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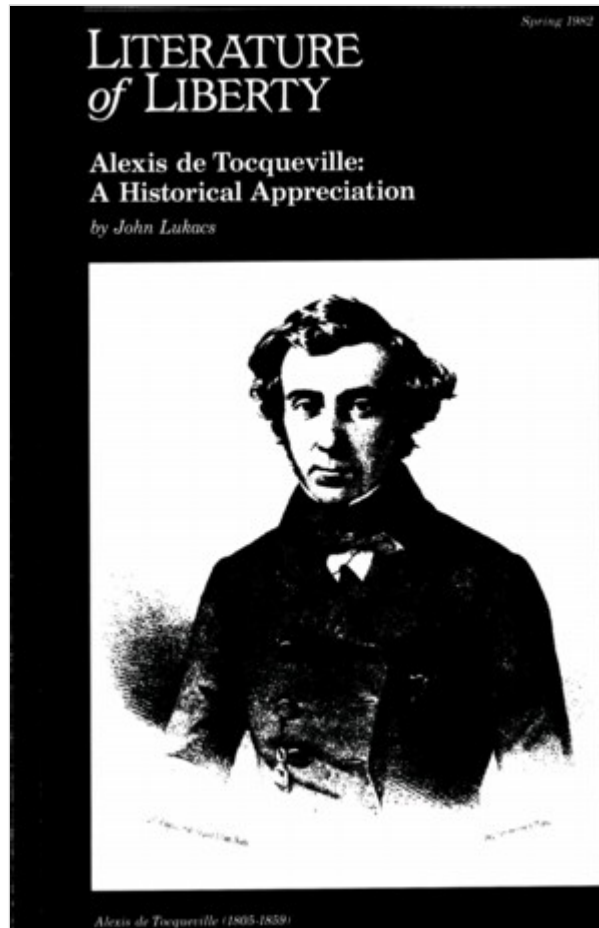
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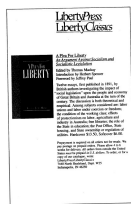
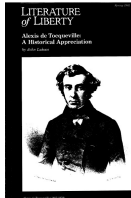
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Editorial

I have remained an old and outmoded lover of liberty in a time when everyone desires a master.

(Alexis de Tocqueville, 1856)

Alexis de Tocqueville (1805–1859) burst upon the Atlantic intellectual scene in 1835 with the publication of the first volume of *Democracy in America* (the second volume followed in 1840). His comparative approach to the historical sciences has earned him the title of “the Montesquieu of the United States.” Tocqueville has been ranked with Jacob Burckhardt and Lord Acton among the historians who contributed to a broader understanding of historical processes. Wilhelm Dilthey, the great student of the historical-cultural sciences, considered Tocqueville an “original historical thinker” who was “undoubtedly the most illustrious of all political analysts since Aristotle and Machiavelli.” Dilthey concluded: “another important example of the application of his analysis in the practical field lies in his recognition of the dangers of an exaggerated centralization, and in his insights into the blessings of self-help and self-government.”

Self-government is the central theme of Tocqueville's thought. In the first letter he wrote on arriving for his visit to America with Gustave de Beaumont (May 11, 1831–February 20, 1832), he underlined this theme:

Picture yourself, my dear friend, if you can, a society which comprises all the nations of the world—English, French, German... Here there is no public authority, and to tell the truth there is no need for one. The States have few soldiers, because they have no enemies, and consequently no armies; there is neither taxation nor central government. Executive power, being non-existent, is a source neither of money nor of power.

Alongside the absence of governmental careers, he noted that there were numerous other opportunities, and these opportunities contributed to the changeable character of all Americans. They take up and leave ten different occupations; they do not fear change as they can enter another activity if the current one does not succeed.

Tocqueville's attention, preceding his visit to America, had been focused on the two countries influenced by his native Normandy: Sicily and England. In his *Voyage en Sicile* (1827), he noted the moral and material prosperity of the small peasant-owned farms in eastern Sicily (unlike the feudal estates of western Sicily). On his return from Sicily, Tocqueville attended Francois Guizot's pathbreaking lectures on the History of Civilization in France and he read Guizot's work on European history.

Applying Guizot's concepts of centralization vs. decentralization and the progress of societies compared to the progress of individuals Tocqueville composed an essay on English history from the Normans to the Stuarts. He concluded that in England each parish was a free republic since there was an absence of centralized government.

However, when he visited England in the 1830s he discovered that the utilitarian philosophical radicals were creating the very conditions for a central administration. Tocqueville awakened John Stuart Mill to the danger of the Utilitarians' preference for centralized government over liberty and the market.

Tocqueville's historical mentor, Guizot, had delineated the conflict between the ancien regime, the old society, and the New France, the new society: a theme which had been developed by F.D. Montlosier in *De la monarchie française* (1814) and expanded by Charles Comte, Charles Dunoyer, Arnold Scheffer, and Augustin Thierry in the *Censeur Européen* (Thierry's essays were republished in his *Letters on the History of France*). Jacques Barzun has noted: "The historiography of the Romantic period in France, whether conservative with Chateaubriand and Guizot, or liberal with Thierry and Carrell, tried to disentangle the issues created by the French Revolution in the light of race and class history." [Jacques Barzun, "Romantic Historiography as a Political Force in France," *Journal of the History of Ideas* 2 (1941): 328. Cf. Stanley Mellon, *The Political Uses of History* (Stanford, California: Stanford University Press, 1958), pp. 5–100; Elie Halévy, *The Era of Tyrannies* (Garden City, New York: Doubleday and Company, 1965), pp. 21–60; Melvin Richter, "Tocqueville's Contributions to the Theory of Revolution," in *Revolution, Nomos* 8, Carl J. Friedrich, ed., (New York: Atherton, 1966) pp. 75–121.]

Like Comte, Dunoyer, Scheffer and Thierry, Tocqueville drew his economic analysis from the works of Jean Baptiste Say. Tocqueville had studied Say's *Cours complet d'économie politique pratique* (Paris, 1828) when it was published. Since Say's *Treatise* (1803, 1814) had been published in the United States (1817) through Jefferson's influence and had become the leading economics textbook in American academia, Tocqueville was well prepared to consider American economic analysis in a common framework. Similarly, his preparatory reading had been Arnold Scheffer's *Histoire des États-Unis de l'Amérique septentrionale* (1825).

Montesquieu had noted that the commercial spirit naturally endowed men with the spirit of liberty; Tocqueville considered the spirit of commerce to be caused by liberty and the moral and intellectual qualities on which liberty was based. This echoed the debate in the 1820s between Benjamin Constant and Charles Dunoyer on whether civilization which was the fruit of commerce engendered or undercut the spirit of liberty. Tocqueville's analysis of American civilization provided an answer to that debate. Perhaps Tocqueville's special contribution was to emphasize the fundamental role of the spirit of religion for the success of the spirit of liberty and the spirit of commerce.

Religion, liberty, and commerce are the central themes in Tocqueville's approach to the "great democratic revolution" which he presents in his "Introduction" to *Democracy in America*. He noted that the democratic process began in the eleventh century when the privileges of the feudal landholders, the old society, were first challenged by the rise of the clergy, which was open to all classes. Commercial relations (which found safe havens in the fairs and markets protected by monasteries and bishops) made society more varied, complicated, stable, and civilized. "While the kings were ruining themselves by their great enterprises, and the nobles exhausting

their resources by private wars, the lower orders were enriching themselves by commerce.” Once private property in land arose alongside feudal holdings, “every discovery in the arts, every improvement in commerce or manufactures, created so many new elements of equality among men. Henceforth, every new invention, every new want which it occasioned, and every new desire which craved satisfaction were steps towards a general leveling...From the time when the exercise of the intellect became a source of strength and of wealth, we see that every addition to science, every fresh truth, and every new idea became a germ of power placed within the reach of the people.”

From the Renaissance/Commercial Revolution through the Enlightenment/Industrial Revolution “the democratic revolution has taken place in the body of society without that concomitant change in the laws, ideas, customs and morals which was necessary to render such a revolution beneficial.” As a result particular privileges were transferred to the government rather than abolished. Families and voluntary associations have not been able to develop bulwarks against government interference.

Also in his “Introduction,” Tocqueville recognized religion as the crucial factor in the democratic revolution. By rights, it should be the major foundation for liberty but was treated as its enemy by friends and opponents of freedom. Christians should “readily espouse the cause of human liberty as the source of all moral greatness”; likewise advocates of liberty “must know that liberty cannot be established without morality, nor morality without faith.” When Tocqueville undertook the writing of the second volume of *Democracy in America*, his first chapter concerned “Philosophical Method of the Americans.” He observed that “in no country in the civilized world is less attention paid to philosophy than in the United States.” He discovered that “in most of the operations of the mind each American appeals only to the individual effort of his own understanding.” However, Americans were not the extravagant generalizers that the French were, of whom Tocqueville said “I am informed every morning when I wake that some general and eternal law has just been discovered which I never heard mentioned before.” Emphasizing the incomplete and inaccurate nature of generalizations, he noted that Americans were not as cautious in the use of generalization as the English. In the next chapter, “How Religion in the United States Avails Itself of Democratic Tendencies,” Tocqueville found one of his most important topics. Religion not only flourished in America, but also formed the basis of its system of liberty.

The impact of American liberty on the rest of the world has not measured up to Tocqueville's hopes for it. Instead, an opposing concept, socialism, has taken the lead. Ironically, Marx and Engels drew the inspiration for the practice of socialism from America. Marx saw America as the center of the commercial and religious spirits: “North America is pre-eminently the country of religiosity, as Beaumont, Tocqueville and the Englishman Hamilton assure us with one voice,” Marx wrote in 1844. Marx believed that in opposition to the spirit of commerce, religion, and liberty—because they were so highly developed in America—a reaction, socialism, had first emerged there. What he did not find in Tocqueville, Marx had at hand in a popular book, *Men and Manners in America* (published in London in 1833, as well as in Boston, France, and Germany) by Colonel Thomas Hamilton. Hamilton, a Tory army officer, arrived

in New York in October 1830, was astounded to find a workingmen's movement in America. He wrote at length about it, not as the movement of businessmen seeking freedom from government regulations as typified by the great laissez-faire journalist, William Leggett, but as a colorful and dangerous revolutionary force which would shock conservative English readers. Marx believed that although unreported by Tocqueville, a first socialist political force had emerged in America, for which he would provide the theoretical writings. This is discussed by Lewis S. Feuer, in "The Alienated Americans and their Influence on Marx and Engels," *Marx and the Intellectuals*, (Garden City, New York: Doubleday and Co., 1969), pp. 164–215.

After religion, the great issues which concerned Tocqueville were individualism and association, actually two sides of the same coin. Tocqueville saw in America that the "science of association is the mother of science," that progress and civilization were dependent on it. He was amused that Americans associated to swear to abstain from liquor where Frenchmen would singly petition the government to deal with the issue. "Nothing, in my opinion, is more deserving of our attention than the intellectual and moral associations of America. The political and industrial associations of that country strike us forcibly; but the others elude our observation, or if we discover them, we understand them imperfectly because we have hardly ever seen anything of the kind."

In America, where liberty had nearly reached its natural limits, Tocqueville found:

The emigrants who colonized the shores of America in the beginning of the seventeenth century somehow separated the democratic principle from all the principles that it had to contend with in the old communities of Europe, and transplanted it alone in the New World. It has there been able to spread in perfect freedom and peaceably to determine the character of the laws by influencing the manners of the country.

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Bibliographical Essay

Alexis De Tocqueville: A Historical Appreciation

by *John Lukacs*

I. Introduction: The Unclassifiable Tocqueville

Alexis de Tocqueville (1805–1859) was one of the greatest, and perhaps the greatest, of the political thinkers and historical writers of the nineteenth century. The principal support of such a claim is the lasting power of his writing. Often during the twentieth century, in different places and on different occasions, the few books that Tocqueville wrote were rediscovered by people who thereafter became his respectful admirers. His reputation survives not only because of the excellence of his work but also because the history of the last hundred and fifty years as well as the evolving social conditions confirm the impression, again and again, that when we read him we are in the presence of a great mind whose judgment is virtually unerring, whose insight is often profound, and whose vision is startlingly applicable to the historical and social conditions of our own times.¹

In sum, Tocqueville is the premier thinker of the democratic age. One of his admirers in the nineteenth century, the German philosopher Wilhelm Dilthey, ranked him among the three greatest political thinkers of all time, with Aristotle and Machiavelli. Yet Tocqueville is not very widely known. For one person who knows Tocqueville's name² there must be a hundred, if not a thousand, who know the name of Marx. Within his native France, historians and political thinkers devoted relatively little attention to him for almost a century after his death. The reason for this neglect was the customary prevalence of certain climates of opinion and of intellectual fashions; but there is another condition which, even at this time of writing, has been an obstacle to the universal recognition of Tocqueville's importance. This condition is the unclassifiable nature of Tocqueville's ideology and of his achievement. Was Tocqueville a conservative or a liberal? Was he a historian or a sociologist? Was he an aristocratic sceptic or a believing Catholic? These are questions about which there exists no intellectual or academic consensus to this day.

Was Tocqueville A Conservative Or A Liberal?

Academics' categories are often inadequate because Tocqueville transcends them. Yet for the sake of the readers of *Literature of Liberty* I must, at this point, address myself to the first of these questions: was Tocqueville a conservative or a liberal? That his vision has been much more accurate than that of Karl Marx or other nineteenth-century radicals has been recognized on occasion; this comparison has been increasingly easy to prove. It is less often recognized that Tocqueville gains in comparison not only with utopians and radicals but with the great conservatives such

as Burke or De Maistre or Donoso Cortés as well as with the great liberals such as Mill or Bagehot or Acton.

Even though the term “conservative” poses a certain difficulty (it was not applied to politics until after Napoleon, and certainly not in Burke's lifetime), what separates Tocqueville from Burke and from his own contemporary conservatives may be summed up under three headings: *religion, monarchy, liberty*. Tocqueville did not believe that religion (and particularly the Roman Catholic religion) and democracy were incompatible, whereas for all of the great conservative thinkers (Burke being a partial exception) that incompatibility was their fundamental article of belief. Tocqueville, who regretted the end of the French Bourbon monarchy but who also saw that in the history of peoples continuity plays as much, if not greater, a role than does change, did not think that during the eighteenth century the divine right of kings mattered very much, whereas the conservatives believed that the democratic revolutions constituted a break with the entire order of the providential universe. Most important, the conservatives' criticism of the principle of equality was often combined with their criticism of the principle of liberty; this was very different from the convictions of Tocqueville who, throughout his life, regarded liberty—and by no means in an abstract sense—as the most precious possession of persons and of peoples.³

When, in 1835, Tocqueville became known by the publication of the first volume of *Democracy in America*, Liberals in France as well as in England recognized his talents. His friendship and correspondence with many of the English Liberals lasted till the very end of his life. There were, however, significant differences between his ideas and those of his Liberal contemporaries. In France he was acclaimed by Royer-Collard and by the *doctrinaires*; yet, with all of Tocqueville's respect for Royer-Collard, he was not a typical *doctrinaire*, and he acted with independence of them throughout his public and political career. Tocqueville shared the *doctrinaires'* judicious concern with the proper balance of equality and liberty; but he shared neither the individualist nor the capitalist preferences of the liberal successors of the *doctrinaires*, and he exhibited none of their indifference and occasional hostility to the Catholic Church and to its institutions. So far as English Liberals went, their ideas, even though often resting on English common sense, were—surprisingly enough—more theoretical and less empirical than those of the French Tocqueville whose thought and whose analysis of society were profoundly historical. Both the utilitarianism of the early Mill and the individualism of the later Mill were very different from Tocqueville's thought. The latter saw that the principle of utility was unduly narrow, materialistic, and potentially enhancing the power of the state; he also saw that the nineteenth-century image of the autonomous individual was a chimera. Even Bagehot and Acton, the English Liberal thinkers closest to Tocqueville, differed from him. Bagehot who, like Tocqueville, placed a strong emphasis on the traditional and instinctive elements in those institutions that held the social order together, believed in the advisability of a restricted democracy; Tocqueville did not. Like Acton, Tocqueville believed in the primacy of the value of liberty over equality; unlike Acton, he did not consider freedom as a progressive element in history, suggesting (at least implicitly) the absence of restrictions.

Tocqueville's Historical Vision: Realistic, Complex & Existential

Tocqueville was an aristocrat who came to believe that democracy was well-nigh inevitable; but the purpose of this conclusion was neither opportunism nor an accommodation to what seemed to him fatal and obvious. He viewed his own aristocratic past and the unfolding democratic present with detachment, denying neither aristocracy nor democracy. He was not the kind of aristocrat who chooses to become a democrat; and he saw in the coming of democracy more than a social or economic development: he thought that he detected in it the hand of God. "I cannot believe," he once wrote,

that God has for several centuries been pushing two or three hundred men toward equality just to make them wind up under a Tiberian despotism. Verily, that wouldn't be worth the trouble. Why He is drawing us toward democracy, I do not know; but embarked on a vessel that I did not build, I am at least trying to use it to gain the nearest port.

This passage contains the essence of Tocqueville's historical vision. He believed that the movement toward democracy—which, in his view, had begun earlier than historians and people in general were accustomed to think—was the great overriding theme of the historical evolution of the Western, and perhaps even of the entire world. The structure of Tocqueville's thought and his view of human nature differed entirely from those of the materialists and of his contemporary, Marx. Yet Tocqueville did not share the prevalent liberal view of history either, the one espoused and expressed by the great historian Lord Acton, which interpreted the history of mankind as essentially the unfolding of the history of liberty. Tocqueville's view of democratic evolution was clear, but he was fully aware of its complex nature. The main element of its complexity was the relationship of its component, and often contradictory, elements of equality and liberty. His concentration on this subject would alone justify the recognition of Tocqueville as a latter-day Aristotle; yet Tocqueville, even more than his famous predecessor Montesquieu, knew that modern mass democracy is not comparable to the democracy of the Athenian city-state, that it is a new historical phenomenon. Tocqueville's political thinking was realistic and existential, not abstract and theoretical.

II. Tocqueville's 'Democracy In America'

Tocqueville's Family Background And Early Life

Alexis Charles Henri Clérel de Tocqueville was born on July 29, 1805 of an ancient noble family of Normandy, whose title and land dated from the eleventh century. His parents had barely escaped the guillotine, a fate not avoided by his maternal great-grandfather, the famous political and legal thinker Lamoignon de Malesherbes (1721–1794). Perhaps in consequence of these harrowing experiences (the hair of Tocqueville's father had prematurely turned white at the age of twenty-one) the family life of the Tocquevilles had none of the airy worldliness of the French aristocracy of

the eighteenth century. The Tocquevilles were closely knit, religious, and affectionate, as well as protective of their youngest of three sons, who, in turn, maintained his love and his respect for his parents throughout his life. This respect was not only filial but also intellectual. His appreciation and his understanding of the royalist and traditionalist convictions of his father went hand in hand with his defense and his understanding of the democratic evolution of the world.

When the July Revolution of 1830 put an end to the rule of the last Bourbon King of France, Tocqueville was twenty-five years old. Indeed, his twenty-fifth birthday fell on the very day when Charles X left Versailles forever. At dawn on the next day Tocqueville saw a melancholy historical scene which moved him to tears: the cortege carrying the King and his family into exile.

His father, Hervé Clérel de Tocqueville (1772–1856), had been an important official in the last Bourbon regime. Most of his friends were convinced legitimists, partisans of the royalty: Tocqueville was not. He had no illusions about the bourgeois regime of Louis Philippe, but neither did he harbor any illusions about the possibilities of a Bourbon restoration. After some soul-searching he took the oath of allegiance to the new government. But his restless mind was already looking ahead. Less than a month after the upheaval in July, and less than two months before he took the oath, he wrote to a friend: “I have long had the greatest desire to visit North America: I shall go there to see what a great republic is like; my only fear is lest, during that time, they establish one in France.” He and his close friend Gustave de Beaumont managed, not without difficulty, an assignment from the government to study the American prison system; but the deeper purpose of their journey to America and the scope of their interest were far more spacious than that.

They left in early April 1831, landed in the United States by mid-May, and returned to France nine months later. The products of their extensive (and at times dangerous) travels were four separate works: a study of the American penitentiary system (*On the Penitentiary System in the United States and Its Application in France*, 1833) a romantic novel by Beaumont about slavery in America (*Marie, or Slavery in the United States*, 1835); and the two volumes of Tocqueville's own *Democracy in America*, of which the first was published in 1835 and the second in 1840.

The Genius Of ‘Democracy In America’

Democracy in America is the great, pre-eminent book about the United States in particular, and about democracy in general. Its immediate success derived from its inherent qualities, and perhaps even more from the contemporary state of affairs: in the 1830s the United States was the only well-established democratic republic in the world. This kind of uniqueness was alone sufficient to stimulate interest in the book's description and analysis. We glimpse the unequalled merit of *Democracy in America* when we consider that Tocqueville's work has remained interesting, valuable, enduring, and thought-provoking long afterwards, well after the United States had ceased to be the solitary example of a democracy. *Democracy in America* has stood the test of time. This is astonishing when we bear in mind how the institutions of the

United States and how the composition of its population have evolved into something very different from what they were one hundred and fifty years ago.

