises for Tocqueville and Beaumont in New York was that at gatherings during the evening one would rub shoulders with men who had spent the day in an office or a bank: lawyers, businessmen, bankers. The pleasures of society came at the end of a day in which they had waged a fierce battle for profit' (p.109).

By constantly underlining this contrast of social habits, Jardin draws the reader's attention to important points of context and methodology, allowing the full import of *Democracy in America* to become apparent. Tocqueville was effectively engaged in a systematic investigation of American society in which Restoration France was the primary point of comparison. American manners, for example, immediately revealed to Tocqueville a society in which classes were much less distinct than in Europe. The negative result was that, unlike France, America lacked a relatively sophisticated élite with a refined education. But Tocqueville also observed that even the most ordinary sales clerk did not have the 'bad form' of the French lower classes (p.114). The Americans, in Tocqueville's eyes, were essentially a commercial people. 'The entire society', he wrote, 'seems to have melted into a middle class' (p.114).

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Jardin also emphasises that another feature of American society that immediately struck Tocqueville was the absence of government and the corresponding vitality of civil society. It was not that civil servants were less well thought of than any other group. Rather, they were simply considered people like any other, whereas they were the objects of a particular respect in France. In this connection, Tocqueville quickly discerned that America was not characterised by the struggle to seize power by very distinct political parties. He came, of course, from a country where legitimists, republicans, Bonapartists and Orléanists had been, as Jardin states, 'tearing each other apart with bitter violence in the hope of gaining control of the State apparatus' (p.116).

The third theme emphasised by Jardin is Tocqueville's fascination with religion's role in American life. In France, little love was lost between the Catholic majority and the small but influential Protestant churches. Moreover, since the Revolution, Catholicism in France had been, in many respects, at war with the spirit, not so much of 1789, but rather of 1790-91, when all clergy had been required to swear an oath to the Civil Constitution. The refusal of most bishops and clergy to do so (because the Civil Constitution reduced the Pope to the status of a virtual cipher within French Catholicism) had precipitated an assault on the Church by the state that effectively accelerated the Revolution's destruction of civil society, enhanced the centralisation of state power, and facilitated the emergence of widespread popular support for counter-revolution.

It is little wonder, then, that Tocqueville was stunned by the extent to which what Jardin calls 'the American civil sense' was based on the religious spirit, which called for 'pure morals and the performance of civic duties' (p.153). While Tocqueville noted the occasional conflicts between the various denominations, he observed that the doctrinal differences were softened by a moral culture that they held in common. In short, liberty and religion were partners in the American polity, with neither perceived as being able to do without the other. Religion provided American citizens with the moral habits necessary for maintenance of rule of law and affirmed the essential equality in dignity of all people. Liberty was regarded by the churches as providing people with encouragement to use their talents and the opportunity to open their minds.

Jardin's exposition of these themes is woven into a tapestry that allows us to view the Canadian wilderness, the Great Plains of the mid-West, and the cultural *mélange* of New Orleans through Tocqueville's eyes. It also underlines just how much territory Tocqueville managed to cover in his nine-month journey.

Perhaps even more startling is the relatively short time that Tocqueville took to write the first volume of *Democracy in America* upon returning to France. It was here that he delineated most of the themes outlined above. Jardin comments, however, that Tocqueville advanced various propositions about France in this text which, surprisingly, were not highlighted in the reviews of the time. One, for example, was Tocqueville's proposition that the Revolution's destruction of aristocratic power had effectively destroyed the main institutions of local autonomy. The state had consequently inherited all the prerogatives snatched from civic associations, all of which were so important in the United States for preserving liberty and reconciling it with social order. It is through such comments that Jardin subtly indicates to the reader that Tocqueville was a liberal quite unlike most French thinkers of that school and far more akin to an Old Whig such as Burke.

This unusualness became even more apparent in the second volume of *Democracy in America*. It may also be one of the reasons why, as Jardin demonstrates, its publication was not greeted with quite the same enthusiasm as the appearance of the first (pp.270-272). The second volume outlines in detail Tocqueville's fears about the future path of democracy—messages that many French liberals simply did not want to hear.