In this encyclopedic and philosophical work, which covers nearly all of the institutions and characteristics of the American government and the American people, some of Tocqueville's observations and conclusions should have inevitably become outdated. Yet such instances are remarkably few. Perhaps the only one worth noting is Tocqueville's description of the power of the presidency and, indirectly, of the powers of the federal government. In Tocqueville's time, these powers seemed weaker than the powers of Congress and of the states. What is remarkable is that this youthful foreign aristocrat should have had such an acute and profound comprehension of the American character. True, he had prepared himself well for his American journey by extensive reading; he knew English, and had had, for some time, a particular interest in the laws and institutions of England. Yet it remains a rare occurrence that the best and most enduring book about a nation should be written by a foreigner.

The reason for this exceptional feat lies in Tocqueville's singular genius. This singularity can be seen in the method, the style, and the philosophy of *Democracy in America*; but the unity of this philosophy, method, and style was not bound up with the subject of this first work. It reappears in Tocqueville's other books, written fifteen or twenty years later and dealing with different subjects, from different motives.

References

There are several English editions of *Democracy in America*, of which the two best ones are (a) the original Francis Bowen translation, all of its nineteenth-century Victorianisms of style notwithstanding; its most recent paperback edition (Knopf-Vintage, New York, 1961) contains in Vol. 2 an extensive bibliography of all editions of *Démocratie* before 1945; (b) the Mayer-Lerner edition of the George Lawrence translation (New York, 1966).

Consult the Bibliography for additional translations and full citations.

The First Volume Of 'Democracy': The Structure Of Tocqueville's Mind

The first volume of *Democracy in America* consists of two parts: the first, and shorter one is a description of American self-government and political institutions; the second is a description and analysis of democratic government and majority rule in the United States. The first part is composed of eight chapters, the second of ten: but most of these chapters, especially the most important ones, are divided into numerous subchapters, and it is within these subchapters that Tocqueville's method—or, more precisely, the structure of his thought—is apparent. These subchapters are short, often hardly more than a page each. They consist of paragraphs that seldom run to more than a few lines. This kind of composition reflects the author's personality.

Tocqueville's mind was quick, restless, and impatient. Yet the working of these qualities enhances, rather than diminishes, the value of what he has to say, for the

compressed wisdom of his generalizations and the quiet profundity of his insights make them memorable. Here are a few examples:

About the freedom of the press: “I admit that I do not feel toward freedom of the press that complete and instantaneous love which one accords to things by their nature supremely good. I love it more from considering the evils it prevents than on account of the good it does.”[4](#)

About democracy and envy: “One must not blind oneself to the fact that democratic institutions most successfully develop sentiments of envy in the human heart. This is not because they provide the means for everybody to rise to the level of everybody else but because these means are constantly proving inadequate in the hands of those using them. Democratic institutions awaken and flatter the passion for equality without ever being able to satisfy it entirely.”[5](#)

About universal suffrage: “Those who consider universal suffrage a guarantee of the excellence of the resulting choice suffer under a complete delusion. Universal suffrage has other advantages, but not that one.”[6](#)

About the budget and costs of democratic government: “There is in democratic societies a stirring without precise aim; some sort of prevailing feverish excitement finds expression in innovations of all sorts, and innovations are almost always expensive.”[7](#)

About the enduring benefits of democracy: “The vices and weaknesses of democratic government are easy to see; they can be proved by obvious facts, whereas its salutary influence is exercised in an imperceptible and almost secret way. Its defects strike one at first glance, but its good qualities are revealed only in the long run.”[8](#)

About the danger of majority rule: “My greatest complaint against democratic government as organized in the United States is not, as many Europeans think, its weakness, but rather its irresistible strength.... I am not asserting that at the present time in America there are frequent acts of tyranny. I do say that one can find no guarantee against it there and that the reasons for the government's moderation must be sought in circumstances and in mores rather than in the laws.”[9](#)

About the races in the United States: “When they have abolished slavery, the moderns still have to eradicate three much more intangible and tenacious prejudices: the prejudice of the Master, the prejudice of the race, and the prejudice of the white.”[10](#)

The most famous, and the most often quoted passage in *Democracy in America* is that of the conclusion of the first volume, about America and Russia. “There are at the present time two great nations in the world, which started from different points, but seem to tend towards the same end....

All other nations seem to have nearly reached their natural limits, and they have only to maintain their power; but these are still in the act of growth. All the others have stopped, or continue to advance with extreme difficulty; these alone are proceeding with ease and celerity along a path to which no limit can be perceived. The American

struggles against the obstacles that nature opposes to him; the adversaries of the Russian are men. The former combats the wilderness and savage life; the latter, civilization with all its arms. The conquests of the American are therefore gained by the plowshare; those of the Russian by the sword. The Anglo-American relies upon personal interest to accomplish his ends and gives free scope to the unguided strength and common sense of the people; the Russian centers all the authority of society in a single arm. The principal instrument of the former is freedom; of the latter, servitude. Their starting-point is different and their courses are not the same; yet each of them seems marked out by the will of Heaven to sway the destinies of half the globe.[11](#)

Tocqueville On The Nature Of Democracy

What is the principal theme of *Democracy in America*? It is that the American example is a living illustration of the possibility of a more-or-less orderly democracy, and that consequently both the conservative and the radical European views of democracy ought to be revised. Tocqueville's conservative contemporaries were wrong in believing that democracy inevitably leads to anarchy and chaos: the opposite is rather true: the universal acceptance of majority rule leads to lowness in the movements of thought, to conformity, and to the danger not of anarchy but of tyranny exercised by the majority. On the other side, the radicals were wrong in believing that the establishment of majority rule would suffice to ensure the freedom and the happiness of people: these depend far more on the workings of certain laws, habits and beliefs, including religion: in short, the character of peoples influences their political institutions rather than the reverse. In the first volume of *Democracy in America* Tocqueville gradually rises to this theme, as the book advances from a description of American institutions to an analysis of American democratic society and of its problems.

The first volume was published in 1835 in Paris. Against the scepticism of its publisher, it was an instant success. Alexis de Tocqueville became famous overnight: his work and his wisdom were praised in many quarters, foremost among the conservative liberals who formed what was perhaps the last great generation of French political thinkers in the 1820s and 1830s. Because of their judicious acclaim Tocqueville was then, and has been often since, classed among this group, known by the somewhat misleading adjective of *doctrinaires*. Let me repeat, however, that he transcended such categories, for many reasons, one of them being his awareness that the world was facing a new development of such scope and extent that the existing political categories were no longer sufficient; as he himself wrote, "a new science of politics was necessary for a new world."

The Second Volume Of 'Democracy'

The composition of the second volume of *Democracy in America* took twice as long as the first. Published in 1840, it was less of a success. Unlike the first, it received a number of severely critical reviews. Today we can see that the second volume is even more important than the first, more timely in its details, and richer in its contents.

We must note, first of all, that the title of the entire work was as accurate as it was honest. *De la démocratie en Amérique*—About democracy in America—is not, as most people assume, a book principally about America; it is a book principally about *democracy*. And in this respect there is a subtle but significant difference in emphasis between the two volumes; while it may be said that the main direction of Tocqueville's interest in the first volume is *America* even more than it is democracy, in the second volume it is *democracy* even more than it is America. The connection between the two volumes is none the less organic. Already toward the end of the first volume Tocqueville had written:

Those who, having read this book, should imagine that in writing it I am urging all nations with a democratic social state to imitate the laws and mores of the Anglo-Americans would be making a great mistake; they must have paid more attention to the form than to the substance of my thought. My aim has been to show, by the American example, that laws, and more especially mores can allow a democratic people to remain free. But I am very far from thinking that we should follow the example of American democracy and imitate the means that it has used to attain this end, for I am well aware of the influence of the nature of a country and of antecedent events on political institutions, and I should regard it as a great misfortune for mankind if liberty were bound always and in all places to have the same features.¹²

The Second Volume Of 'Democracy': The Structure Of Tocqueville's Mind

In the second volume of *De la démocratie en Amérique* there are no subchapters. The volume has four parts, each of which consists of twenty or more short chapters (except for Part IV, a kind of conclusion, which has but eight). Throughout the second volume, however, all the terse, lucid, and aphoristic characteristics of the first volume appear again. The titles alone of some of these chapters suggest the form of Tocqueville's thought: "Why the Americans Show More Aptitude and Taste for General Ideas than their English Forefathers." "How Religion in the United States Makes Use of Democratic Instincts." "How American Democracy Has Modified the English Language." "Some Characteristics of Historians in Democratic Times." "Why Some Americans Display Enthusiastic Forms of Spirituality." "How an Aristocracy May Be Created by Industry." "Why Great Revolutions Will Become Rare." "Why the Ideas of Democratic Peoples about Government Naturally Favor the Concentration of Political Power." "What Sort of Despotism Democratic Nations Have to Fear."

The succinctness of the second volume of *Democracy in America* is even more pronounced than in the first. The chapter "Some Characteristics of Historians in Democratic Times", for example, consists of forty-eight sentences in fifteen paragraphs; yet many of these paragraphs contain a particular argument so condensed and profound that it would be sufficient for an entire book, indeed, for the kind of book that could establish the reputation of a thinker. "I am very well convinced," Tocqueville writes,

that even among democratic nations the genius, the vices, or the virtues of certain individuals retard or accelerate the natural current of a people's history; but causes of this secondary and fortuitous nature are infinitely more varied, more concealed, more complex, less powerful, and consequently less easy to trace, in periods of equality than in ages of aristocracy, when the task of the historian is simply to detach from the mass of general events the particular influence of one man or of a few men...

...M. de Lafayette says somewhere in his *Memoirs* that the exaggerated system of general causes affords surprising consolations to second-rate statesmen. I will add that its effects are not less consolatory to second-rate historians; it can always furnish a few mighty reasons to extricate them from the most difficult part of their work, and it indulges the indolence or incapacity of their minds while it confers upon them the honors of deep thinking...

...Those who write in the democratic age have another more dangerous tendency.... To their minds it is not enough to show what events have occurred: they wish to show that events could not have occurred otherwise. They take a nation arrived at a certain stage of its history and affirm that it could not but follow the track that brought it thither. It is easier to make such an assertion than to show how the nation might have adopted a better course...

...If this doctrine of necessity, which is so attractive to those who write history in democratic ages, passes from authors to their readers till it infects the whole mass of the community and gets possession of the public mind, it will soon paralyze the activity of modern society and reduce Christians to the level of the Turks.

Moreover, I would observe that such doctrines are peculiarly dangerous at the period at which we have arrived. Our contemporaries are only too prone to doubt of human free will...[13](#)

Concluding Chapter Of 'Democracy'

Probably the most important part of the second volume of *Democracy in America* is its concluding chapters. Tocqueville's argument here rises to its highest level; and these chapters also reveal a subtle and important change in his mind. In "What Sort of Despotism Democratic Nations Have to Fear"[14](#) Tocqueville begins by saying that during his travels in the United States he became aware of the relatively novel danger of democratic despotism; "a more accurate examination of the subject, and five years of further meditation, have not diminished my fears, but have changed their object." He no longer dwells on the relative weakness of the central power in a democracy; rather the contrary. "If despotism were to be established among the democratic nations of our days," it would be wholly different from despotism in the past, "it would be more extensive and more mild; it would degrade men without tormenting them." "(The) same principle of equality which facilitates despotism tempers its rigor."

"I think, then, that the species of oppression by which democratic nations are menaced is unlike anything else that ever before existed in the world; our

contemporaries will find no prototype of it in their memories...the old words *despotism* and *tyranny* are inappropriate..." "The first thing that strikes the observer is an innumerable multitude of men, all equal and alike, incessantly endeavoring to procure the petty and paltry pleasures with which they glut their lives..."

...Above this race of men stands an immense tutelary power, which takes upon itself alone to secure their gratifications and to watch over their fate. That power is absolute, minute, regular, provident, and mild. It would be like the authority of a parent if, like that authority, its object was to prepare men for manhood; but it seeks, on the contrary, to keep them in perpetual childhood: it is well content that the people should rejoice, provided they think of nothing but rejoicing. For their happiness such a government willingly labors, but it chooses to be the sole agent and the only arbiter of that happiness; it provides for their security, foresees and supplies their necessities, facilitates their pleasures, manages their principal concerns, directs their industry, regulates the descent of property, and subdivides their inheritances: what remains, but to spare them all the care of thinking and all the trouble of living?...

...I have always thought that servitude of the regular, quiet, and gentle kind which I have just described might be combined more easily than is commonly believed with some of the outward forms of freedom, and that it might even establish itself under the wing of the sovereignty of the people...

It will appear from the above that Tocqueville foresaw the tendency which many social and political thinkers a century later were still unwilling to recognize: the possibility that the age of aristocratic society and government would be succeeded by bureaucratic society and government rather than by a true democracy, even though Tocqueville did not use the term "bureaucracy." In any event, the last sentence of his magisterial work sums up his historical and political vision: "The nations of our time cannot prevent the conditions of men from becoming equal, but it depends upon themselves whether the principle of equality is to lead to servitude or freedom, to knowledge or barbarism, to prosperity or misery." [15](#)

III. Tocqueville's Middle Years And His 'Souvenirs'

We have seen that the publication of the first volume of *Democracy in America* in 1835 suddenly made the young Tocqueville a public figure. What followed were thirteen superficially uneventful years, the middle period of Tocqueville's life. I write "superficially," because beneath the external signs of an honorably progressing career there were evidences of frequent disillusionments, depressions, and torment.

Between 1835 and 1848, the thirtieth and the forty-third years of his life, Tocqueville was elected to the Chamber of Deputies (1839) and to the French Academy (1841). He travelled in England, Ireland, Algeria, Switzerland and Germany. He published the second volume of *Democracy in America* (1840), and a number of minor writings; and his *Democracy* was being translated and published in many languages across Europe and in the Americas. In 1835 he married a middle-class Englishwoman from a respectable family who had served as a governess in France for years; Marie Mottley (1796–1864) was several years older and several inches taller than her husband, an

earnest and intelligent woman with a difficult temperament, who bore him no children.

Tocqueville suffered from a pulmonary condition, and his lung disease grew progressively worse through the years. He was now a respected public personage, but not a successful political figure. He took part in the political life of France out of a sense of duty rather than out of ambition. He wanted to help channel the democratic tide in the direction of decency and order. Many people disliked the serious and Olympian tone of his utterances; he seemed like Aristides the Just in the heedless democracy of Athens. On the evidence of his contemporaries we may add that his speeches in the Chamber were unduly learned, sometimes lengthy, and delivered without much oratorical talent.

Tocqueville's Prescient Speech & The 1848 Revolution

Yet there was at least one of Tocqueville's speeches that made him famous. On 29 January 1848 he spoke in the Chamber, accurately predicting that a revolution was brewing. "Gentlemen," he said, "my profound conviction is that we are lulling ourselves to sleep over an active volcano..." "When I consider what has been, at different times and epochs of history among different peoples, the effective reason why ruling classes have been ruined, I note the various events and men and accidental or superficial causes, but believe me, the real cause, the effective one, that makes men lose power is that they have become unworthy to exercise it."

Consider the old Monarchy, gentlemen. It was stronger than you, stronger because of its origin; it was better supported than you are by ancient customs, old mores and old beliefs; it was stronger than you, and yet it has fallen into dust. Why did it fall? Do you think it was due to one particular man, the deficit, the Oath of the Tennis Court, La Fayette, or Mirabeau? No, gentlemen, there is another cause: the class that was ruling then had, through its indifference, selfishness and vice, become incapable and unworthy of ruling...[16](#)

He implored his colleagues in the Chamber to change the spirit of the government, because another great revolution was around the corner. His prophetic speech was received with apathy and ridicule. What Tocqueville had foretold came about less than a month later with the February Revolution of 1848.

Tocqueville And The Turbulent Years Of Politics

The memory of this speech, together with the reputation of Tocqueville's intelligent advocacy of an orderly democracy, led naturally to his leadership of the committee that was to write the constitution of the Second French Republic. During the deliberations a second, short but bloody insurrection in June 1848 turned the tide of sentiment and opinion more conservative. In December 1848 Louis-Napoleon was elected President of France. For the next two years he governed with the support of the Assembly, and in June of 1849 he appointed Tocqueville Foreign Minister, and Tocqueville served for five months. Tocqueville performed his duties with much energy and intelligence during a difficult and eventful period of French and European

history. The fires of the 1848 revolutions had not yet died out; there was a war of independence in Hungary; a war in Northern Italy; French troops were sent to Rome to crush the republican rebellion there and to restore the Pope to his see. In October 1849 Louis-Napoleon dismissed the conservative-liberal cabinet of which Tocqueville was a prominent member. He did not return to political life again.

There was worse to come. Tocqueville accurately foresaw the political future: Louis-Napoleon would be supported as dictator by the majority of the people; his regime would be a new kind of democratic Caesarism. Tocqueville had only contempt for the Left radicals who in June 1848 had attempted the first socialist revolution in France; but he immediately realized that the fear-ridden reaction against the Left, equally contemptible, was a new phenomenon consonant with the development of democracy. It meant the appearance of a new radical Right, supported by masses of people out of fear of revolution and out of their sentiments of nationalism and respectability. "The insane fear of socialism," Tocqueville, this opponent of socialism, told the English liberal, Naussau Senior, "throws the bourgeois headlong into the arms of despotism...the democrats have served the cause of the absolutists. But now that the weakness of the Red party has been proved, people will regret the price at which their enemy has been put down."¹⁷

It would be wrong to think that during the political phase of Tocqueville's career he wrote little. His literary dedication was exceptionally strong. But the largest part of his writings was unpublished after his death, and a good part remains unpublished even today. His friend Beaumont later said that "for one volume he published he wrote ten; and the notes he cast aside as intended only for himself would have served many writers as copy for the printer."¹⁸ Apart from his shorter writings and speeches in the 1840s he kept up a very large correspondence. To put down his thoughts on paper, whether in letters to friends or only for himself, remained a necessity for Tocqueville throughout his life.

Purpose Of Tocqueville's 'Souvenirs'

Between 1849 and 1852, while the devolution of the French parliamentary democracy to the imperial regime of Napoleon III was progressing, Tocqueville's mind and body were racked with suffering. The cold and damp winters in the Tocqueville chateau in Normandy were bad for his lungs; and he complained that his state of mind was painfully agitated and depressed. In 1850 his doctors advised him to spend a winter farther south; they also said that he ought to occupy his mind with other than political concerns. In Italy, at Sorrento, he began to write the *Souvenirs*, his recollections of the turbulence of the revolutionary years 1848–1849.¹⁹ He did this for his eyes only, one of the reasons for this discretion being his reluctance to make public the often caustic portraits of some of his friends and political associates. His manuscript was eventually published by his great-nephew thirty-four years after Tocqueville's death.

References

There are many editions of the *Recollections of Alexis de Tocqueville*, the best of which is the New York, 1949 one. *The Old Regime and the French Revolution* exists

in a Doubleday Anchor paperback (New York, 1955); the other Doubleday Anchor paperback, of 1959, is entitled *Tocqueville: The European Revolution and Correspondence with Gobineau*, introduced and translated by this writer: this volume contains unfinished portions of Tocqueville's projected second volume of the French Revolution as well as his correspondence with his former secretary Gobineau. *Memoir, Letters and Remains of Alexis de Tocqueville*, collected by his friend Beaumont, contains many of Tocqueville's letters in English; this edition was published in Cambridge and in New York in 1862. A number of English translations of the work of Tocqueville and Beaumont are listed in the Bibliography.

The *Souvenirs* are perhaps the best of all possible introductions to Tocqueville's mind. They are obviously the most personal of his published books. Again, we are in the presence of an extraordinary work, because of the character and the genius of its author. Again, its contents demonstrate the unique, and uncategorizable, character of Tocqueville's achievement. The *Souvenirs* transcend the limits of what is called a memoir or a history. They are a kind of auto-history, a history written in the first person singular, but not because of their author's dominant preoccupation with himself. The book is a participant's history, springing from the realization that history is participant knowledge *par excellence*. In this book, as also in some of his other writings, Tocqueville demonstrates—without, however, arguing the philosophical point—the inadequacy of the Cartesian and scientific separation of the universe into object and subject, the observer from the matter observed.

Tocqueville's purpose in the *Souvenirs* was to describe some of the things and some of the people he saw in 1848 and 1849—or, rather, some of the things he saw that he saw. He begins the book with this kind of avowal. “Now that I am out of the stream of public life and the uncertain state of my health does not even allow me to follow any consecutive study,”

I have for some time in my retreat turned my thoughts to myself, or rather to those events of the recent past in which I played a part or stood as witness. The best use for my leisure seems to be to go back over those events, to describe the men I saw taking part in them, and, if I can, to catch in this way and engrave on my memory those confused features that make up the uncertain physiognomy of my time.

Along with this decision of mine goes another to which I shall be equally faithful: these recollections are to be a mental relaxation for myself and not a work of literature. They are written for myself alone. These pages are to be a mirror, in which I can enjoy seeing my contemporaries and myself, not a painting for the public to view. My best friends are not to know about them, for I wish to keep my freedom to describe myself and them without flattery. I want to uncover the secret motives that made us act, them and myself as well as other men; and when I have understood these, to state them. In a word, I want to express myself honestly in these memoirs, and it is therefore necessary that they be completely secret.²⁰

He returns to this theme of his *Souvenirs* later in the work. “I do not want to write a history of the 1848 Revolution. I am merely trying to retrace my own actions, thoughts and impressions during that time.” And again, after meditating on the

difficulty of describing human motives and purposes: “Nevertheless I want to try and discover myself in the midst of this labyrinth. For it is only right that I should take the same liberties with myself as I have taken, and will often take again, with so many others.”²¹

Tocqueville's Portraits In The ‘Souvenirs’

These “liberties” are essentials in his gallery of portraits. Here are a few examples:

About his friend Dufaure who did not come to the Chamber of Deputies on 24 February 1848, the first day of the revolution: “Weakness was certainly not the reason, for I have subsequently seen him very calm and unmoved in much more dangerous circumstances. I think that in his concern for his family he must have wanted to put them in safety outside Paris first. His private and his public virtues, for he had both in great measure, did not march in step, for the former always came first; we saw things go that way more than once. In any case, I cannot count that as a great crime. Virtues of any sort are rare enough, and we can ill afford to quibble about their type and relative importance.”²²

About the President of the Chamber: “He got easily excited over the smallest matter, so you can imagine what state he was in then. I found this excellent man—for such he was in spite of well-meaning bits of trickery, pious fibs and all the other petty sins that a timid heart and vacillating mind could suggest to an honest soul—I found him, I say, walking about in his room, a prey to strong emotions. M. Sauzet had handsome but undistinguished features, the dignity of a cathedral verger and a large fat body with very short arms. When he was restless or upset, as he nearly always was, he would waggle his little arms convulsively in all directions like a drowning man. His manner, while we talked, was strange; he walked about, stopped and then sat down with one foot tucked under his fat buttocks, as he usually did in moments of great agitation; then he got up and sat down again without coming to any conclusion. It was a great misfortune for the House of Orleans to have a respectable man of that sort in charge of the Chamber on such a day; a bold rogue would have been more use.”²³

In the midst of the upheaval the two sons of Louis-Philippe appeared in the Chamber: “The Count of Paris had a boy's thoughtlessness combined with a prince's precocious impassivity. Beside them stood the Duke of Nemours, buttoned up in his uniform, erect, stiff, cold and silent: a post painted to look like a lieutenant-general. In my view he was the only man in real danger that day. All the time that I watched him exposed to this peril, his courage remained the same: taciturn, sterile and uninspired. Courage of that nature was more likely to discourage and dishearten his friends than to impress the enemy; its only use would be to enable him to die honorably, if die he must.”²⁴

About Ledru-Rollin, the leader of the radical party: “At that time, the nation saw Ledru-Rollin as the bloody image of the Terror. They regarded him as the evil and Lamartine as the good genius, mistakenly in both cases. Ledru was nothing but a great sensual sanguine boy, with no principles and hardly any ideas; he had no true courage of mind or heart, but he was also free of malice, for by nature he wished all the world

well and was incapable of cutting an enemy's throat, except perhaps as an historical reminiscence or to please his friends.”[25](#)

On 24 June 1848 a committee of the Assembly appointed Tocqueville as a commissioner, one of a group including the deputies Cormenin, Crémieux and Goudchaux; their job was to move from barricade to barricade, to encourage the National Guards fighting the battle of Paris. Tocqueville's portrait of his colleagues are too long to cite here, they are full of acute but good-natured insights. Here, nevertheless, is his summary: “I have always found it interesting to follow the involuntary effects of fear in the minds of men of intelligence. Fools show their fear grossly in all its nakedness, but the others know how to cover it with a veil of such fine and delicately woven, small, convincing deceits that there is a pleasure in contemplating this ingenious labour of the intelligence.”[26](#)

Towards the end of the uprising Thiers meets General Lamoricière who won the battle of Paris: “M. Thiers came up and threw his arms round Lamoricière's neck, telling him he was a hero. I could not help smiling at that sight, for they did not love each other at all, but danger is like wine in making all men sentimental.”[27](#)

About the Assembly near the end of the uprising: “The President called the Assembly together only at long intervals for short periods; and he was right to do so, for Assemblies are like children in that idleness never fails to make them do or say a lot of silly things. Each time the sitting was resumed, he himself told us all that had been learned for certain, during the adjournment. This President, as we know, was Sénard, a well-known lawyer from Rouen, and a courageous man; however, the daily comedy of the bar had from his youth led him to contract such an inveterate habit of acting that he had lost the faculty of truthfully expressing his real impressions, if by chance he had any. Inevitably he would add some turgid phrases of his own to the acts of courage he was narrating, and when he expressed the emotion which he, I think, really felt, in sepulchral tones, with a trembling voice and a sort of tragedian's hiccup, he even then seemed to be acting. Never were the ridiculous and the sublime so close, for the deeds were sublime and the narrator ridiculous.”[28](#)

Tocqueville's Historical Sense

Space does not permit my adding Tocqueville's two or three portraits of Louis-Philippe, masterpieces of historical and of psychological description though they are. Like those just quoted, they show their author's brilliant talent for depicting human beings and their characters. This ability rarely comes out in *Democracy in America*, where Tocqueville deals principally with institutions and society as a whole, rather than with individuals. A second feature worth observing is that each of Tocqueville's portraits ends with, indeed, is summed up by an epigram about human nature itself. This is not only the result of intelligent artistry or of the French style. The *Souvenirs* embody Tocqueville's deep understanding of human nature—the main requirement of a great historian. Thus it is not only the subject matter of the *Souvenirs* but the very substance of their author's thought which is historical. The counterpart of Tocqueville's great work about democracy in America is his great work about the French and European revolutions twenty years later. This progression may be

superficially—but only superficially—seen as a shift from the subject of institutions to the subject of men and their thoughts, or from political science and sociology to history. In reality, Tocqueville's entire *oeuvre* rests on a consistent philosophy, which is fundamentally historical.

Here is how Tocqueville saw the first days of the revolution of 1848:

As I left my bedroom...the 24th of February, I first met the cook who had been out; the good woman was quite beside herself and poured out a sorrowful rigmarole from which I could understand nothing but that the government was having the poor people massacred. I went down at once, and as soon as I had set foot in the street I could for the first time scent revolution in the air; the middle of the street was empty; the shops were not open; there were no carriages, or people walking; one heard none of the usual street vendors' cries; little frightened groups of neighbors talked by the doors in lowered voices; anxiety or anger disfigured every face. I met one of the National Guard hurrying along, rifle in hand; with an air of tragedy. I spoke to him but could learn nothing save that the government was massacring the people (to which he added that the National Guard would know how to put that right). It was always the same refrain which, of course, explained nothing to me. I knew the vices of the July government all too well, and cruelty was not among them. I consider it to have been one of the most corrupt, but least bloodthirsty, that have ever existed, and I repeat the rumor only to show how such rumors help revolutions along.[29](#)

The 'Souvenirs' & Tocqueville's Philosophy Of History

The *Souvenirs* are more than an historical account. They contain the principles of Tocqueville's historical philosophy. We have seen that Tocqueville had predicted the coming of the revolution of 1848. He had made an even more trenchant prediction in October 1847 which he decided to quote in the beginning of his *Souvenirs*. "The time is coming," he had written,

when the country will again be divided between two great parties. The French Revolution, which abolished all privileges, and destroyed all exclusive rights, did leave one, that of property. The holders of property must not delude themselves about the strength of their position, or suppose that, because it has so far nowhere been surmounted, the right to property is an insurmountable barrier; for our age is not like any other...Soon the political struggle will be between the Haves and the Have-nots; property will be the great battlefield; and the main political questions will turn on the more or less profound modifications of the rights of property owners that are to be made...[30](#)

In this respect, as in so many others, Tocqueville was ahead of Marx and of the socialist thinkers after him. Unlike them, however, Tocqueville did not for a moment believe that the struggle between the Haves and the Have-nots would be the culmination of the history of mankind. He did not believe in Economic Man. Tocqueville did not think that the coming revolution would be anything but another act in the intermittent drama of violent shocks whereby the cause of equality was advanced in France by different people at different times. Already in the second

volume of *Democracy in America* Tocqueville made the startling proposition that great revolutions were bound to become rare. In 1848, in the midst of the fighting, he remarked how there was something brummagem and make-believe in this revolution:

...there was absolutely no grandeur in this one, for there was no touch of the truth about it. We French, Parisians especially, gladly mingle literary and theatrical reminiscences with our most serious demonstrations. This often creates the impression that our feelings are false, whereas in fact they are only clumsily tricked out. In this case the quality of imitation was obvious...It was a time when everybody's imagination had been colored by the crude pigments with which Lamartine daubed his *Girondins*. The men of the first revolution were still alive in everybody's mind, their deeds and their words fresh in the memory. And everything I saw...was plainly stamped with the imprint of such memories; the whole time I had the feeling that we had staged a play about the French Revolution, rather than that we were continuing it.[31](#)

Before that riotous day he wrote: "Nowhere did I see the seething unrest I had witnessed in 1830, when the whole city reminded me of one vast boiling cauldron. This time it was not a matter of over throwing the government, but simply letting it fall."[32](#) Throughout the *Souvenirs* Tocqueville insists on the marked differences between the revolutions of 1789, 1830 and 1848; and at the same time on the frequently misleading and falsifying influence of the memories of these revolutions on the minds of all kinds of people, including Louis-Philippe and himself. More remarkable still, on occasion Tocqueville is able to distinguish—and he is driven by his honesty to describe—the differences between his impression of certain events when he first experienced them, and the sometimes dissimilar impressions that came to his mind later and the conclusions he drew from them.[33](#)

Tocqueville's Historical Genius In The 'Souvenirs'

In sum, the *Souvenirs* are not only an incomparable account of the revolutionary year 1848–49 in France and a set of clues to his personal character; they are not only excellent illustrations of Tocqueville's historical talent; they also give us his view of history:

For my part, I hate all those absolute systems that make the events of history depend on great first causes linked together by the chain of fate and thus succeed, so to speak, in banishing men from the history of the human race. Their boasted breath seems to me narrow, and their mathematical exactness false. I believe, *pace* the writers who find these sublime theories to feed their vanity and lighten their labors, that many important historical facts can be explained only by accidental circumstances, while many others are inexplicable; and lastly, that chance, or rather the concatenation of secondary causes, which we call by that name because we can't sort them all out, is a very important element in all that we see taking place on the world's stage. But I am firmly convinced that chance can do nothing unless the ground has been prepared in advance. Antecedent facts, the nature of institutions, turns of mind and the state of mores are the materials from which chance composes those unexpected events that surprise and terrify us...[34](#)

IV. Tocqueville's *L'Ancien Régime Et La Révolution*

While he was writing his *Souvenirs*, during the winter of 1850–51 in Sorrento, the idea for a book on Napoleon arose in Tocqueville's restless mind. He began to compose his first notes even though he was ill and weighted down by the gloomiest thoughts about the future of France. By December 1852 his mind had seized upon a different plan. He would write a book describing the main features of the French Revolution and include Napoleon. Because of his illness he was again advised to move away from Normandy, at least for a time. He and Madame de Tocqueville found a country house near Tours. A fortunate circumstance attended him there: he was able to search through the provincial archives in Tours, where he was assisted by the excellent archivist Charles de Grandmaison. Tocqueville now extended further the scope of his projected work. He would deal not only with the French Revolution and with Napoleon but with the origins of the Revolution. He immersed himself more and more in that subject, which became the first volume of a projected two-volume work. Again the title was precise: *L'Ancien Régime et la Révolution*. It was published in June 1856; it received a critical acclaim not dissimilar from that of the first volume of *Democracy in America* twenty-one years before.

‘L'Ancien Régime’ And Tocqueville's Powers As A Historian

The Old Regime and the French Revolution is the most conspicuous example of Tocqueville's powers as a historian. The writing is of the same high quality as that of his earlier works and his philosophy is of course unchanged. Yet two new features are worth noting. One is the evidence of Tocqueville's talent for archival research—that is, his knack of finding what is significant, illustrative, vivid, and telling in all kinds of materials. The other new feature is his individual style of historiography. In *The Old Regime and the French Revolution* Tocqueville's method is more topical than it is chronological. He is interested in *why* as well as in *how* things happened; and the *why* is often wrapped up in the *how*. As we found apt illustrations in his chapter titles before, so we may learn about the cast of his thought from these:

“How the chief and ultimate aim of the Revolution was not, as used to be thought, to overthrow religious and to weaken political authority in France.”

“Why feudalism had come to be more detested in France than in any other country.”

“How administrative centralization was an institution of the old regime and not, as is often thought, a creation of the Revolution or of the Napoleonic period.”

“How the desire for reforms took precedence of the desire for freedom.”

“How certain practices of the central power completed the revolutionary education of the masses.”

‘L’Ancien Régime’s’ Theme Of Historical Continuity

And so on. The main theme of the book is that many of the practices of the old regime, foremost among them administrative centralization, were responsible for the actual ills as well as the restlessness that plagued France and the French people before 1789. The emphasis on these origins of the French Revolution was something very new at the time. Yet the *Old Regime* is not a thesis-history; Tocqueville knew very well that great events are seldom the results of a single string of causes. One of the main achievements of Tocqueville the historian is his revision of many standard notions about the origins of the Revolution. It is not true that the revolution brought about a radically new kind of government: the vice of modern democratic rule, excessive centralization, had begun under the old regime. It is not true that royal abuses provoked the outbreak of the revolt: violence broke out where royal power proved the mildest, and counter-revolution was to rise in the west of France, where the feudal rules had lingered on longest. It could not be denied that in 1788–89 there was a noble, generous, virile spirit in the air; on the other hand there was much pretense, vanity, and opportunism. “Une regle rigide, une pratique molle”³⁵: rigid rules, and weak enforcement marked the character of the old regime. The clergy was neither weak nor corrupt: “I began to study the old society with many prejudices against the clergy; I finished it full of respect.”³⁶ The revolutionary government adopted the worst administrative habits of the old regime, without recognizing that in this matter, as well as in many others, continuity proved to be even stronger than change.

“It is not my purpose,” Tocqueville wrote in his forward, “to write a history of the French Revolution; that has been done already, and so ably, that it would be folly on my part to think of covering the ground again. In this book I shall study, rather, the background and the nature of the Revolution.”³⁷

Tocqueville's Historical Genius: Transcending Political History

We saw earlier that Tocqueville transcends ideological and academic categories; as is the wont of genius, his spirit also transcended his own times. Tocqueville, who is all too often described as an admirable nineteenth-century thinker, a conservative liberal of a time and place now hopelessly remote, possessed a mind which had both eighteenth- and twentieth-century characteristics. His writings—if only by the fine clarity of his prose—bear many of the marks of the eighteenth century, when history was part and parcel of literature, in the broad and honorific sense. The lucidity, the economy, the aphoristic quality, and the symmetrical structure of many of his chapters puts Tocqueville in the company of Montesquieu, Voltaire, and Gibbon. In these respects he has more in common with them than with the professional historians of the nineteenth century. Nor does his view of the nature of history accord with that of the nineteenth century. To him history is not a science possessing an ascertainable method. His view of history, based on his understanding of human nature, is akin, rather, to that of the few independent thinkers of the twentieth century who regard the application of scientific method to human affairs as unworkable and unduly restrictive of meaning.

A generation after Tocqueville's death the French critic Émile Faguet wrote that the task which Tocqueville "set himself was to penetrate beneath accidental history to solid history, or beneath history to the physiology of peoples."³⁸ From this correct analysis Faguet, however, deduced the wrong conclusion: that Tocqueville was a sociologist rather than a historian. Yet Faguet missed the key to Tocqueville's historiographical talents. When Faguet wrote, more than eighty years ago, the texture of history had not yet changed. At that time it seemed still reasonable to concentrate on the history of the politically conscious classes; history was past politics and politics present history. Since then, it has become obvious that given the social and democratic character of our age the requirements of history-writing must change; it is no longer reasonable to concentrate exclusively on the actions of the leading protagonists of the politically active classes and separate what Faguet called "surface" history from what lies "beneath" it. This Tocqueville already knew. The importance of the *Old Regime and the French Revolution* is not only that it is an extraordinarily enlightening and instructive interpretation of the French Revolution; it is also an extraordinarily instructive new type of history.

Tocqueville's Moral History Of The Human Heart & Mind

Tocqueville implicitly and, at times, explicitly refutes many of the dogmas of modern professional history writing. He is not only among the earliest to note that political history is no longer enough; he sees that the politically active classes may become powerless, and that their abdication of leadership is a development often more decisive than the alleged demands and decisions of the people. Revolutions are seldom made by the conscious dynamism of the people; yet Tocqueville rejects both the fatalistic notion that accidents govern history and the deterministic notion that people are moved by predetermined material motives. History is made by men, to whom God has given free will. He saw the historian's task as being moral as well as artistic. In his notes he often wrote: "What I am going to paint," "what I am trying to portray." He wished to paint rather than to chronicle, and he sought to detect the latent tendencies of the human heart and mind rather than to ascertain and explain regularities. His purpose was description rather than definition, comprehension rather than narration.

The Movement Toward Social Democracy And Liberty

While Tocqueville was writing the first volume of the *Old Regime and the French Revolution* he was thinking more in terms of a European Revolution. He considered that what had happened in France in 1789 was but the first phase of an epoch of European revolutions which, sixty years after the storming of the Bastille, was still going on. The European Revolution, in turn, was but part and parcel of a greater movement toward social democracy, at the core of which stood the fundamental problem of the relationship of liberty to equality but also that of democracy to Christianity. By the time the first volume was published he was well on his way through the second. Of the second volume we have his outline: it was to consist of five books, of which two (Books I and III) were almost completed; the rest consists of half-completed passages and notes to himself.

The Incomplete Second Volume Of 'L'Ancien Régime'

That Tocqueville died before he could finish this work was, and remains, a tragedy. As in the case of *Democracy in America*, the second volume might have been even more impressive than the first. The portions we have suggest this judgment. Book I deals with France immediately before the Revolution, Book III with the coming of Bonaparte. In Book I Tocqueville draws attention to the history of the Parlements, those aristocratic assemblies which in 1788 initiated the attack on the old regime. The title of the fourth chapter reads: "How, Just When They Thought Themselves Masters of the Nation, the Parlements Suddenly Discovered That They Amounted to Nothing." Perhaps the most brilliant completed portion of the second volume of the *Old Regime* is Book III, France before the Consulate. "How the Republic Was Ready to Accept a Master." "How the Nation, Though Ceasing to Be Republican, Remained Revolutionary."

Between fear of the royalists and of the Jacobins, the majority of the nation sought an escape. The Revolution was dear, but the Republic was feared lest it should result in the return of one or the other. One might even say that each of these passions nourished the other; it was because the French found precious certain benefits ensured them by the Revolution that they feared all the more keenly a government which might interfere with these profits. Of all the privileges that they had won or obtained during the previous ten years, the only one that they were disposed to surrender was liberty. They were ready to give up the liberty which the Revolution had merely promised, in order to finally enjoy the benefits that it had brought.

The parties themselves, decimated, apathetic, and weary, longed to rest for a time during a dictatorship of any kind, provided only that it was exercised by an outsider and that it weighed upon their rivals as much as on themselves. This feature completes the picture. When great political parties begin to cool in their attachments without softening their hatreds, and at last reach the point of wishing less to succeed than to prevent the success of their opponents, one should prepare for servitude—the master is near.

It was easy to see that this master could rise only from the army...[39](#)

What a portrait of Napoleon Tocqueville could have given us! We have some of its features in the notes he left behind; they startle us with his many insights.

The last of Tocqueville's notes sums up his view of the Revolution:

Generally speaking, people are not very ardent or indomitable or energetic in their affairs when their personal passions are not engaged. Yet their personal passions, however vivid they may be, do not propel them either very far or very high unless these passions keep growing before their own eyes, unless they seem to justify themselves by being related to some greater cause for the service of mankind.

It is due to our human sense of honor that we should be in need of this stimulant. Add to passions born of self-interest the aim to change the face of the world and to regenerate the human race: only then will you see what men are really capable of.

That is the history of the French Revolution.