Given that Western civilisation was apparently moving inexorably towards a greater equality of status, Tocqueville claimed that this would bring in its wake pressures for a levelling of conditions. The danger, according to Tocqueville, was that

centralisation of state power was quite compatible with egalitarianism as the former was often used to break down obstacles to the latter. This happened in France during the Revolution. The result was, as Burke predicted in his *Reflections on the Revolution in France* (1791), military dictatorship.

Looking ahead, however, Tocqueville suggested that even if state-facilitated egalitarianism accelerated a transition from an aristocratic society to democratic arrangements, the price would be the undermining of local

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autonomy and free associations. These traditions and groupings sometimes underpinned various social and economic inequalities, but Tocqueville maintained that they had proved essential in the United States for preserving freedom, while simultaneously maintaining order and limiting state power. In an egalitarian, democratic but atomised society, Tocqueville believed that people would not turn to each other to meet their needs through free exchange, civic association and the pursuit of what Tocqueville called 'self-interest rightly understood'. Instead, they would look to an omnipotent state, which would remove in a paternal-like manner all the trouble of thinking and acting for oneself. The other danger of democracies, Tocqueville insisted, was the tyranny of the majority. This was a theme that, Jardin stresses, appealed to few French liberals and certainly not to the Jacobins because of its implied criticism of Rousseau and his theory of the General Will.

Tocqueville's uncanny ability to identify the paradoxes arising from the emergence of *homo democraticus* brought him much scholarly fame and eventual election—after much manoeuvring on the part of himself and others (pp.228-230)—to the *Académie Française* in 1841. But his intellectual success also provided Tocqueville with a platform for an active involvement in politics. His book, in short, was a preparation for action.

At this point, Jardin turns to that most fascinating of subjects: a study of the intellectual formally involved in the political process. He details how Tocqueville sought to bring the ideas of *Democracy in America* to bear upon political life during the July Monarchy and the Second Republic, before parliamentary government was toppled by Prince-President Louis-Napoleon's *coup d'état* of December 1851.

On one level, this part of the biography reveals the sheer diversity of activities in which Tocqueville was involved during his parliamentary career. Apart from serving as a member of the Chamber of Deputies, Tocqueville was heavily occupied in drafting constitutional changes, anti-slavery agitation, educational and prison reform, and resolving the dilemmas posed by France's acquisition of Algeria. His short time as Foreign Minister during the Second Republic was dominated by the thorny problems posed by the struggle in the Papal States between the Roman revolutionaries and Pius IX. Tocqueville's

membership of the Society for Christian Morality, in which this Catholic aristocrat regularly conversed with Protestant bourgeoisie such as Benjamin Constant, testifies to his ceaseless effort throughout this period to diminish the Church's suspicions of secular democracy while stripping French liberalism of its anti-religious tendencies.

The focus, however, of Tocqueville's parliamentary career was his effort to create a grouping in the Chamber that accepted democracy but which did *not* accept the centralisation of power. The key to achieving this end, Tocqueville believed, was to initiate the French into self-government at all levels, and gradually create the moral habits and attitudes that are required of a free people.

It was a grand project, perhaps doomed to fail given the sheer depth of the fractures between right and left in France, many of which persist

today. But as Jardin illustrates, it was also stymied by the shortsightedness of Tocqueville's political contemporaries. Apart from stressing the mediocre calibre of most of Tocqueville's parliamentary colleagues, Jardin suggests that Tocqueville was disturbed at how quickly they abandoned long term visions for the pursuit of power for its own sake. His frustration, for example, with many French liberals stemmed largely from the tendency of their leaders such as Adolphe Thiers to disguise their failure to secure electoral reform by engaging in attacks on the Church, especially the Jesuits (p.367). Above all, Tocqueville was astounded at his colleagues' apparent inability to understand the perils facing a France that, in sociological terms, remained suspended between the world of the *ancien régime* and the post-Revolutionary order.