Its narrow-minded and selfish nature led to violence and darkness; its generous and selfless elements made its impulse powerful and great.[40](#)

Tocqueville As A Complex Modern Historian

Tocqueville's books about the French Revolution are the clearest evidence that he was a modern historian. And yet, because of the deplorable habit of thinking in intellectual compartments, it is seldom that he is recognized as such. An interesting list could be compiled with the names of those who have asserted that Tocqueville was a conservative, a liberal, a historian, a sociologist, an aristocrat, a democrat, a Christian, an agnostic. In quite a few instances the commentators contradict themselves; at times Tocqueville is assigned to contradictory categories within the same monograph, essay, or review. Yet his books about the Revolution are crystal clear. They show, for instance, that while he did not believe that the voice of the people is the voice of God, neither did he believe that it was the voice of the devil. He was not one of those who thought that a nation has the right to go beyond her natural interest to impose ideas on others and arrogate to herself the role of teaching the world; yet he did not believe in a narrow concept of national interest either. He was not a French nationalist or a European imperialist; yet he did not assume that the achievements and the ideals of every nation and every civilization are of the same worth. He condemned the old regime as well as the Revolution and found virtues in both.

Tocqueville: A Moral, Hortatory Historian Who Eludes Categories

The *Revolution*, therefore, is hortatory history. I have suggested that it is hardly possible to comprehend Tocqueville's writing without considering the moral purposes of their author. In turn, it is only with this moral purpose in mind that one can avoid some of the mistaken conceptions of Tocqueville and his work. If the main concern of *Democracy in America* was the future of democracy, that book also reveals Tocqueville as more than a conservative democrat or a liberal aristocrat. If the main concern of *The Revolution* included the future of France and of Europe, it also reveals Tocqueville as more than an old-fashioned historian or a forerunner of sociology. His concern with the evolving relationship of Christianity and democracy, as revealed in his letters and later writings, shows that he was neither a "progressive" Catholic nor an aristocratic skeptic, but a great Christian thinker and a magnanimous spirit.

V. Tocqueville's Last Year

During the summer of 1858 Tocqueville's physical condition worsened. He had to give up work on his book. In June he suffered a hemorrhage in one lung. His wife was

also ill. In October his doctor in Paris recommended that they go south again. Next month they arrived in Cannes, completely exhausted. By February his health had improved a little. As always, he devoted considerable time and effort to correspondence with his friends. His last letters were dictated a week before the day he died, on 16 April 1859.

Tocqueville And Religion

Next to his health, the most important development during Tocqueville's last months concerned his religion. Soon after they had arrived in Cannes the Tocquevilles began to look for a nursing sister. Since his illness prevented him from going to church, he asked one of the Sisters to read him the prayers of the Mass. The Bishop of Orleans came to visit; he and another priest said Mass in his rooms. He made his confession, he took Communion, and he died in peace with himself and with his Church.[41](#)

Why lay stress on these private matters? For two reasons. First, they may help to answer the third among the series of questions: was Tocqueville a historian or a sociologist? a liberal or a conservative? a skeptic or a believing Catholic? Second, his concern with religion appears with increasing frequency in Tocqueville's correspondence during the last decade of his life when, together with his self-questioning about his own faith, the problem of the compatibility of religion with democracy became one of his deepest preoccupations. There are evidences of this already in his *Democracy in America* in the 1830s.

Tocqueville's Correspondence With Gobineau

Tocqueville's correspondence was voluminous. Of the—not yet completed—edition of his collected works in twenty-one volumes, eleven or twelve will consist of letters. They are still being discovered in French family archives and in the stocks of manuscript dealers.

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The publication of the first complete edition of Tocqueville's writings began in Paris in 1951, under the editorship of J.P. Mayer. After thirty-one years it is still far from being complete. Sixteen volumes of these *OEUVRES COMPLÈTES* have been published (including two double volumes of *De la démocratie en Amérique*), six more are yet to come. There is reason to believe that even this edition will be only near-complete, since the corpus of Tocqueville's written heritage, including the scattered mass of his letters, is enormous. See the Bibliography for specifics on the French editions.

The scope of his correspondence is amazing. It deals with innumerable topics of lasting interest. The letters about England, Germany, Russia deserve minute attention. The quality of the writing is as high as that of his finished books. Tocqueville had often thought that he was solitary, though he put great value on his friendships. He was thus driven by a need to express his thoughts to his friends. His letters served him

as a diary would another thinker. In them one finds the germ of ideas Tocqueville would later develop in a book. Among the most important of these letters are those which Tocqueville wrote to Arthur de Gobineau (1816–1882). Gobineau met Tocqueville in the early 1840s. In 1849 he served as Tocqueville's secretary. During the 1850s they saw each other relatively seldom; but Gobineau tried out some of his theories in his letters to Tocqueville, whose reactions to Gobineau's ideas—and later, to Gobineau's book (*On the Inequality of the Human Races*, 1854) are trenchant and extremely important. They are summary statements of the beliefs of the Catholic Christian Tocqueville; and they are principal arguments for the incompatibility of Christianity with a philosophy of history dependent on conceptions of race. They also illustrate the idealism of Tocqueville who wrote his friend and cousin Louis de Kergorlay (1804–1880) in 1835, twenty years before the development of his dialogue with Gobineau: “Do what you will, you can't change the fact that men have bodies as well as souls—that the angel is enclosed in the beast...Any philosophy, any religion which tries to leave entirely out of account one of these two things may produce a few extraordinary exemplars, but it will never influence humanity as a whole. This is what I believe, and it troubles me, for you know that, no more detached from the beast than anyone else, I adore the angel and want at all costs to see him predominate...” This passage—by no means an isolated one—shows the Pascalian element in Tocqueville's thought. Like his temperament and his faith, his views of human nature and of human knowledge were not Cartesian.

Tocqueville's Non-Mechanistic, Philosophical Mind

Tocqueville had little appetite for methodical philosophy, though on occasion he did not hesitate to criticize certain passages in Aristotle or Plato. Yet the processes to Tocqueville's thought were exquisitely philosophical. He saw, for example, that in human beings the relations of cause and effect are far more complex than in other organisms, let alone in the physical world. This perception is manifested in Tocqueville's discovery that revolutions often break out not when the pressure on people is the greatest, but when that pressure has recognizably begun to lessen. In short, the mechanical laws of the physical universe are not automatically applicable to the human universe. As Tocqueville wrote in one of his last letters to Gobineau, in 1858: “A hypothesis which permits the prediction of certain effects that always recur under the same conditions does, in a way, amount to a demonstrable truth. (But) even the Newtonian system has no more than such a foundation.”⁴³ In this respect, too, Tocqueville's mind ran ahead of the nineteenth century. His ideas accord with those of some of the greatest twentieth-century thinkers, such as the Spanish philosopher Ortega y Gasset the French radical Christian humanist Bernanos, or the German physicist-philosopher Werner Heisenberg.

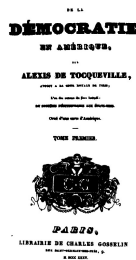
Conclusion

We have seen that the recognition of Tocqueville has been far from universal and often inadequate, even though his literary heritage is unusually rich in scope and extent. We know much about his ideas, about the inclinations of his mind, and even about his religious and other beliefs. We know less about his private life. Many of his

contemporaries resented Tocqueville's detached intelligence; they imputed to him an air of self-conscious superiority. Yet Tocqueville was a warm-hearted human being, often to the point of excitability. His physical appearance was unprepossessing: he was small in stature, a thin, nervous little man with a sallow complexion: a frail physical specimen, almost the last of a long line of puissant ancestors. The true nature of his nobility resided in his soul. In one of his notes he wrote: "Life is neither a pleasure nor a pain, but a serious spiritual business which it is our duty to carry through and to terminate with honor."⁴⁴

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I

Legal Philosophy And Norms

Legal philosophy tends to be as contentious and litigious as legal advocacy in our courts. Especially today, during our protracted epoch of cultural crisis and transition, we see little consensus uniting the numerous partisans of rival interpretations of the nature, scope, and norms of law. The history of ideas likewise presents us with the unsettling spectacle of an unending debate over justifications for law and justice. Long after the sophist Thrasymachus in Plato's *Republic* argued that justice is simply the interest of the stronger and assailed Socrates' defense of a non-positivist, non-man-made rule of law, legal scholars and philosophers continue to wrangle over what legal-philosophical system is superior: positive law, common law, or natural law? The following summaries show that the 'jury' is still out and deliberating these issues. We discern one recurrent theme, however: How objective (in terms of logical certainty) are the various legal norms, whether efficiency, political fiat, or natural-law reason?

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The Transformation Of English Common Law

Stephen A. Siegel

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“The Aristotelian Basis of English Law, 1450–1800.” *New York University Law Review* 56(April 1981): 18–59.

Pre-modern legal thought (1450–1800) exhibited an Aristotelian epistemology which led lawyers to see law as fundamentally “a mosaic of rules” rather than a set of basic axiomatic principles. This pre-modern period may be suggestively divided into two periods: an earlier classical period (1450–1650) which emphasized *wisdom* as the source of the law's validity, and a later “decadent” period (1650–1800) that emphasized *certainty* as the source of law's validity. The shifting from one source of validity to the other reveals the influence of the scientific revolution on legal methodology; it likewise clarifies the significant way in which the decline of Aristotelian epistemology transformed pre-modern legal thought and led to modern (19th-century) legal thought.

In Aristotelian epistemology, practical knowledge (including legal knowledge) differs from theoretical knowledge (e.g., mathematics), in that it is comprised of *probable* truths, depends more on *experience*, and proceeds not by apodictic deduction or systematic construction but by reasoning through analogy and insight into the basis for “informed opinion.” Classical pre-modern lawyers (German, Fortescue, Coke) followed Aristotelian thinking here by emphasizing the role of “intuitive reason” in arriving at (probable) first principles and applying these principles to actual controversies on the basis of a long tradition of precedents, rather than on the basis of any systematic deductive structure.

The 17th-century scientific methods, however, were soon applied to the “moral sciences”—with a geometrical, deductive model taken as the paradigm for law. For Hobbes, the notion that law could be probable and unsystematic gave too much leeway for civil strife. Locke adopted Hobbes' reasoning here and applied an equally axiomatic model—only to reach different more liberal political conclusions. In response to this development, defenders of the common law (such as Matthew Hale, Chief Justice of England) countered that the rules of the common law are so numerous and concrete that, once learned, their application is straightforward. By contrast, the geometric method was considered too novel to be applied straightforwardly in law. However, by stressing the *certainty* of the common law (rather than its *wisdom*) these latter-day defenders of the common law had conceded that accumulated experience is a source of the law's validity only because it allows us to transcend “mere” probability. This concession gave a new sense to the notion of “reason” that the law should embody, and it allowed modern legal thinkers to reject probabilistic reasoning and precedent as the essential components of the “reason” that all common law should express.

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From Royal To National Treason

G.A. Kelly

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“From Lèse-Majesté to Lèse-Nation in Eighteenth-Century France.” *Journal of the History of Ideas* 42 (April—June 1981): 269–286.

The concept of treason (an offense against the state's *summa potestas* or sovereignty) underwent a sea-change in eighteenth-century France while still maintaining the authoritarian core of its earlier meaning. Until the Revolution in 1789, treason was *lèse-majesté*: any violation of the “majesty” of the *king* who personified public power (violations might include assaults, libels, counterfeiting, etc.). But with the Revolution the object of treason became transformed into *lèse-nation*: a violation of the majesty of the *nation* or people in general. With the Terror “majesty is revolutionized as well as nationalized. The nation is sovereign, but the exercise of sovereignty is aleatory and up for grabs.”

Western political and legal thought had prepared the way for the newer ‘national’ version of treason by carrying in its traditions different notions of “majesty” derived from sources in Roman law and historical memories of ancient republics. Thus, subterranean republican legal tradition had founded sovereignty and majesty in the *populus* or citizens at large. This was contradictory to the royal ideology of the Bourbons who subscribed to Bishop Bossuet's maxim: “the state is in the person of the prince.” Gradually during the eighteenth century a subversive republican (and largely literary) tradition arose to contest these royalist claims. The concept of *lèse-nation* was also nurtured by a “philosophical” critique against many of the elements judged inseparable from royal majesty. Aiding this nationalizing development was the tendency to identify France rather than the monarchy as the focus of patriotic unity. Finally, during this period, we discern the evolution of a *representative* rather than an omnipotent notion of kingship, which sapped the vitality of absolute royal majesty.

The historical evolution from royal to republican or ‘national’ treason is traced by Kelly throughout the eighteenth century. Paradoxically, the Revolution brought about punishments for treason far more severe and widespread than those suffered under the monarchy. What remained uncontested was the belief that public power, however defined, must not be challenged or contradicted by dissenters.

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Natural Law Vocabulary

Pierre-Francois Moreau

Paris

“Lexicology of *Jus Naturale* Concepts.” *Vera Lex* (Natural Law Society Review) 3 (Winter/Spring 1982): 3–4.

Historically, culturally, and philosophically we encounter complex and shifting meanings and concepts in the use of *jus naturale* (natural law, natural right). This presents us with various problems and opportunities in reflecting upon these different historical developments of *jus naturale* as it has been translated or used in later languages and vocabularies.

First, we face the problem of historical determinations of *jus naturale*. Certain central concepts (such as *jus*, *lex*, *natura*, etc.) are connected with various theories of *jus naturale*. We need to know, for example, that in French, “*droit romain*” was used in the sense of “Roman law” in order to appreciate connotations and denotations of terms associated with the natural law tradition.

Second, the history of word forms brings up a second problem of logical and semantic discrimination. The *same* word in a given language may convey diverse meanings. Thus in neo-Latin culture at one time *jus* became a synonym for *lex*. This raises philosophical issues since to determine the boundary, say, between the French *droit* and *loi*, always implies a philosophical choice.

Besides the problems of determining the meaning of *jus naturale* related terms in historical usage or in the context of the linguistic culture at large, we also need to comprehend how an individual author is using a natural law concept in his own philosophic system. Sometimes an author will shift and revalue the meaning of a *jus naturale* concept from its earlier meanings. Thus Thomas Aquinas elaborates on Roman law and the Aristotelian concept of nature to “tear the semantics of *jus* out of juridical Augustinianism.”

These are real philosophical problems and not simply semantic quibbles. The author recommends that the Natural Law Society should develop “a historical and comparative lexicon of *Jus Naturale*.” We cannot get rid of these problems, however, by constructing a formal language theoretically free from ambiguity. The semantic differences point to “real problems in the elaborations of thinking.”

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Are Legal Norms Universally Valid?

Ilmar Tammelo

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'Normative Cogencies' in the Constitution of Justice. *Vera Lex* (Natural Law Society Review) 3 (Winter/Spring 1982): 1, 12–13.

The late Professor Tammelo asks whether norms of justice exist that are universal for all legal systems. After examining a number of norms sometimes claimed to be “systems-invariant” (such as “Whatever is legally not forbidden is legally permitted”), he concludes that there are no such norms. However, there are formal (analytic or tautological) norms of justice that are immensely useful for “enabling us to carry out articulation of normative thoughts.”

The search for morally normative universals continues. Accordingly, some norms with material content Tammelo believes are “intuitively so obvious that their refutation does not come into question.” These norms depend upon our experience of nature. “...there are indeed experiences whose content imposes itself on our cognition as irrefutable at all times. Their insightfulness, however is not *apriori* but is grounded in our civilization.”

These compelling norms of justice have a close connection with the postulate of human dignity as a demand for what man decently ought to do. We feel that we cannot lead our lives as moral agents without respecting such norms.

Professor Tammelo believes that the intuitive obviousness of such norms rests to some extent on their general wording (as in the precept: “Do good and avoid evil”). These norms need to be spelled out in their specifics to mean something definite. He also believes that the postulates of freedom and of equality are criteria of justice, “but there are occasions on which freedom can be granted only by sacrificing equality and vice versa.”

Prof. Tammelo, in his search for more satisfactory criteria of universal justice, points to the promise of “the emerging discipline of constructive linguistics” which he believes may provide us with a language that will allow “complete and well comprehensible formulations of the criteria of justice.” He looks forward to such a “translinguistic” means of communication.



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The New Legal History & Constitutional History

Harry N. Scheiber

University of California at Berkeley

“American Constitutional History and the New Legal History; Complementary Themes in Two Modes.” *The Journal of American History* 68 (September 1981): 337–350.

Is Constitutional History Dead?” This was an ominous title suggested for the annual meeting of the American Society for Legal History in 1980. That question, as even the organizers of the meeting decided, takes perhaps too drastic a view of the current state of Constitutional history. Nonetheless, there is no doubt that the field's prime interest in the doctrines and behavior of courts has been over-shadowed during the last two decades by a distinctly different mode of investigation, one that is often termed the “new legal history.” While acknowledging the potential value of the new legal history's perspective on the American legal system, Prof. Scheiber asserts that only by integrating these perspectives with the concerns of Constitutional history can the full context of change in American legal history be understood.

The current decline of Constitutional history results from several factors. First of all, behavioral theory, quantification, and self-proclaimed “value free” analysis have crowded the normative values of Constitutional history from the scene. This development is paralleled by the rise of the “new social history” which subordinates law, policy, and public affairs to what is termed “private place,” that is, the family, the bedroom and nursery, voluntary associations, and nonpolitical institutions.

The traditional province of Constitutional history embraced the decisions of the Supreme Court, the institutional history of the Court, and biography of the justices. The field therefore proved an easy target for critics who deplored limiting study to what they viewed as a rarified universe of data out of touch with the realities of social, economic, and cultural change.

The literature of the new legal history well reflects the ascendancy of this view. Common law has been pushed to the very center of analytic focus—with an emphasis on how judges have shaped contract and tort law and with what consequences for economic institutions and allocations of income and power. Considerable attention is also being devoted to law-making agencies other than the federal courts, to the making and incidence of state law, and to reappraising of landmarks in Constitutional law in the light of legal, social, and political developments in the states.

Despite their differing emphases, Prof. Scheiber feels that the two areas of study are not inimical. He firmly believes that the new legal history can enrich and revitalize the investigations of Constitutional historians. He cites two examples where the new legal history has already made such contributions.

The first example involves research on nineteenth-century implementation of the Commerce Clause. From investigations in state archives, scholars have learned the ways in which state canal officials rigged tolls to disadvantage out-of-state interests—a violation of the Marshall Court's nationalistic doctrines which went unchallenged until the railroad era. Research by Charles W. McCurdy, Gabriel Kolko, and Albro Martin on big business objectives and tactics in state and federal courts has considerably altered our understanding of the Commerce Clause in Constitutional law and of the actual exercise of power in the states.

A second example concerns the new legal history's contribution to our understanding of property law. Through close analysis of doctrinal areas in which enormous discretion was left to state judges—nuisance law, trespass, torts, eminent domain—we can identify differences among the states, thereby obtaining a much more accurate sense of working federalism.

In Prof. Scheiber's view, achievements already on the record, together with logical and evidentiary requirements of public-law study, promise a new phase of interest in legal and Constitutional history as vitally interrelated fields. Once integrated, research in these two areas of interest will attain much of the former status and influence of Constitutional history within the historical profession.

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Legal Realism & A Science Of Law

David E. Ingersoll

University of Delaware at Newark

“American Legal Realism and Sociological Jurisprudence: The Methodological Roots of a Science of Law.” *Journal of the History of the Behavioral Sciences* 17 (October 1981): 490–503.

Despite the existence of a growing body of literature on the American legal realism of the 1920s and 1930s, there remain many difficulties in defining and evaluating that movement's effort to demythologize the study of law. The designation “legal realism” has meant many things in existing scholarship, primarily because legal realists formed no school and recognized but a few common prophets.

At its inception, the realist movement participated in the much wider intellectual ferment of the period. The “revolt against formalism” which began just before the turn of the century involved numerous attempts to reformulate the methodology and subject matter of philosophy, government, economics, history, and the law.

John W. Bingham's 1912 article “What is the Law?” signaled the birth of the legal realist movement. In this paper, Bingham advanced four general arguments which were to become central to the realist persuasion: (1) the study of law is within the purview of the general science of government; (2) objectivity is the desirable trait in attempting the study of legal institutions. The outside observer of the legal process can be objective in the best sense of scientific methodology; (3) judges make law rather than discover it; (4) rules and principles are but mental tools used to classify and communicate economically the accumulated knowledge of the law, much as generalizations are used in the natural sciences.

The legal realists generally thought of the law as in flux and as “good” only in so far as it suited the society it purported to serve. In this, they did not differ substantially from the school of sociological jurisprudence as set forth by Roscoe Pound in 1906. However, one plank of the realists' platform *did* clearly separate them from the supporters of sociological jurisprudence: the realists' call for a *temporary* divorce of Is and Ought.

While Roscoe Pound and his followers sought a purely descriptive sociology of law in the pragmatic tradition, Pound was always quick to point out that any investigation into legal actuality could not be conducted without regard to the goals of law—or without the selection and organization of facts with some end in mind. “What ought to be,” he wrote, “has no place in physical science. It has first place in the social sciences.”

The realists specifically rejected the “confused” Poundian position on Is and Ought and appealed to the positivist position to justify their temporary separation of fact and value. The empirical investigations of the realists were to be just the first stage in a process of producing better standards for judicial decision making. What they did insist upon was that any theory of justice or conception of proper judicial function be relevant to the necessities and everyday practices of law. Values such as utility and necessity were indeed important, but any evaluation process must be based upon factual information obtainable only through a truly value-free empirical investigation of the legal process.

In the final analysis, the realist movement's claim to true realism lay in its ability to formulate generalizations through the use of modified scientific methods. Those proved more accurately descriptive of judicial behavior than were the ones to be found in traditional analyses. In attempting to achieve this end, the movement concentrated on the observation of official activity and on the social effects of that activity. The ultimate objective of such an endeavor was to build up a set of generalizations descriptive of the legal process—a crude science of law.

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Efficiency As A Common Law Norm

Richard A. Posner

“The Ethical and Political Basis of the Efficiency Norm in Common Law Adjudication.” *Hofstra Law Review* 8 (Spring 1980): 487–507.

Efficiency—in the sense of wealth-maximization—is a desirable goal for the common law because there is implicit consent to this norm, and also because wealth-distribution cannot be effectively handled by the common law in any case. According to the Kaldor-Hicks criterion, wealth (not utility) is maximized when transactions are allowed to occur which net enough wealth so that any third-party “losers” *could be* fully compensated.

A principle of consent is inherent in this notion, because of the prevalence of “ex ante compensation,” that is, the notion that people have *already* been compensated for the possibility of loss, and have thereby implicitly consented to any losses that actually occur. A person who buys a lottery ticket and loses the lottery has consented to the loss and has been compensated for that possibility beforehand in the form of the discounted price he paid for the ticket. Similarly, the landowners who lose money when a factory moves from their area were already compensated for their loss when they bought the land, since the probability that the factory would move was discounted into the purchase price they paid for the land. Even without an explicit contract, we can say that the affected parties consented to the market and wealth-maximizing solution.

An apparent counter-example to “consent” might be the negligence system where an injured party may not get “expost compensation” for his injury if, for example, neither driver involved in an accident was at fault. However, the injured party's consent may be implicit in the ex ante compensation that he had already received in the form of lower liability insurance rates, which keeps driving costs lower than would a strict liability system.

Another objection to the efficiency standard alleges that this standard could conceivably justify slavery (which is obviously not based on consent). But, Posner counters, even if we started in a society where one person owned all the others, the others could buy their freedom from that person because their output would be greater as free individuals than as slaves. (They could borrow money against their future earnings as free men to raise the needed money.) Efficient solutions are, it is asserted, therefore consistent with our general structure of rights.

Another reason why the efficiency criterion is desirable is that the courts are simply not in a position to redistribute wealth effectively. At most, courts can change only one term of a contract, and the parties could freely alter the other contract terms in the future. If the court tried to redistribute wealth from landlords to tenants, for example, by refusing to enforce the leases that poor people sign, landlords could simply charge

higher rentals because of the greater risk of loss. Thus, the common law system has no systematic distributive effects, and that makes it less open to control by special interest groups. Since no group can hope to benefit *ex ante* from a change in the system (that is, the system is efficient) and since those few who lose out *ex post* are a diffuse and ineffective group, we can expect political forces to converge on the ethical goal of efficiency in common law adjudication.

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Animal Rights

Ben Gerson

National Law Journal

“Unleashing Animal Rights: The Movement to Give New Legal Weight to Man's ‘Servants.’” *The National Law Journal* (January 4, 1982): 1, 20, 30.

Lawyers, academics, and political activists have banded together to limit humans' dominion over non-human animals. Two organizations—San Francisco's Attorneys For Animal Rights (AFAR) and the Pennsylvania-based Society for Animal Rights (SAR) go beyond the typical humane or animal welfare society and base their defense on the conviction that animals, like people, have rights arising from their very existence. The struggle for the rights of animals may seem laughable, but is comparable to the historical struggle for recognizing the rights of Indians, incompetents, and aliens.

Animal rights advocates are making their voices heard. For the past two years SAR has been publishing the *Animal Rights Law Reporter* under the editorship of Prof. Henry Mark Holzer. At the end of 1981, the same group sponsored the first national Conference on Animal Rights Law in New York. Both SAR and AFAR seek to use the legal system to improve the lot of animals by challenging the view (often written into legislation) that animals are merely man's servants. Scholars have developed arguments to grant legal status to animals and to call into question the cruelty involved in the so-called factory farming methods of animal slaughter.

Legally, advocates for animal rights have adopted the analogy of guardianship for legal incompetents to protect animals. If “incompetent human beings have rights, why should not animals, who can in some instances both reason and feel more deeply than certain incompetent, if enfranchised, human beings like Karen Ann Quinlan?” This legal defense derives from the “Magna Carta of the animal rights movement,” Peter Singer's 1975 book, *Animal Liberation*.



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II

History & Liberty

The following summaries contain two distinct but interrelated kinds of topics: the historiography of individual liberty and individuals who have advanced our understanding of liberty in history. Particularly relevant to our lead essay on the French liberal historian Alexis de Tocqueville are those summaries discussing the historiographical traditions which view history as the drama of liberty: the advance of civilization is the progress of individual freedom and emancipation from arbitrary power and authority. A suitable introduction to such a liberal historiography is Mark Glat's opening analysis which argues that John Locke, a founder of the classical liberal tradition, was not the caricature of the ahistorical rationalist, but, in fact, possessed a lively and sophisticated historical sensibility. Related notes on the developed historical sense found in various champions of the liberal temper are found in other summaries by Seaberg, Shklar, Winthrop (on Tocqueville's *Old Régime*), Tenenbaum, Dodge, and Porter.

To supplement these studies, the reader is advised to consult the *Bibliography* to John Lukacs' Tocqueville essay (pp. 36–42), especially the following studies:

Gargan, Edward T. *De Tocqueville*. Studies in Modern European Literature and Thought. London: Bowes and Bowes, 1965.

—, “The Formation of Tocqueville's Historical Thought.” *Review of Politics* 24 (January 1962): 48–61.

Liggio, Leonard P. “Charles Dunoyer and French Classical Liberalism.” *The Journal of Libertarian Studies* 1 (Summer 1977): 153–178.

Mellon, Stanley. *The Political Uses of History: A Study of Historians in the French Restoration*. Stanford: Stanford University Press, 1958.

Siedentop, Larry. “Two Liberal Traditions.” In *The Idea of Freedom: Essays in Honour of Isaiah Berlin*. Ed. by Alan Ryan. Oxford & New York: Oxford Univ. Press, 1979, pp. 153–174.

White, Hayden V. “Tocqueville: Historical Realism as Tragedy.” In *Metahistory: The Historical Imagination in Nineteenth Century Europe*. Baltimore & London: The Johns Hopkins University Press, 1973, pp. 45–58.

Of particular value in orienting one to the intellectual currents and themes animating Tocqueville's French liberal historiography are the Mellon and Siedentop studies cited above. These essays place Tocqueville in his own historical context which was deeply influenced by Francois Guizot and Mme. de Staël's Coppet circle. (see Tenenbaum's summary on Coppet and Constant). A clear line of historical continuity unites

Enlightenment historiography, the Coppet circle, and Tocqueville: all regarded history as the advance of individual freedom.

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Locke, Liberalism, And The Historical Sense

Mark Glat

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“John Locke's Historical Sense.” *The Review of Politics* 43 (January 1981): 3–21.

J.G.A. Pocock and Quentin Skinner have shown that “what was central to early modern political thought was not so much its concern with reason, but its interest in, and development of, a truly modern historical analysis of politics.” However, Pocock paradoxically relapses into the conventional rationalist interpretation of Locke by believing that Locke was ahistorical. On the contrary, Locke, the empiricist philosopher, developed modern ideas about the study of history that paralleled the sophisticated historical sense of French and Continental historians, especially Jean Bodin (1530–1596), who sought “to return facts to their (historical) contexts and interpret them there.” (Early in his career, Locke assigned his Oxford students Bodin's *Method for the Easy Comprehension of History*).

In returning facts to their historical context, Locke rejected traditional English historical thought and its non-modern forms of political argument. Locke's complex epistemological caution in assessing the validity and meaning of the historical past points to “a rather different sort of relationship between the origins of liberalism in Locke and the study of history than has hitherto been noticed.” The origins of liberal thought cannot be dismissed as “ahistorical” simply because the English empiricists of the seventeenth century identified methodological problems in gaining certain knowledge of past historical events. Locke's *Essay Concerning Human Understanding*, a classic exposition of empiricist epistemology, together with Locke's other writings show that he was not ahistorical; they rather caution us to exercise a careful method in regard to historical meaning and linguistic intention in order to understand how our beliefs and opinions developed over time. By conceiving of the past as distinct from the historical present, Locke reveals the modern understanding of history practiced by Renaissance historians like Bodin.

Locke conceptualized history as events whose meaning contexts changed over time. Such foreign events required our applying careful rules before we could assent to such probable knowledge of the historical. The discriminating self which sorts out such probable knowledge is the nexus between empiricist philosophy and critical history in Locke's thought. Locke grew more historically oriented through his empiricist philosophy and developed highly creative ideas concerning historical reconstruction and interpretation.



Locke objected on both philosophical and historical grounds to the *traditionalist* attempt of Whig historians to reconcile reason and history by appealing to a parochial English “immemorial custom.” His historical sense as revealed in the *Two Treatises* rejected such conservative ahistoricism in the relations between reason, history, and politics. In Locke's arguments regarding the development of private property and the emergence of political society out of the state of nature, we see a highly original deployment of his historical sense as a liberal political thinker. Locke avoided narrow references to the English past and made use of historical ethnography, 17th-century cosmopolitan travel literature, and the “history of mankind” to depict the condition of man both in and out of political society. Locke used the New World descriptions of pre-political societies to historically explain the universal origins of political power in consent. Comparative social anthropology (especially dealing with the New World peoples of America) undermined Whig contractarian conservatism and established “the historical character of the liberal political rights of Englishmen.” For Locke, the “proof of man's historical freedom was discoverable in all ages of the world once we had learned how to read history as the general interpretation of man's intentional actions.” (Prof. Glat pursues these questions in his 1978 Rutgers dissertation, “The Political Anthropology of John Locke and the Origins of Modern Politics.”)

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Levellers: Historical Continuity & Rights

R.B. Seaberg

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“The Norman Conquest and the Common Law: The Levellers and the Argument from Continuity.” *The Historical Journal* (England) 24, 4 (1981): 791–806.

J.G.A. Pocock, Christopher Hill, and Quentin Skinner have contributed to the theory that the Levellers, 17th-century revolutionary advocates of natural rights, viewed common law as a yoke imposed by the Norman conquest, which ruptured the historical continuity with the earlier righteous customs and laws of the Anglo-Saxons. Hill contrasted the ideological camp of Sir Edward Coke who (rejecting a disruptive ‘conquest’) adhered to the common law theory of continuity with the camp of the Levellers who saw the Norman conquest as the end of the rule of just law. Quentin Skinner has further contrasted the two groups, asserting that the Levellers' view of the Norman conquest as a ‘fatal breach’ in the continuity of English law moved them away from history and common law for their political justification towards natural rights theory as the groundwork of their political platform.

This composite interpretation, however, suffers from two fatal fallacies. “First it depends on the mistaken assumption that the Levellers perceived all existing rule as an alien yoke dating back to 1066. In point of fact, the leaders adopted a particular view of English law, based on their reading of historians and legists, which allowed them to turn the law against itself while always using the law as a yardstick by which to measure arbitrariness.” Second, the Levellers sense of historical and legal continuity was “no simple belief in unchanging law, but represented a more complex view of a basic rhythm in English history.”

By studying the Leveller tracts and the historians and chroniclers whom the Levellers drew upon for their interpretation of English history and law, we note that the Levellers were animated by a sense of continuity with the ancient constitution and liberties which were not fatally breached by the Norman conquest. They saw themselves as actors in a recurrent drama of reasserting rule by law and preserving neglected rights and laws. The Levellers' favorite historians—Raphael Hollinshed, Samuel Daniel, John Speed, and William Martyn—did indeed view the Norman conquest as an administrative yoke of thralldom; but one that did not totally destroy England's substantive connection with her more righteous common law heritage. Overton and other Levellers could view the post-Norman *Magna Carta* as a pledge of true liberties; likewise Lilburne and Walwyn adopted Coke's version (against the chroniclers) of trial by jury as no Norman import but a living relic of pre-Norman justice. Lilburne and Wildman also robbed the Norman conquest of its ‘fatality’ by recognizing how William the Conqueror submitted to the historic continuity of the coronation oaths, which asserted the peoples ‘historic rights’ and ‘ancient customs.’

In sum, the Levellers made peace with the English Middle Ages and their continuity with the common law. In their political theory the Levellers conceived of themselves as heirs of the unbroken English tradition of right reason imbedded in law. Their view of natural rights was defined in such a way as to be identical with the best parts of the common law tradition.

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Scholastic Origins Of Popular Resistance Theory

Quentin Skinner

Cambridge University

“The Origins of the Calvinist Theory of Revolution.” In *After the Reformation: Essays in Honor of J.H. Hexter*. Philadelphia: University of Pennsylvania Press, 1980, pp. 307–330.

When and where did a recognizably modern justification of revolution first come to be stated in early modern Europe? In other words, what are the true origins of John Locke's arguments for active political resistance as formulated in his *Two Treatises of Government* (1690)? To qualify as an authentic source of such a revolutionary doctrine, Locke's predecessors' doctrines must be both secular and populist, and exhibit these three fundamentals: (1) The right of resistance to tyranny must be held to be lodged with the body of the people at all times, and sometimes delegated but not alienated to a minister (thus opposing the more conservative form of populism espoused by such Thomists as Molina and Suárez); (2) The possibility of resistance must be seen as a natural right, not simply the people's religious duty to uphold God's law (thus opposing Knox's belief); The right of resistance must be treated as the possession of each individual citizen, and hence of the whole body of the people viewed as a legal entity (thus opposing the more conservative doctrine of the sixteenth-century French monarchomachs who held that constitutional officials alone were entitled to declare and conduct resistance). Who, of Locke's predecessors, can rightly hold title to being the originator of such a secular and populist doctrine of political resistance?

For some time the study of radical politics in early modern Europe has been dominated by the concept of the originality of the Calvinist theory of revolution. Arguing against the priority of the Calvinists in shaping the secular and populist right to political resistance, Skinner maintains that it is misleading to look to the 16th-century Calvinists as the originators of radical resistance theory (as does Michael Walzer). Skinner concedes that the 16th-century European revolutions were largely conducted by professed Calvinists, but points out that the justifying theories behind these actions were not specifically Calvinist. When the Calvinist George Buchanan, in *The Right of the Kingdom among the Scots* (written in Scotland in 1567, but not published until 1579) stated for the first time in defense of the Reformed Churches a fully secularized and populist theory of political resistance, he was largely restating a position already elaborated by the Scot, John Mair (1467–1550).

Mair and his more radical student, James Almain (1480–1515) revived in the early 16th century two important strands of late medieval legal and political thought. The radical scholastic doctrine of William of Ockham developed the Roman legal doctrine of the licitness of repelling unjust force with force and held that it is “lawful for the people to depose their king.” The other and even more important basis for the

development of radical scholastic ideas in the early 16th century was provided by the theorists of the Conciliar movement. At the time of the Great Schism at the end of the 14th century, Jean Gerson (1363–1429) and his followers adapted the Roman law theory of corporations in such a way as to defend popular sovereignty in the Church: no ruler can ever be greater in power than the community whose agent he is. Around 1510, Almain and Mair developed Ockham's and Gerson's ideas to support Louis XIII against Pope Julius II. Mair, in particular, is the channel of the radical scholastic ideas to the Calvinist revolutionaries. His pupils included Calvin, John Knox, and George Buchanan. Almain drew the more radical populist implications of the scholastics' doctrines. The ruler is pictured by both Almain and Mair as a mere “minister” of the people, elected on the condition that he protect their rights, and must be resisted by the people if he fails to discharge his duty.

The Calvinist revolutionaries of the 16th century were voicing Catholic political philosophy of the radical scholastics when they urged popular resistance to rulers. The Calvinists would seem to be wrapping their revolutionary argument in the legitimacy of earlier, Catholic arguments.

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The Glorious Revolution & Contract

Thomas P. Slaughter

Princeton University

“Abdicate’ and ‘Contract’ in the Glorious Revolution.” *The Historical Journal* (England) 24, 2 (1981): 323–337.

Recent revisionist interpretations of the Glorious Revolution and its political debates (1688–1689) had imposed a Tory, anti-Lockean interpretation on the abdication of James II. Such historians as J.P. Kenyon maintain that John Locke's *Second Treatise of Government* misled historians into believing that parliament deposed James II for breaking the original “contract” between sovereign and people. Kenyon argues that the Lords and Commons were careful to dissociate themselves from the radical contract theory and Whig “revolution principles.” For does not the crucial word “abdicated” (or the Lords’ “deserted”) imply a voluntary, unforced choice on James’ part rather than ouster for violation of contract?

Kenyon's anti-contractual interpretation of the meaning of James II's “abdication” fails to appreciate the deliberate ambiguity in the Convention Parliament's use of “abdicate” to simultaneously satisfy both Whigs and Tories. Linguistic study of the meaning of “abdication” in contemporary usage and in the parliamentary debates reveals profound tensions and ambiguities. “Abdication” could be either expressed or implied, the result of forced or voluntary renunciation, and either permanent or subject to the capriciousness of power and war.

To build consensus and satisfy both Whigs and Tories, parliament used deliberately ambiguous and contradictory language concerning the Glorious Revolution's political significance. On the one hand, parliament clearly attempted to bind William and Mary and all future monarchs to specific contractual obligations (the altered coronation oath implies a contract to secure rights and liberties). On the other hand the Bill of Rights of 1689 also connected James II's crimes with his abdication. One could thus interpret the abdication “as either the necessary result of James' actions *or* a voluntary renunciation.” The essence of the Glorious Revolution was certainly its conciliatory nature. This ambiguity, however, allowed Locke and the Whigs to stress the more radical implications of the Revolution as a forced deposition for breach of contract.

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History: The Master 'Science' Of Human Knowledge

Judith N. Shklar

Harvard University

“Jean d'Alembert and the Rehabilitation of History.” *Journal of the History of Ideas* 42 (October–December 1981): 643–664.

One of the crucial problems of Enlightenment thought was to rehabilitate the discredited status of history by establishing it as a justifiable form of knowledge among the valid sciences. Descartes' and Locke's skeptical doubt and empirical polemic against uncertain forms of knowledge had raised epistemological and moral puzzles which discredited the certainty and usefulness of traditional history. Jean d'Alembert (1717–1783), mathematician, scientist, and co-editor of Diderot's *Encyclopédie* restored history to a more dignified position in the world of learning than any it had occupied for over a century. Writing biographical obituaries (the *éloges*) in his capacity as the permanent secretary of the Académie Française, tracing the history of ideas in his *Encyclopédie* articles, and reflecting on the role of history as an epistemological master science in organizing a science of the human mind across time, d'Alembert formulated an intellectually scrupulous and balanced position, among the *philosophes*, on the scope and limits of a rehabilitated science of history.

D'Alembert synthesized Voltaire's skeptical approach to history (inherited from Locke's cautious empiricism), Fontenelle's view of history as the glorification of scientific progress, and Montesquieu's commonsensical conjectural history in defense of liberal values. By d'Alembert's rigorous standards of geometrical certitude, history fell short of the epistemological standards of the mathematical sciences, yet it played an essential political and moral role in liberating man from the tyranny of politics and superstition. The liberal *philosophes*, thought d'Alembert, needed to be reminded of the relative inexactitude and imperfection of history as a form of knowledge in their polemical uses of history against tyranny. In addition, d'Alembert was wary of treating probable knowledge (as in Condorcet's faith in a new mathematicized calculus of probabilities to be used in moral, social, or political decision-making). D'Alembert's critique of a social calculus of probabilities was motivated by the illiberal uses to which such a posturing pseudo-science must be put. Against other *philosophes* he dissented as to the superior social utility of making inoculation against smallpox compulsory. In such non-scientific social applications, which lacked mathematical certainty, he argued against compulsion and for the individual right of opinion and choice.

D'Alembert's ruminations on the intellectual status of history as an organizing, active force in establishing and recalling the interconnections among the sciences and human action in general led him finally to view history as a master science which surveyed and unified human knowledge.



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Tocqueville: The Old Regime & Liberty

Delba Winthrop

“Tocqueville's *Old Regime: Political History*.” *The Review of Politics* 43 (June 1981): 81–111.

Tocqueville's *The Old Regime and the French Revolution* (1856), read as its author intended it to be read as political history, merits renewed study today. Tocqueville believed that an examination of historical particulars (the French Revolution and the earlier Old Regime) could yield universal principles of social existence. His work aims at the dual purpose: being both a scholarly study of the Revolution and (since the Revolution failed in its aims of social and political transformation through reason) a politically relevant work for his own day and ours.

Winthrop's detailed analysis of *The Old Regime* dissects that work's main theme of the contrast of virtue and liberty under the Old Regime and under the Revolution. Under the Old Regime the nobility never lost its spirit of free independence, although this spirit is distinct from one that supports an orderly and lawful political liberty. In Tocqueville's estimation, if the new regime is to be superior to the old, it must nurture man's natural desire for freedom and give precedence to political liberty over selfish economic prosperity. The Old Regime's intellectuals ignored considering liberty for the common people, confusing talk of reason and natural law with their *own* reason. In its turn, the French Revolution similarly failed since it failed to honor man's whole nature, including all his vices and virtues. “For Tocqueville, the regime that makes a whole of the human soul, of all its needs and desires, is one in which the natural love of liberty predominates.”