But Jardin cautions his reader not to underestimate the extent to which Tocqueville's own personality and intellectual preoccupations limited his parliamentary effectiveness. To cite Jardin at length:

[Tocqueville's] efforts to win his colleagues to himself and his ideas seem to have been rather clumsy. He apparently overestimated the reputation of his book and the influence it would give him among the provincial bourgeoisie whose political preoccupations did not always go beyond the most down-to-earth interests. He did not have the hail-fellow-well-met parliamentary manner, and

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to others he appeared ambitious and proud. In his preoccupation with general ideas, he would sometimes mistake one man for another, through indifference or distraction or perhaps simply because of his myopia. (p.301)

Though on good terms with Louis-Napoleon—an acquaintance which included, Jardin comments in a tantalising aside, trying to dissuade the President and later Emperor from launching his military coup (p.458)—Tocqueville abandoned active political life after 1851. Ostensibly, this was a consequence of his refusal to swear allegiance to the Second Empire. Jardin maintains, however, that Tocqueville was quite relieved to return to the life of the mind, having found active political involvement ultimately to be an unrewarding exercise.

The questions, however, that Tocqueville pursued in this later period reflect the singlemindedness with which he focussed upon the essential issues facing democracies. One was the threat to freedom posed by socialism. Such was his fear of this phenomenon, that Tocqueville supported and even participated in General Eugène Cavaignac's use of military force in 1848 to crush the Jacobin-lead insurrection of Parisian workers that followed the ousting of the Orleanist dynasty.

More generally, Jardin contends that Tocqueville was interested in understanding *why* France had again lurched from revolution into despotism. Was there a historical law at work or were more complex causes involved? Deciding that there is no substitute for understanding the present than the study of the past, Tocqueville engaged in painstaking, archival research to explore the world of pre-revolutionary France with the intention of explaining how the Revolution had ended in the absolute rule of Louis-Napoleon's uncle.

His initial findings, published as *L'Ancien Régime et la Révolution*, again brought Tocqueville scholarly acclaim. One of its central theses was that the centralisation of power and the associated emasculation of most local institutions such as the *parlements* had begun long before 1789. The Revolution, according to Tocqueville, had encapsulated a particular spirit of liberty that, in his view, first came to the fore in the 1770s. The tragedy, however, was that over the previous centuries France had already formed, as Tocqueville states, 'certain notions concerning government which were not merely out of harmony with the existence of free institutions. They were all but contrary to them' (p.503). Jardin likens it to trying to place the head of liberty on the body of a slave (p.503). Out of weariness with the struggle, Tocqueville

believed, the French were inclined to let liberty go.

Though Jardin does not suggest this, his narrative seems directed to expounding the notion that Tocqueville considered *culture* rather than economics, as Marx would have us believe, to be the primary key to understanding the fate of different societies. Though it did not discount the importance of economic forces, *L'Ancien Régime et la Révolution* echoes *Democracy in America* insofar as both works underline the critical importance of habits of action, sometimes embodied in institutions, in shaping the political form assumed by any one polity. As Jardin states, not only was the analysis refreshing at the time as well as now, but it 'remains today one of the great systematic explanations of the revolutionary phenomenon' (p.504).

Tocqueville died of tuberculosis in 1859, less than three years after the publication of *L'Ancien Régime et la Révolution*. The planned sequel that would have examined the revolutionary period itself as well as the establishment of the First Empire was therefore never to appear. But in a sense, this would have simply represented embellishment. As Jardin posits in his short but discerning epilogue (pp.534-536), the great themes of Tocquevillian scholarship—the ever-present dangers associated with centralisation of state power, the need for a vigorous civil society, the fundamental role of religion in establishing the moral habits needed to preserve liberty, social order and free institutions, and democracy's potential to degenerate into soft despotism—were already firmly in place. Since the 1930s, small but flourishing schools of Tocquevillian thought have emerged under the guidance of intellectuals such as Raymond Aron, Pierre Manent and Cardinal Jean-Marie Lustiger. Their abiding absorption with Tocqueville is, as Jardin remarks, that he 'was a liberal not like the others' (p.535).

In the final analysis, Jardin's biography is successful because it establishes that more than any of his contemporaries—more than Marx, more than Mazzini, Darwin or Proudhon, and certainly more than Mill—Comte Alexis de Tocqueville is the man for the 21st century. More than any other scholar, Tocqueville recognised that constitutional arrangements and the quality of a society's moral habits are intimately related. He never ceased to remind his audiences that even after aristocratic privilege had been eliminated, the extent of state power and its distribution remained fundamental issues. Democratic legitimacy, to Tocqueville's mind, did not remove the reality of power.

It was the insight of an aristocrat.

Policy