Tocqueville's thesis in *The Old Regime* “is that a proper appreciation of human liberty, its origin, meaning, possibilities, and limitations, is the necessary condition for sound politics and for sound political analysis as well.” His historical argument holds that regimes and individuals rise or fall to the extent that the human soul's desire for liberty is satisfied. Tocqueville wishes his readers to reflect on the themes of religion, Providence, and philosophy in relation to liberty and political history.

As political history, *The Old Regime* stands in opposition not only to the eighteenth-century French *philosophes* but to virtually all modern political thought. Against such teaching, Tocqueville insisted that political philosophy needs to combine the love of liberty and public virtue. Without such comprehensive teaching, regimes spawn vice and their own degeneration. Tocqueville saw in Machiavelli's political philosophy of self-interest (carried on by Descartes, Bacon, Hobbes, Locke and Rousseau) the ultimate origins (and flaw) of the French Revolution.

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Coppet: French Liberal Culture And Politics

Susan Tenenbaum

Temple University

“The Coppet Circle: Literary Criticism as Political Discourse.” *History of Political Thought* 1, no. 3 (December 1980): 453–473.

Coppet, Mme de Staël's (1766–1817) Swiss estate, was the refuge and stage of a brilliant literary and intellectual salon from 1804–1810, the period of Napoleonic hegemony. Coppet's role as a center of political opposition to Bonaparte, the historical traditions of the salon, and the intellectual preoccupations of Coppet's members merged to nourish a concern with the connection between politics and culture—specifically, with the cultural mechanisms of Napoleonic domination.

“The Coppet circle's indictment of Napoleonic despotism was framed by the emergent literary struggle between the ‘classical’ and the ‘romantic.’ What appeared to be an aesthetic quarrel over the appropriate sources of literary inspiration—ancient or modern models—was interpreted by the Coppet group to have a hidden political content. The prevailing governmental classicism, founded on the sterile imitation of archaic models, nurtured the unquestioned ritualistic obedience requisite to despotism. The new romantic aesthetic, expressing the vitality of living historical traditions, incarnated the energies of a free political society. The significance of these claims lies with the Coppet circle's pioneering attempt to bring a consciousness of historical change to bear upon the analysis of culture as a mechanism of political education. They were the first to confront in a systematic fashion the implications of modernity—its potential for liberation or repression as reflected in the ideals of its art. Finally, the Coppet group's aesthetic vision imbued their political theory with a subtlety and complexity rarely acknowledged in scholarly assessments of nineteenth-century French liberalism. The concept of the ‘romantic’ crystallized those tensions and ambivalences they deemed implicit in a free and pluralistic society.”

Tenenbaum's far-ranging study offers historical reflections on the salon as a social milieu; examines those currents of ideas that shaped the Coppet group's perspectives; and concludes by focusing on the political strategies and theoretical contributions of the Coppet circle.

Noteworthy among Coppet's distinguished coterie of intellectuals were Benjamin Constant, A. W. Schlegel, J.C.L. de Sismondi, and Prosper de Barante. Of this inner circle, all but Schlegel were liberal constitutionalists rooted in the cosmopolitan traditions of the Enlightenment. Along with a liberal consensus went an antipathy to the despotism of Bonaparte.

The political objectives of the Coppet circle liberals were twofold: first to condemn the ‘closed’ despotism of Napoleon; and second, to define the culture of a free

society appropriate to post-Revolutionary France. In its cultural-political analysis, the Coppet circle introduced a new sophistication into the study of aesthetic practice under a system of total political domination. Particularly important was Benjamin Constant's essay *De l'esprit de conquête*, which noted that a reliance on indoctrination to elicit mass support and willing participation distinguished the Revolutionary despotism from older, cruder, and less pervasive forms of domination. The terms of Constant's indictment of the military state of Napoleon recalled the charges levelled against the classical aesthetic in his preface to *Wallenstein*. Resembling classicism and incompatible with modern society, the spirit of conquest was rooted in "admiration for uniformity...symmetry, and abstract essence, a general idea."

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Benjamin Constant & Liberty

Guy H. Dodge

Professor Emeritus, Brown University

“Conquest, Dictatorship, and Ancient Liberty.” In *Benjamin Constant's Philosophy of Liberty: A Study in Politics and Religion*. Chapel Hill: The University of North Carolina Press, 1980, Chapt. 2.

Benjamin Constant (1767 – 1830), French liberal journalist and orator, intimate friend of Mme. de Staël, and part of the Weimar Goethe-Schiller circle, was one of the first to grasp the nature of Bonapartism as the first truly modern dictatorship. Constant's most famous political work—*De l'esprit de conquête et de l'usurpation* (published 1814 but composed years earlier) — delineated Bonaparte's new kind of despotism which intoned a rhetoric of liberty, general will, and popular sovereignty. In this prophetic work, Constant seems to describe Hitler's Germany (or the mass man of Orwell's *1984*), develops a complete philosophy of history, and renders a diagnosis of the ills of modern life under the terms, usurpation and the “spirit of conquest.”

“Usurpation” is Constant's term for the new Napoleonic dictatorship as distinguished from the older, less sophisticated monarchic despotism. Whereas despotism is an abstract institution softened by habit and the checks of a rival body of nobility, usurpation is unlimited with charismatically personal, direct, and centralized power. The despot forbids discussion and exacts only obedience; the modern usurper manipulates the illusion of consent through indoctrination.



Next, Constant's analysis of the new “spirit of conquest” revealed the absolute conformity demanded in the wake of the Jacobin phase of the French Revolution. The modern conqueror sought not merely outward submission but a spiritual, inner conformity that erased diversity and individuality. Constant's connection of variety, diversity, and liberty as opposed to totalitarian conformity may have been influenced by the German liberal Wilhelm von Humboldt's *Limits of State Action*.

Reversing Rousseau's criticism of industrial society, Constant praised the superior virtues of modern commercial society over ancient military society. Bourgeois society's cultivation of peace and comfort found Napoleon's war and conquest costly and anachronistic. In addition, modern commercial society invidiously compared the politicized citizen with the more admirable private social person. Modern or civil liberty repudiates the older civic virtue for personal rights. Ancient and modern liberty are two distinct historical experiences of liberty. Historical progress made

modern liberty preferable, but one might still feel nostalgia for the shared sense of civic solidarity associated with the irretrievable past. Constant himself sought to combine the best elements of civil and political liberty.

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Political Expediency Vs. Principle

Robert J. Benton

“Political Expediency and Lying: Kant vs. Benjamin Constant.” *Journal of the History of Ideas* 43 (Jan.–March 1982): 135–144.

Kant's famous essay “On the Supposed Right to Tell a Lie from Altruistic Motives” (1797) seems to paint him as a misguided moral legalist who claims that it is always wrong to tell a lie, even to save a friend from probable murder. Kant's particular moral position is overly rigorous but, to make sense of his essay, we must examine it with reference to the historical and political context. This reveals Kant as a defender of the ideals of the French Revolution against the conservative reaction represented by Benjamin Constant.

Within its historical context, Kant's essay was a reply to a pamphlet by Constant entitled *On Political Reactions* (1797). Constant rebuked “the German philosopher for advocating inflexible principles contrary to the common sense safety of society.” Constant's ethical subject is actually *political* propaganda for the Directory which had gained power in France in 1795 as a result of the Thermidorean reaction against the more radically democratic Jacobins. Constant's own essay was intended to provide a reactionary justification for the Directory's political opposition to the demands for universal suffrage and equality of wealth. Being a constitutional monarchist and defender of preserving elements of pre-Revolution society (such as the influence of the aristocracy), Constant wished to justify the bending of (Revolutionary) principles in the name of preserving society (actually the Directory's political interests). Constant found a handle to this political argument in attacking Kant's absolutist prohibition of lying even to murderers.

Kant's 1797 counterattack against Constant reasserts his adherence to the Revolution's and Enlightenment's principles, challenging the Hobbesian view that subordinates duty to ungrounded hedonic rights. To Kant this subordination seemed a reversal of morality and a surrender to unprincipled expediency. Both rights and a social contract call for the logical priority of principled duty to truth and other moral absolutes.

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Aristocratic Liberty

Abraham D. Kriegel

Memphis State University

“Liberty and Whiggery in Early Nineteenth-Century England.” *The Journal of Modern History* 52 (June 1980): 254–278.

Were English Whig appeals to “liberty” hypocritical slogans to legitimize the ascendancy of a privileged political and social order? To answer this question, we must examine the Whig conception of liberty in the early nineteenth century, and its connection with those social principles which the Whig aristocracy advocated: the inviolability of property, aristocratic honor, and the preservation of a hierarchically ordered society. With the coming of the nineteenth century, Whig aristocrats faced a dilemma when their principles, until now compatible with liberty, suddenly became politically incompatible with it. The ambiguous place of liberty in the Whig hierarchy of values is reflected in the policies they favored when they held the reins of power during the 1830s.

Whigs extolled the love of liberty as a virtue distinguishing their history and heroes (such men as Algernon Sidney and Charles James Fox). By the late eighteenth century the Whigs had usurped title to the seventeenth-century constitutional struggles which had witnessed the shift from “liberties” to “liberty.” The liberties that the Whigs gloried in wresting from the Stuart kings and that seemed applicable to the *whole* population, had in fact been derived from the more restrictive, less democratic concept of feudal liberties or privileges. Since these privileges were exclusive concessions to special groups, usually the nobility, “modern liberty was in its origin an aristocratic ideal. Thus “liberties” (class privileges) preceded the more universal “liberty.”

These earlier liberties were associated with a corporate hierarchical order of society. This class concept of privileged “liberties” was challenged by the democratic Levellers who attempted to apply liberty as a natural right for all men without distinctions. Later democratic radicals, such as Tom Paine, William Godwin, and Jeremy Bentham, advocated a species of liberty also uncongenial to the aristocratic Whigs who wished to maintain their class' privileged position as mediator between crown and people. Whigs argued that their convictions were “rational liberty” buttressed by class honor as distinguished from the “impracticable liberty” of democrats.



Algernon Sidney

The ambiguities and contradictions of the Whig profession of “liberty” is surveyed during the 1830s in such political outrages as the coercive legislation applied to Ireland which was reminiscent of the paternalistic attitudes of the Whigs toward slavery and the slave trade. Even in endorsing the moderate franchise of the Reform Bill, the Whigs wished the people to show subordination and deference to their betters out of respect for aristocratic honor. Tocqueville was right in exposing the Whig's exploitation of liberty. But the Whigs were acutely conscious of the conflict between liberty and other social privileges—property, honor, and hierarchy—on only a few issues, such as the Irish question. This “libertarian aristocratic ethic” valued liberty, but only “within the framework of an ordered society.”

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The Protean Enlightenment

Roy Porter

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The Dictionary of the History of Science

“Reading History: The Enlightenment.” *History Today* 33 (February 1982): 51–52.

In a brief bibliographical overview of interpretations of the Enlightenment, the author stresses that period's diverse and complex nature: “The Enlightenment now looks more Protean but the result has been all gain. The cartoon-character *philosophe* pursuing Reason is a travesty now consigned to the rubbish bin: in reality the competing claims of nature and culture, reason and feeling, individual and society, order and change demanded, and got, the engaged dialogue of impassioned minds.”

The nineteenth-century Romantic influence scornfully dismissed the Age of Reason and led to Carl Becker's *The Heavenly City of the Eighteenth-Century Philosophers* (1932). Twentieth-century scholars took the Enlightenment's convictions more seriously but offered contrasting interpretations. Paul Hazard, in his *The European Mind, 1680–1715* and *European Thought in the Eighteenth Century*, presented that age as one of exciting crisis which unfettered man's mind from narrow religion, criticism, and psychology. Another interpretation, Ernst Cassirer's *The Philosophy of the Enlightenment*, rebuked those who would look on Leibniz, Montesquieu, Condillac and other *philosophes* as facile. Enlightenment thinkers dealt with fundamental questions of critical philosophy.

Peter Gay's *The Enlightenment* (2 vols., 1967 and 1969) was equally sympathetic to the philosophes, viewing them as a “party of humanity” who advocated “modern paganism” and a progressive vision of knowledge as power against despotism and for a new liberal society. Gay's passing over of the illiberal authoritarianism of the philosophes' “reason” was exposed by the Frankfurt School philosophers Theodor Adorno and Max Horkheimer in *Dialectic of Enlightenment*, which claimed that Enlightenment rationality alienated people from passion and repressed free diversity. Following up on this indictment of Enlightenment ideas as an ideology of powerful interests is M.C. Jacobs' recent *The Radical Enlightenment: Pantheists, Freemasons and Republicans* (1981). Ideologically, for example, Newton's law-endowed cosmos could support a variety of interests or could just as easily be rejected if inconvenient to such republican radicals as Toland.

Yet the Enlightenment ideologues, contra Lucien Goldmann's *The Philosophy of the Enlightenment*, did not serve as champions of laissez-faire individualism or of “bourgeois ideology in the transition from feudalism to capitalism.” Robert Darnton's studies of Diderot's and d'Alembert's *Encyclopedie*, *The Business of Enlightenment* (1970) and *Mesmerism and the End of the Enlightenment in France* (1968) show that there was “not one but many Enlightenments, high and low, patrician and plebeian,

salon and street-corner.” Likewise, the variety of forms the Enlightenment took in various countries is emphasized in Roy Porter and Mikulas Teich's *The Enlightenment in National Context* (1981) and Henry May's *The Enlightenment in America*. Additional sources of bibliography for the Enlightenment are given in a concluding note.

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Antifederalism: Country Vs. Court

James H. Hutson

Library of Congress

“Country, Court and Constitution: Antifederalism and the Historians.” *The William and Mary Quarterly* 38 (July 1981): 337–368.

The historiography of Revolutionary America reflects the difficulties scholars have experienced in classifying one of the period's most conspicuous groups of losers: the Antifederalists. Historians writing between the beginning of the present century and World War II, the so-called “Progressive” historians, confidently differentiated the Antifederalists from their opponents: Antifederalists were rustic, democratic levelers opposed by merchant capitalists (the Federalists), some of whom had been loyalists. The contestants were cast in sharp relief. They could not be confused.

In the years after World War II, the thrust of historical writings changed in the direction of minimizing the differences between Federalists and Antifederalists, seeing a remarkable “consensus” between the two groups. Far from being simple, shirt-sleeved democrats, the Antifederalists were described as holding political ideas similar to those of their antagonists. Instead of being debt-ridden, subsistence farmers, they were found to contain in their ranks speculators in the capital markets, sophisticated and unscrupulous enough to match the Federalists at their best and worst.

In the first part of his article, Prof. Hutson details the bewildering array of theories propounded to contrast both the political position and socio-economic level of the Antifederalists with those of their opponents. Hutson then proposes what he feels to be the most likely categories to fit these two hitherto unclassifiable groups of antagonists.

The real distinction between the two groups, he asserts, may be found in the words “Country” and “Court,” terms first coined to identify political groupings in Great Britain. “Country” is an ancient name, dating at least from the fourteenth century. By the beginning of Charles I's reign, it had acquired the basic meaning which it retained through the next two centuries: opposition to the exercise of power by government. The adversary of the Country was the “Court,” the collective designation of the monarch, his residence, council, officials, and courtiers. After the Glorious Revolution of 1688, the terms became more closely identified with contrasting socio-economic groups.

The Court Whigs were patrons not only of commerce but of strong government to secure the new commercial-bureaucratic society then forming. If the Court faction enlisted the beneficiaries of the socio-economic changes occurring in England, the Country rallied its victims. Bearing the brunt of the growing national debt, the landed

interests believed that they were being fleeced by the government—that a deliberate policy of income redistribution was underway by which rural wealth was being syphoned into the pockets of city financiers and speculators.

Significantly, both Court and Country shared misgivings about democracy. Both sides agreed that power, being dangerously progressive in nature, should be jealously watched and feared. Both fervently believed in the merits of England's mixed, balanced constitution. Where they differed was in the emphasis on the implementation of their common convictions. The Court, for example, insisted that the balance of the constitution was to be maintained by *interdependence* between the executive and the House of Commons. The Country claimed that nothing less than the absolute independence of the House of Commons from the executive would do.

In America, the Federalists recognizably fit the Court mold, while the Antifederalists continued the Country tradition. Sharing a common commitment to the limitation of government power, the Antifederalists went far beyond the Federalists in their zeal to root out influence and corruption. The Federalists, on the other hand, found their opponents' suspicions of government power almost pathological. Antifederalist supporters tended, by and large, to be older than their political opposites. As such, they primarily represented the older agrarian-localist stratum of American society, while the Federalists represented the rising “monied interests.”

Prof. Hutson finds in the early disputes over the Constitution a startling replay of the Country and Court debates in England a century before. By applying this model to the United States, he believes, we may finally comprehend and indeed reconcile the conflicting contributions of the Progressive and consensus historians on the Federalist-Antifederalist question.

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Tom Paine, Bourgeois Radical Democrat

Isaac Kramnick

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“Tom Paine: Radical Democrat.” *Democracy* 1 (January 1981): 127–138.

Alone among the American revolutionary founders of 1776, Tom Paine (1737–1809) was “considered a true democrat—a populist, an egalitarian, a democrat.” In contrast to conservatives and neo-conservatives who see democracy as “problematic,” Paine trusted in the people unfettered by government and thus qualifies as the “first important radical in the American political tradition.” But there are revealing limitations to Paine's world view. His democratic commitment was bound to a liberal framework. “Paine's is a radicalism on the left fringe of the American liberal consensus. But it is a bourgeois radicalism, nonetheless, complete with all the strengths and weaknesses of that tradition.”

Paine enthusiastically rejected the aristocratic world of spendthrift kings and nobility, and he sought to debunk the deceptions and power of “government” which he starkly opposed to the free and natural order of “society,” the harmony of liberal individuals. In doing away with the old trappings of feudal privilege, Paine crusaded to aid the productive poor, the old, and those needing public education. Paine's radical egalitarianism was not protosocialism; in the name of talent, merit, and productive work, it was bound up with the interests of bourgeois liberalism, the principal doctrine behind the assault on the old regime's aristocratic privileges.

Paine's political theory was “vintage liberalism” in assuming the absence of cooperation and fellowship in the political arena. Government had no positive agency to promote justice or virtue; at best, it could preside as an umpire over a world where individualism was the central value. Along with his entrepreneurial friends — the Wedgewoods and the Arkwrights — Paine favored equal opportunity in a competitive individualistic society rather than a political leveling to achieve equal results. Individualist society and its economic institutions were benevolent, free, and productive in marked contrast to the taxing and coercive tyranny of government and its ally, the established Church. In America Paine glimpsed a liberal utopia in which civil society had triumphed over government. “Traditional republican doctrine is turned on its head; self-serving individuals further the common good, and public government serves its own selfish and corrupt interest.”



That government power might serve less abusive ends could not occur to individualistic liberals like Paine. The connection of power, community, and freedom

could come only with democratic theorists like Rousseau. Paine was trapped by the limitations of liberal social theory and competitive individualism from seeing nongovernmental threats to freedom, equality, and democracy. We should never forget, despite Paine's limitations, his passionate and radical opposition to privilege.

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Economic Peace Vs. People's Peace

Ivan Illich

“Peace vs. Development.” *Democracy* 2 (January 1982): 53–60.

Peace has a different meaning for each epoch and for each cultural area. Centralized political, economic, and military leaders emphasize “peacekeeping”; on the margin, people, however, hope to be “left in peace.” Illich's thesis holds that under the cover of economic “development,” a “worldwide war has been waged against people's peace.” The principal condition for people to recover their peace is to set limits to economic development.

Each *ethnos* (people or culture) has been symbolically mirrored by its own *ethos*—myth, law, goddess, ideal—of peace. The Jewish word for peace—*shalom*—connotes a benevolent grace flowing from a benevolent source; whereas Roman peace—*pax*—is an invasive, coercive ordering from an impersonal source. Other cultures have similarly distinct notions of peace which cannot be transferred without violence. In contrast to historians of power, the new historians of peace must appreciate how culturally, historically, and ethnologically distinct is each people's need to be “left in peace.”

We have to contrast popular or “people's peace” with the *pax economica* of development: the positivist assumption of economists that values are not worth protecting unless they are scarce, measurable, and exchangeable commodities. Development economics represents violence against subsistence-oriented cultures and compels their involuntary integration into an economic system that worships “scarcity,” or dependence on goods and services perceived as scarce. Economic development inevitably imposes *pax economica* at the cost of every form of popular peace in which people would have preferred to engage in subsistence activities outside the network of production and circulation of unwanted commodities.

The violent *pax economica* which displaced people's peace assumed its shape at the end of the European Middle Ages. In the twelfth century, *pax* did not mean the absence of war between lords but rather security of the monk and the poor together with their means of subsistence from the violence of war (*Gottesfrieden* and *Landfrieden*). This primarily subsistence-oriented meaning of peace was lost with the Renaissance.

The rise of the nation-state ushered in a new kind of peace and violence. Now the people's subsistence itself became the victim of a supposedly “peaceful” aggression. An abstraction—*homo economicus*—replaced real communities and a new *pax economica* served a universal man who lived on the consumption of commodities produced elsewhere. *Pax economica* first assumed that local people could not provide for themselves. This new peace empowered a new elite to make all peoples' survival dependent on their access to education, police protection, and supermarkets. It exalted

the producer and labelled the consumer or subsistent as asocial and unproductive. Next, *pax economica* assaulted the commons and the environment as a commodity for exploitation. Thirdly, *pax economica* through inter-changeable wage labor broke down the pre-industrial distinction between men and women—as if *homo economicus* were a genderless human.

Pax economica coerces all to become players in its game. “Those who refuse to fit the ruling model are either banished as enemies of the peace, or educated until they conform.” This monopoly game of economic development must be challenged by authentic peace research.

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Indian Freedom & The American Revolution

Leroy V. Eid

“Liberty: The Indian Contribution to the American Revolution.” *The Midwest Quarterly* 23 (Spring 1981):279–298.

In 1791, the French writer Chateaubriand speculated on the relationship between the presence of Indians and the rise of the revolutionary doctrine of liberty espoused by the American colonists. In his view, there were two forms of liberty: a youthful liberty springing from manners and a mature liberty springing from knowledge.

Chateaubriand praised America because, in that land, the mature, rational version of freedom had come to replace the Indian form. Yet, he felt that the continued presence of Indian liberty was the most compelling reason to hope that the mature form would thrive. For Chateaubriand, Indian liberty was a necessary but not a sufficient condition of the freedom of the American nation.

Of course, Indian societies were not as free and irresponsible as early observers judged them to be. Indian society was highly structured with universal kinship obligations. Nonetheless, the meaning of the key Revolutionary concept of “liberty” turned in large part upon the unfettered image held by both sides of Indian freedom. To the British, the Indian was a manifestation of the evils of democracy; to Americans, the Indian way of life symbolized freedom and individualism.

Patriots donned Indian masks at the Boston Tea Party primarily because Indians represented the type of freedom that allowed for revolt against the established political order. The famous frontier soldier, Robert Rogers, told a London audience a decade before the Revolution that: “In short, the great and fundamental principles of their (Indians’) policy are that every man is naturally free and independent; that no one or more on earth has any right to deprive him of his freedom and independency and that nothing can be a compensation for the loss of it.”

The image of the Indian as a free man was complicated by the fact that his liberty was, for so many of the literate genteel generation of '76, a “savage” freedom, a freedom opposed to what most colonial thinkers considered as “civilization.” Nonetheless, the strong attraction of Indian culture to less refined colonials led to many of them becoming “indianized”—wholly or partially adopting Indian customs.

Indian captives, European spouses of Indians, as well as frontiersmen having close contact with the tribes experienced the extraordinary appeal of Indian life. It was an important truism among colonial thinkers that whites brought up in an Indian environment almost never could be induced to leave it, whereas Indians brought up in a white environment could almost never be induced to remain.

The colonists' taste for the unlimited freedom of the woods intensified their already strong love for liberty. The over-whelming desire for freedom caused some

frontiersmen to resent even the light control exercised over them by British authorities. This shirking of all limits evoked the opposite reaction among other frontiersmen, who fought the same British authorities because they did not exercise enough control over “wild” frontier elements.

The wild, radical elements among colonials were clearly not inspired by the libertarian, philosophical principles enunciated by, say, a Locke or a Tom Paine. Their spirit may, in part, be explained by the empty, untamed milieu in which they settled. Along with a wild, untamed environment, therefore, assimilation of independent Indian mores contributed significantly to the formation of the grass-roots colonial spirit, a spirit which largely despised the constraints of European civilization. The fact of Indian influence upon the colonies was apparent even to Englishmen, one of whom wrote in 1776: “The darling passion of the American is liberty and that in its fullest extent; nor is it the original natives to whom this passion is confined; our colonists sent thither seem to have imbibed the same principles.”



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III

Economic History & Theory

The following summaries range, historically, from Adam Smith to Ludwig von Mises and, theoretically, from supply-side economics to the socialist calculation debate. In economics, theory and history interpenetrate one another. A failure of historical knowledge can lead to gross theoretical misunderstanding (as argued by Fores concerning the ‘myth’ of the industrial revolution, and by Lamoreaux concerning the historical failure of governmental intervention in the American economy). Likewise, as implied in Rashid's study of “Adam Smith's Rise to Fame,” a falsely impressionistic picture of Adam Smith's role in economic theory arises from ignorance of the details of Smith's historical context and contemporary documents. On the other hand, crucial deviations and historical retrogression may occur when economists fail to theoretically grasp conceptual meanings. Teichgraeber's study demonstrates this regarding *das Adam Smith Problem*. An even more significant example of the unfortunate consequences of a failure of theoretical understanding is given by Richard M. Ebeling's detailed anatomy of how the ‘neoclassicals’ misperceived the very terms of Mises' Austrian or dynamic critique of socialist calculation.

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Adam Smith: Sympathy & Self-Interest

Richard Teichgraber III

Tulane University

“Rethinking *Das Adam Smith Problem*.” *Journal of British Studies* 20 (Spring 1981): 106–123.

During the past decade, there has been a steady growth in scholarship concerning the moral and philosophical dimensions of Adam Smith's economic theory. Curiously, the literature has given only perfunctory treatment to *das Adam Smith Problem*—a phrase coined by a group of German scholars at the end of the nineteenth century. These German writers thought they saw a possibly fundamental contradiction between the assumptions of Smith's first work, *The Theory of Moral Sentiments* (1759) and those contained in his later book, the *Wealth of Nations* (1776). In the first treatise, Smith explained moral judgment on the basis of “sympathy,” the capacity of every person to “enter into” the situation of another and thereby bring his own “sentiment” into accord with those of his fellow. On the other hand, in the *Wealth of Nations*, Smith asserted that every individual was essentially self-interested.

Contrary to the relative neglect of the problem shown by modern scholars, Prof. Teichgraber finds it crucial to an understanding of Smith's intentions as a moral and social theorist. The resolution of the contradiction inherent in *das Adam Smith Problem* may be found in a new understanding of the concepts of *The Theory of Moral Sentiments*. Three fundamental reinterpretations of the *Theory* help reconcile the notions of sympathy and self-interest.

First of all, the word “virtue” in the *Theory* has been traditionally linked to the humanist notion, that is, the pursuit of a single ideal that encompasses all the intentions and actions of the virtuous man. In the *Theory*, the notion of virtue as a comprehensive unity of ends was absent. Instead, virtue is discussed under the two headings of “humanity” and “self-command.” Smith's idea of moral personality was in fact a hybrid of Christian benevolence and classical stoical self-discipline. Successfully balancing the two to meet the contingencies of one's life was the essence of moral conduct.

Secondly, one cannot say that Smith simply abandoned the humanistic concern for virtue and later replaced it with a straightforward endorsement of economic self-interest. It was rather that Smith gave an account of virtue in the plural with a crucial distinction between ethics and justice. By and large, the *Theory* was an example of ethics, of personal moral rules. Smith's account of the types of personal virtue included at least one positive and fairly elaborate psychological account of how man's moral sentiments came into play in a society of individuals who were invited to be concerned primarily with their own self-interests. He argued that, in a “society of strangers,” sympathy translated concretely into the virtues of self-restraint and self-

discipline because reliance on the sympathy of others would weaken one's moral fiber. If one accepts Smith's argument, where else would this ethic of self-command be more practicable than in a society fully based on self-interest?

Finally, the ascendancy of economic life in Smith's thought must also be explained in terms of a sharp limitation of the moral importance which traditional humanism had accorded to politics. Smith's accounts of justice and "public spirit" in the *Theory* devalue politics as a realm of human virtue. He found that the conduct of law-abiding, moderately public-spirited men was necessary to maintain a social order. But it did not represent a "real positive good." Thus, in the *Theory*, individual morality was depoliticized and politics demoralized.

In the very same decade that Smith wrote the *Theory*, Rousseau complained that "The ancient politicians spoke incessantly of morals and virtue, ours speak only of commerce and money." Rousseau was wrong, Prof. Teichgraeber feels, in at least one very important respect. The eighteenth century did in fact displace the broad ideals of classical and Christian humanism by the more narrow, yet practicable goals of economic growth. But an awareness of what the humanist tradition had asked of man did not suddenly die out. The humanist concern for virtue remained in Smith. It is the classical assumption that the term "virtue" can be used to describe an ideal of all-encompassing human excellence that has been abandoned. "This point," Teichgraeber concludes, "is at the center of a '*das Adam Smith Problem*' that should still perplex us."

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Adam Smith & Paradigm Shifts

Salim Rashid

University of Illinois, Urbana

“Adam Smith's Rise to Fame: A Reexamination of the Evidence.” *The Eighteenth Century: Theory and Interpretation* 23 (Winter 1982): 64–85.

A common academic myth holds that Adam Smith's (1723–1790) *Wealth of Nations* became a popular and influential work upon its publication in 1776. Rashid counters that although Adam Smith lived for fourteen more years after the *Wealth of Nations* was published, the victory of Smithian free-market economics did not come during Smith's own lifetime. Rashid refutes the myth of Smith's instant popularity by comparing Smith's fame with that of the government interventionist, Sir James Steuart, in the years before 1790. By unveiling the reasons why Smith achieved the status of undisputed authority on political economy after 1790 (reasons other than Smith's scientific analysis), the author comments on the applicability of Thomas Kuhn's framework of scientific progress to economics. Rashid also calls into question the attempt to specifically identify Smith's free-trade doctrines as a “cause” of the Industrial Revolution.

The evidence is against the claim that Smith's influence dominated public policy, merchant opinion, and the public's mind in the period between 1776–1790. Mercantilism lingered, and what support for *freer* trade existed was promulgated long before Smith's volume by the influential popular writers on economics, the Rev. Josiah Tucker and Arthur Young. It is more instructive to contrast the reception of Smith's free-trade ideas with the more statist views of Sir James Steuart in the period before 1790. Smith, during this period, may have influenced an important elite, but he had not yet engaged the support of the more numerous, but necessarily more diffuse, educated classes. Rashid casts doubt on the myth of Smith's instantaneous fame by citing the lackluster reporting given to Smith in the leading English and Scottish journals of the 1770s and 1780s.

In the period before 1790, the most popular British journals, such as the *Monthly Review* and the *Critical Review* do not support the traditional view of the overnight victory of Smithian economic ideas. By contrast, these journals did not ignore either the mercantilist Sir James Steuart or the interventionist complex of ideas which he represented. Smith was not hailed as a new prophet except by some few, but very influential persons such as Lord Shelburne and William Pitt. Smith's death in 1790 did not set the intellectual world to mourning.

Even though there is no definite evidence to establish Smith's superiority over Steuart in popular estimation before 1790, there is no doubt of the drastic turn-about in favor of Adam Smith by 1815. The factors that contributed to this reappraisal go beyond Smith's analytical and scientific merits. First of all, Smith's stylistic merits outshone

the heavy, stilted, and formal Steuart. Next, Smith's position as a professor of moral philosophy at a famous university seemed to confer greater objectivity on his analysis than that of Steuart, a known Jacobite. Also, by 1800, as Britain's industrial superiority displayed itself, Smith's free-trade doctrines appeared as the best policy to British manufacturers. The public admiration of politicians and the praise of partisan admirers also played a part in raising Smith's stock (as witness the support given Smith by the Whig spokesman, Charles James Fox, and the Smithian eulogy delivered by Prime Minister William Pitt).

The fact that a majority of influential men did not support the basic free-trade ideas of the *Wealth of Nations* until the mid 1790s should call in question the causal links between Adam Smith and the Industrial Revolution, which was clearly underway in England by 1780. A general move toward freeing trade from government restrictions was well under way by the 1750s.

The rise of Adam Smith in economic science seems, in one respect, to confirm Kuhn's view that the history of science consists of a succession of radical changes in viewpoint. We witness a sudden paradigm shift because of the *Wealth of Nations*. The Smithian vision disposed of the problem of reconciling the private and public interest as well as the problem of achieving full employment. This scientific "progress", however, was dependent on factors that go beyond "science" (e.g. literary style, partisanship, and bias). Material interests of some groups as well as the sociology of knowledge are sometimes as important as scientific arguments in the victories of economic science.



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Was There A “British Industrial Revolution”?

Michael Fores

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“The Myth of a British Industrial Revolution.” *History* (The Journal of the Historical Association) 66 (June 1981): 181–198.

Careful attention to historical evidence reveals semantic and definitional sloppiness in the notion of a “British Industrial Revolution.” There is little support for the claim that Britain (or England) underwent a genuine ‘industrial revolution’ in the 1760–1840 period.

The myth of Britain's ‘industrial revolution’ leads to two other points. *First*, the British experience in economic development over the 1760–1840 period “is so untypical of similar processes experienced elsewhere that it provides a poor guide for the present less developed countries” going through ‘industrialization.’ *Secondly*, “the accounts of ‘industrial revolution’—whatever that phrase may mean—are recklessly dismissive of the key role of human skill, especially for the English-British case. Instead of having experienced an ‘industrial revolution,’ England experienced an urban evolution, as part of an age-old process of a shift of population to the towns...It is a mistake to take the idea of ‘revolution’ over from political to economic and social history, in order to describe changes which are best thought of as cultural.” This misuse of words is inaccurate and obscures the fact “that overall change is always slow to take effect, due to its close link with changes in the personal skills, activities and attitudes of populations...” Attempts to date a ‘before’ or ‘after’ moment in regard to a sudden transition come up empty.

In sum, the British Industrial Revolution was not ‘British’, not ‘industrial’ (except in an ambiguous sense), and not a sudden ‘revolution.’ Fores unpacks four confused senses of ‘industry’ which writers on the ‘industrial revolution’ fail to distinguish:

- (a) an *industry* as a sector of economic life—as in the phrases ‘the cotton industry,’ ‘the mining industry’;
- (b) *industry* as the manufacturing sector of any particular nation;
- (c) *industrialization* as the process by which factories tend to predominate in working life;
- (d) *industrialization* as the process by which a non-traditional, ‘modern’ life has been produced, which is characterized by urban living and more ‘rational’ guidance for performance at work.

Since Arnold Toynbee coined the phrase ‘Industrial Revolution’ in his 1880–1881 printed lectures, there has been no convincing evidence of any revolutionary discontinuity in any legitimate economic sense of ‘industry.’ Interestingly, this semantic confusion may be attributed to the fact that the factory sense of ‘industry’

has been remote from the dominant group of scholars who have perpetuated these myths. In consequence, writers on 'industrial' topics "contrive invariably to stress the soullessness of arrangements in a modern 'mechanistic' world...; a rural past is taken to have been more sympathetic than an urban present." A rigorous appeal to evidence makes one skeptical of all such simplifications.



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Patterns In Federal Intervention

Naomi R. Lamoreaux

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“From Antitrust to Supply-Side Economics: The Strange History of Federal Intervention in the Economy.” In *Essays in Supply Side Economics*. Edited by David G. Raboy. Institute for Research on the Economics of Taxation: Washington, D.C., 1982, pp. 151–173

Supply-side economics represents the most recent of a series of economic policy consensuses that have occurred periodically in the 20th century: the antitrust movement of the Progressive Era, Franklin Roosevelt's early New Deal, Lyndon Johnson's Great Society. The author traces the emergence and breakdown of these moods of public agreement on economic policy in order to shed light on the immediate prospects for the Reagan political and economic options. The overall pattern discerned in the drama of these consensuses is the following: Each political-economic consensus, motivated by fear of economic concentrations of power on the one hand and desire for economic security on the other, has expressed an alliance of the aspirations of individuals and groups whose interest would normally conflict. Each consensus thus carried in itself the seeds of its own dissolution and depended for its survival on a vagueness about the specific directions that policy would take. Once translated into concrete programs, each consensus tended to dissolve and the specific sub-merged interests began to reassert themselves. Each of these shifts in consensus periods has put its mark on history; “it is these periods when government's role in the economy has been most dramatically restructured.”

In the early 20th century, the Progressive Era witnessed the growth of a public consensus in America for an expanded role for the federal government in the economy to restrain big business and the Great Merger Movement. Those favoring federal antitrust action were divided into two camps. One camp, the New Nationalism (named after Theodore Roosevelt's platform in 1912) saw large-scale corporate mergers as positive innovations but in need of benign federal regulation to guarantee fair play. A second camp was named the New Freedom (after Woodrow Wilson's platform of 1912) and viewed mergers and corporate bigness more suspiciously. In its view the federal government had a responsibility to break up ill-gotten concentrations of capital and to prevent similar trusts from forming. The Progressive Era's antitrust consensus was combined with legislation that was “a model of vagueness.” To accommodate business and labor interests, for example, the Clayton Antitrust Act and the Federal Trade Commission Act left interpretation of enforcement up to the political compositions of regulatory commissions.

Lamoreaux traces similar patterns (of evolving consensus that cloaked interest group divisions until specific legislation was proposed) in subsequent American political-economic history. The Hoover administration's Associationism urged government-

sponsored trade associations to rationalize price competition. Roosevelt's early New Deal and its center piece, the National Industrial Recovery Act was a logical extension of Hoover's embryonic government-sanctioned trade cartels. Federal intervention in the economy was now the new consensus but soon conflict among interest groups over specific legislative provisions ended Roosevelt's earlier coalition. In the later New Deal Roosevelt abandoned hope of consensus, and, moving leftward, he sought support for the Democratic Party among economically disadvantaged interest groups and their allies. Roosevelt's earlier intervention through NRA-sponsored cartels, in any event, would only upset the economy. It sought to deal with a depression through regulatory schemes designed for antitrust purposes. Roosevelt's Keynesian approach to government spending to stimulate the economy took place in 1937–1938.

New variations on the basic regulatory consensus pattern are detailed for the post-war Keynesianism. The Eisenhower administration played a role in the formation of Keynesian fiscal policy similar to Hoover in the emergence of trade Associationism. Under Eisenhower a conservative Keynesianism formulated by the Committee for Economic Development saw to it that government exerted a counter-cyclical pressure on the economy by running deficits during recessions and surpluses during booms. With a sluggish economy setting in at the end of the 50s, the Democrats viewed the Eisenhower-CED goal of economic stabilization as insufficient; they wanted the government to assure the more comprehensive task of promoting economic growth. Kennedy (who resembles Roosevelt in being a logical, more daring outgrowth of his predecessor's cautious interventionism) sought a consensus among groups by an activist program to stimulate investment spending through tax cuts. The illusion grew after 1964 that economic direction by government (informed by Keynesian economics) could unerringly fine-tune the economy and promote growth. Johnson sustained this faith that economic growth could be stimulated by government action, but substituted government spending for tax cuts. Prices and inflation rose but not output. The heyday of Keynesianism waned with the debunking of the concept of “money illusion” and stagflation. The Vietnam War with its attendant government spending and inflation hastened the exposure of Keynesianism's miscalculations.

President Carter's anti-government platform prepared the way for Reagan's supply-side economic approach. The death of Keynesianism created a consensus that the root of the economic problem was government itself through its expansionary fiscal policy and its regulatory interventions. After the 1980 election “Reagan was in a position similar to Roosevelt in the 1930s and Kennedy in the 1960s. All three presidents were the beneficiaries of a gradual shift in public opinion about the role of government in the economy.” All three also had their way prepared by a predecessor of the opposite party. But we may also witness the dissolution of Reagan's anti-government consensus when conflicting interest groups disagree with the concrete policies of supply-side economics.

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Market-Assured Contract Performance

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“The Role of Market Forces in Assuring Contractual Performance.” *Journal of Political Economy* 89 (August 1981): 615–641.

An implicit assumption of the economic paradigm of market exchange is the presence of a government to define property rights and enforce contracts. An important tenet of the legal-philosophical tradition upon which the economic model is built holds that without some third-party enforcer to penalize stealing and renegeing, market exchange would be impossible. Nonetheless, economists have long considered communication factors such as “reputations” and brand names to be private devices which provide incentives to assure contract performance in the absence of any third-party enforcer.

The authors assert that even the existence of perfect communication among buyers (guaranteeing the loss of all future sales to a cheating firm) is not sufficient to insure noncheating behavior in the present. They then analyze the generally unrecognized importance of increased market prices and nonsalvageable capital as possible methods of making quality promises credible. Consumers are not aware of these methods as theory, but they act as if they recognize the forces at work.

The authors' analysis implies that consumers can successfully use price as an indicator of quality. They refer to the fact that consumer knowledge of a gap between a firm's price and salvageable costs (i.e. the awareness of a price premium) supplies quality assurance. A necessary and sufficient condition for a company's performance is the existence of a price sufficiently above salvageable production costs, so that the nonperforming firm loses a discounted stream of rents on future sales which is greater than the wealth increase from nonperformance. This will generally imply a market price greater than the perfectly competitive price and rationalize investments in firm-specific assets. Thus advertising investments become a positive indicator of likely performance.

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‘Political’ Economists

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“The United States: Economists in a Pluralistic Polity.” *History of Political Economy* 13 (Fall 1981): 513–547.

In the United States “the participation of professional economists in government has swollen with the extension of the state's jurisdiction in economic life.” Barber's essay (with a useful bibliography) conveys the flavor of the interactions between professional economists and federal officialdom, especially as those interactions are peculiar to the American system. In part, this distinctiveness derives from the American central government's diffusion of political power which creates conflict among interest groups and rules out long-term coherence in monetary, fiscal, and economic policy in general. Tracing the history of the growing involvement of American economists in shaping government policy, Barber assesses the ethical and technical problems of professional intellectuals serving the state.

Although systematic linkages of economists and government began in 1946 with the creation of the President's Council of Economic Advisors (CEA), this merely culminated a trend of more than three decades. A landmark formulation of the alleged governmental responsibilities of “ivory tower” academic economists was contained in Irving Fisher's presidential address to the American Economic Association in 1918. The First World War collaboration of economists and state planners was extended into peacetime in the hope that state economic experts would spur on the efficiency of the private sector. The depression of the 1930s intensified the call for governmental planning of the economy, but without significant staffing from the aloof academic economists. With the 1937–38 recession, however, the younger breed of “Keynesian” economists gained a “beachhead” on newly created federal posts. The popular climate might suspect experts, but it politically demanded government macroeconomic intervention to prevent a recurrence of the 1930s' depression.

The Employment Act of 1946 with its Council of Economic Advisers accorded, for the first time in America, institutional standing to the economists at the pinnacle of national decisionmaking. The CEA was intended to be a clearinghouse of social and economic “science” in order to create “maximum employment, production, and purchasing power.” From a consultant-coordinator role, the CEA was transformed (under Walter Heller in the Kennedy Administration) into “policy advocacy.” “The economics profession in the United States had probably never enjoyed higher public esteem that it did in the afterglow of the 1964 tax cut.” Government “fine tuning” successes were short-lived, and the prestige of state macroeconomic strategists has declined since the mid-1960s because the Keynesian tools of aggregate-demand management could not vanquish inflation, unemployment, and sluggish growth. During the 1970s the prestige of the CEA suffered further attrition in its

macroeconomic policy role, paradoxically at the same time that professional economists were raised to positions of honor on the Federal Reserve Board of Governors.

Other topics discussed by Barber are: statistical analysis of the “growth” labor market for economists in government, the ideological distinctions among macro-economists (between the “salt water” neo-Keynesians from Harvard, M.I.T., and Yale, and the “fresh water” monetarists from the University of Chicago), and the prestige-rivalries between economic bureaucrats and “outside” academic consultants to government. Finally, the author briefly examines the *political* behavior of government economists in suppressing and distorting data, as well as their renewed efforts to involve central government planning even more systematically in the economy.

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The Political Economy Of Bank Regulation

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“The Political Economy of Banking Regulation, 1864–1933.” *Journal of Economic History* 42 (March 1982): 33–42.

Changes in banking regulation in the United States were the result of protracted political struggles among different interest groups seeking to politically influence the structure of the banking industry. White analyzes the evolution of government banking regulation from the Civil War to the Great Depression by examining the actions of three interested parties: the banks, the public, and the government regulators, both state and federal. Coalitions within these interest groups determined policy, with the most effective political coalition being the smaller unit banks. This illustrates the workings of the “economic theory of regulation.”

A dual banking system of state regulated banks and national chartered banks arose in response to the regulatory restraint of the National Banking Act of 1864. This Civil War legislation, by prohibiting branch banks and regulating the size and activities of national banks, gave rise to state and local “free banking” laws of the 1880s and 1890s, by which the less restrictive and “competitive” state regulators made entry into the banking industry much easier. By 1900 state-chartered banks were growing more numerous than national banks.

Confronted by vigorous competition from state banking authorities chartering new banks, federal officials (under President Cleveland in 1895) recommended that national banks be allowed to branch. The unit banks in small towns and rural areas realized that their profits would be threatened by federally chartered city banks branching out into their territories, and so in 1898 lobbied Controller Charles Dawes to kill the branching bill in Congress. This regulatory rivalry among state, national, banking, and public sectors on the eve of World War I led to the faster growth of national over state banks, with the anti-branching lobby further strengthened by the vested interests of the new small financial institutions.

The Federal Reserve Act of 1913 did not alter the structure of the banking system, but by reducing reserve requirements it sought to siphon off state banks into its regulatory control; state banks responded by lowering their reserve requirements. These regulatory changes fit into the “economic theory of regulation.” In effect “favorable regulation will be supplied to the individuals or groups that have valued it most by voting and lobbying the government.”

In the absence of a monopoly banking regulator, federal and state governments have competed to regulate banks. Rivalry between regulators has led to a dilution of reserve requirements, but why have restrictions on branch banking remained virtually

unchanged? Among the divided banking industry, unit bankers in small town and rural areas possessed more political pressure and were aided by the decentralized character of the Federal Reserve System which fought “monopolistic interest.” In Congress the unit bankers thwarted most efforts of federal officials and the larger banks (such as A.P. Giannini's Bank of America) to legislate branching by national banks. The 1920s witnessed some branching but only in a few states since no coalition to fight for branching appeared. Even after the onset of the Great Depression, the unit bankers (in league with state regulators) successfully limited the branching opportunities of the Banking Act of 1933 and maintained their favorable regulations.

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Understanding The Socialist Calculation Debate

Don Lavoie

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“A Critique of the Standard Account of the Socialist Calculation Debate.” *The Journal of Libertarian Studies* 5 (Winter 1981): 41–87.

A value-laden set of neo-classical presuppositions distorts the standard recital and understanding of the famous socialist calculation debate. We need to reconstruct the true issues by surveying the origins and development of the conventional account of the socialist debate, and to explain why this standard interpretation misreads some of the arguments.

In the socialist calculation debate, the “Austrians” or anti-socialists—Ludwig von Mises, Friedrich Hayek, and Lionel Robbins—confronted the “neoclassicals” or market socialists—Oskar Lange, H.D. Dickinson, Fred M. Taylor, Abba P. Lerner, E.F.M. Durbin, and Maurice Dobb. Both sides addressed Mises' anti-socialist challenge, namely that without private ownership of the means of production (hence no market-formed price information by which to allocate the scarce means of production) the rational central planning of a complex economy would be impossible. Without the guide of market prices, socialist central planners could not know the relative scarcity of different elements of the capital structure and thus would fail to combine them with economic efficiency.

According to the standard account of the debate, Lange's market-socialist response refuted Mises by arguing that public ownership of the means of production could employ “markets” and “prices.” But Lange's arguments (against both Mises' assertion that efficient socialism was theoretically impossible and the Hayek-Robbins thesis that socialism, though theoretically possible, was impracticable) fundamentally misunderstand the Austrian terms of the debate. Captives of a distorting neoclassical paradigm, the “market socialists” distorted Mises' and Hayek's concepts of “efficiency,” “market,” “ownership,” “competition,” the formation of “prices,” and the dynamic Austrian approach to economic processes in general through the filter of a *static* neoclassical theory of equilibrium and Pareto optimality.

To explain how such a systematic misunderstanding occurred, Lavoie outlines (1) the major elements of the standard account of the socialist calculation debate, documenting in copious footnotes that this misinterpretation permeates contemporary (neoclassical) economics, and (2) the contrasting elements of an alternative (Austrian or dynamic) interpretation. A critique of the standard account follows through seven representative chroniclers of the debate: Schumpeter, A. Bergson, B. Ward, Lippincott, A. Sweezy, Dobb, and Knight. A superior “revisionist” account of the debate is provided by Trygve Hoff's *Economic Calculation in the Socialist Society* (1949) and others. The neoclassical side of the debate has yet to appreciate the

radically distinct way in which the Austrian tradition approaches economic theory and reality. A better understanding would bolster the case against central planning. Extensive bibliography to improve the understanding of both sides in the debate is supplied in the footnotes and detailed text.

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Mises & Economic Theory

Richard M. Ebeling

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“Mises' Influence on Modern Economic Thought.” *Wirtschafts Politische Blätter* (Journal of Political Economy, Vienna) 28, 4 (1981): 15–24. Part of a Festschrift issue on the Centenary of Ludwig von Mises' birth (1881–1981).

Ludwig von Mises' contributions to modern economic science represent pathbreaking, increasingly influential, and creative scholarship within the Austrian School of Economics. “The common thread permeating the entire ‘Misesian’ edifice is a conscious and fundamental adherence and development of the concept of methodological subjectivism.” Within this Austrian perspective, economics is not limited to an analysis of wealth but, more ambitiously, aims at being a comprehensive science of purposeful human action, a logic of choice, and the “science which studies human behavior as a relationship between ends and scarce means which have alternative uses.” Mises' themes—methodological individualism, individual purposeful action, subjective perception of circumstances and costs, and alertness to opportunities—run as unifying threads through his impressive economic theory.

“Over the six decades beginning in 1912 and ending in 1969, the implications of the subjectivist perspective for questions concerning the applicability of economic analysis beyond the boundaries of the ‘marketplace,’ the study and comparison of alternative economic systems, the place of knowledge and expectations in disequilibrium processes of adjustment and the role of money and the study of monetary dynamics were all explored by Mises.” With some time-lag, Mises' farranging economic analysis has exerted a profound influence on the very direction of economic research.

A bare listing of Mises' contributions, stemming from the Austrian School's methodological subjectivism and individualism, would include: (1) His expansion of the previously restricted scope of economics to embrace a comprehensive analysis of human action and choice with their implications of dynamic process. This approach influenced the later development of Buchanan and Tullock's theory of “public choice” and Gary S. Becker's “economic approach to human behavior” (which can embrace an analysis of crime, law, bureaucracy, war, and politics). (2) His influence on the London School of Economics (particularly Hayek, Thirlby, and Wiseman) in developing a dynamic, non-static formulation of subjective costs, which called into question the objective, measurable costs presuppositions of interventionist public utility and regulatory policy. (3) His creation in 1920 of the terms of debate on the impossibility of rational economic planning and calculation under socialism. (4) His grand synthesis of monetary theory and trade cycle analysis in *Theorie des Geldes*, which provided microeconomic foundations for macro-economics; during the 1930s Mises' approach to money and the business cycle (with Hayek's contributions) was an

Austrian rival to the emerging Keynesian Revolution. The conceptual and practical failure of the Keynesian experiment from the 1940s through the 1960s has awakened during the past 15 years a renewed interest in the problems of disequilibrium adjustment processes as elaborated within Mises' microeconomic and subjective-individualist framework. (5) His anticipation of "rational expectations" theory and his influence on the so-called "neo-Austrian" expositors of this analysis. (6) His most important influence has been that of preserving the vitality of the Austrian School of Economics during the Keynesian interlude and of fostering the revival of the Austrian tradition in both Europe and the United States. Through Mises' inspiration and scholarship the Austrian School has exercised an increasing appeal because of its impressive coherence as a logically integrated system. Inspired and vitalized by Mises, this tradition continues to grow and offer fresh insights into the entire range of human action.



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IV

Social Science Methodology & Individual Freedom

Methodological questions—such as debates over methodological holism vs. methodological individualism, the distorting influence of ideology, the role of error in scientific progress, the importance of quantification as a measure of truth, and the proper procedures to use in understanding human (as opposed to inorganic) phenomena—are of vital importance in social science and philosophy. These seemingly abstruse and remote questions of method and conceptualization powerfully affect our judgments on the merits of human freedom, individualism, and our moral norms. Our first three summaries show the human, social, and ethical relevance of methodological questions for political science. Next, we see an equally powerful relevance of these questions for the fields of psychology, social theorizing, and (in Foucault's study) interdisciplinary grand theorizing.

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Montesquieu: Holism & Natural Law

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“Montesquieu's Methodology: Holism, Individualism, and Morality.” *The Historian* 44 (November 1981): 36–50.

In his methodological holism, Montesquieu (1689–1755) avoided methodological individualism: he did not believe that statements about social phenomena can be reduced to statements about individuals without remainder. On the contrary, he held that there are irreducible societal facts (such as the role of social institutions) which cannot be explained simply by reference to persons. In this he may be deemed a forerunner of positivist sociology fully meriting the praise of Comte and Durkheim. In espousing methodological holism, Montesquieu parted company with most representatives of the natural law school (which, during the 17th and 18th centuries generally espoused methodological and ontological individualism in its belief that all statements about social phenomena could be reduced ultimately to statements about individuals, who were also judged morally and metaphysically prior to the community).

Montesquieu's methodological holism does not mean that he was an organicist: he did not hold that statements about individuals could be totally reduced to statements about social structures. Rather, he held that there is an irreducible human nature manifested in every individual. In addition, he gave moral force to what he took to be the principles of human nature and used these values, these “natural laws” (in both the descriptive and the normative senses of that term), as fundamental criteria for evaluating institutions and political regimes. In this sense, he may be considered a follower of the natural law school of the 17th and 18th centuries.

In brief, without inconsistency, Montesquieu was a methodological holist, but he was also an exponent of natural law doctrines. He did not seek to reduce the institutional to the individual or the individual to the institutional.

By rejecting methodological individualism, Montesquieu also rejected the notion of a social contract which imagined that individuals consciously agreed upon social and political obligations. Similarly, he did not seek to explain the national character of a people in terms of the psychology of individual behavior. He looked rather to institutional factors: religion, laws, maxims of government, precedents, morals, and manners. Society for him was the interaction of institutional not individual components.

Although he functionally and positivistically evaluated social structures by how well they harmonized with a certain social order, Montesquieu never abandoned moral judgments. In a natural law vein, he weighed social institutions by their conformity to

human nature. By combining methodological holism and natural law he was an exponent of the “science of freedom” in such works as *The Spirit of the Laws* (1748).

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From Political Philosophy To Sociology

David Zaret

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“From Political Philosophy to Social Theory.” *Journal of the History of the Behavioral Sciences* 17 (April 1981): 153–173.

Attempts to analyze continuities in the rise of modern social theory confront a significant irony of modern thought. The inability to understand the relevance of, say, Thomas Hobbes or Auguste Comte for contemporary theory reflects the positivist mainstream of sociology, which regards early theories as outdated ventures, devoid of scientific interest. Prof. Zaret attempts to uncover the historical and philosophical roots of modern theory. His paper discusses substantive continuities in the early development of modern theory, stressing the transition from political philosophy in early modern Europe to classical sociology in the nineteenth century.

These continuities may be found in what Zaret calls a conceptual “deep-structure” of “bourgeois” theory—a sharp distinction between public and private life and the assumption that universal structures of domination originating in the public sector are the precondition for individual freedom.

Hobbes' attempt to create a science of politics signals the beginning of modern theory. Contrary to traditional political doctrine, Hobbesian thought rigorously separates political and ethical issues. Hobbes conceived absolute sovereignty as a means, not of spreading virtue among its subjects, but of maintaining order among an anarchy of private selfish interests. Incipient political philosophy went even farther. It attributed to the state the institution of private property, the distinction of ranks, and prevailing manners. Thus, according to Diderot and Rousseau: “Les mœurs sont partout des conséquences de la législation et du gouvernement.” The exercise of individual freedom was thus based on the consensual submission of a *populus liber* (free people) to a universal authority. Sovereignty also preserved the essential equality of humanity (albeit with inequalities of wealth, power, and status), since all men were under the sway of the same authority.

The late eighteenth century witnessed bourgeois political philosophy dissolve under the impact of economic materialism. In physiocratic and utilitarian thought, civil society is still understood to emerge from a fortuitous exchange of right and obligation, but this exchange is given a material substratum. The division of labor and competition combine to integrate self-interest with the common good. Moreover, this reconciliation occurs spontaneously without any conscious deliberation. Wherever sovereign authority seeks to secure private property, the mutual welfare of the individual and society is assured.

Nineteenth-century classical sociology as it arose in France broke with political philosophy by explicitly rejecting political explanations of order and stability. Turning from political authority, classical sociology relied on European culture, conceived as a unitary *mentalité*, to discover immanent sources of order in society. Morality embedded in custom and religion constitutes society. Morality in society is indispensable because of the inner subjection to public authority it commands from adherents. Calls for moral reform in the writings of such classical sociologists as Saint Simon and Comte reflect the belief that a common morality shared by both the working classes and the leaders of society would provide the only basis for ending class conflict rooted in egoism and self-interest. Spencer and Durkheim, later exponents of this tradition, expressed a similarly depoliticized, morally based view of society.

Marxian theory, asserts Professor Zaret, cannot be conflated with classical sociology. Marx rejected the bourgeois public/private distinction as misleading, because it masked the domination of life in capitalist society by purely private, material interests following the dissolution of feudalism. Capitalist social relations appear as contractual relations. Their content seems to be free and voluntary agreement, while their form assumes equality of the contractors. However, beneath the surface appearance of equality lies a system based on the appropriation of alien labor without real exchange. This exploitative situation led to Marx's insistence that private interests are legitimate public issues and to his call for a revival of the atrophied political sense of capitalist society. Thus, in its theoretical justification of politics as a practical endeavor concerned with the ultimate purposes of social life, Marxism signals a return to the classical conception of politics' centrality—a conception abandoned during the formative period of modern social theory.

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Chicago Social Science & Quantification

Martin Bulmer

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“Quantification and Chicago Social Science in the 1920s: A Neglected Tradition.”
Journal of the History of the Behavioral Sciences 17 (July 1981): 287–297.

When you cannot measure, your knowledge is meager and unsatisfactory”—Lord Kelvin. A visitor to the University of Chicago may find this inscription carved below the bay window of the school's Social Science Research Building, which was erected in 1929. The words emphasize most concretely the centrality of quantitative methods in Chicago social science during the 1920s and early 1930s. Yet the psychology, sociology, and political science departments at Chicago during that period have long been identified with the “soft?? case-study approach to research, which deemphasized quantification in favor of collecting personal documents and life histories.

Prof. Bulmer sets about rectifying this misapprehension. His article chronicles the important developments in quantitative methods which occurred in Chicago's social science departments during the twenties. In his account, he gives special emphasis to the contributions of Ernest Burgess, William F. Ogburn, L.L. Thurstone, and Samuel Stouffer. He also examines the contribution made by the institutionalization of social research in the Local Community Research Committee. Significant developments in the use of census tract data, attitude measurement, and partial correlation analysis are treated as well.

After detailing the extensive Chicago tradition of statistically oriented research, Bulmer asks how it is possible that the tradition has been relatively ignored in histories of the social sciences. He believes that several reasons may explain this neglect. First of all, statistical developments occurred in several departments at the same time—sociology, political science, psychology, and economics. With its crisscross evolution, progress in statistically oriented research poses real problems to the historian who wishes to describe its course over the years.

Secondly, as Robert Alun Jones and Sidney Kronus have demonstrated, interest in quantitative methods and interest in the history of sociology seem to be negatively correlated. They argue that the more committed a social scientist is to the “scientism” of his discipline, the more likely he is to adopt an ahistorical approach to the subject.

Furthermore, the traditions of quantitative research tend to regard progress as more cumulative, more “scientific,” than in the case of qualitative research or theory. There is less desire to examine the roots of the quantitative tradition and much less preoccupation in teaching statistical research with material that covers the origin of

particular approaches and the history of particular techniques. Historical developments in quantitative research have thus tended to be forgotten.

A more insidious tendency is what Bulmer calls the Inverse Whig interpretation, which sees sharp discontinuity and error between the distant past and the more enlightened (and emancipated) present. With such a point of view, it proves difficult to acquire the perspective needed to see that continuities are considerably greater than oversimplified contrasts between "Chicago" and "Columbia" schools would suggest.

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Human Freedom & Psychology

Wayne K. Andrew

University of Winnipeg

“Human Freedom and the Science of Psychology.” *The Journal of Mind and Behavior* No. 2 (1980):271–289.

Starting with Paul Tillich's observation that man is both free and determined, the author discusses the role of freedom and determinateness in the discipline of psychology. B. F. Skinner has claimed that determinism is a necessary viewpoint to adopt if one is to do psychological science. Carl Rogers is seen as in agreement with this position, although he gives more value to the importance of the subjective experience of freedom as a basis for psychological well-being than does Skinner. For Rollo May, human freedom is real, not illusory, and constitutes the capacity for becoming aware of and working with, not against, one's determinateness.

The consequences of adopting a freedom-denying view of science are said to include (a) alienating persons believing in freedom from the scientific view, (b) alienating those with a scientific perspective from freedom, (c) arbitrarily terminating the search for more adequate alternatives to current thinking on the question, and (d) creating a one-sided science cut off from the study of freedom-affirming aspects of human living.

What would be the scientific basis for a completely deterministic perspective for psychology? This would include the successful use of a methodology in which changes in dependent (behavioral) variables can be shown to result from the manipulation of independent (biogenetic or socio-environmental) variables. There exists a very wide array of established regularities in human behavior and more are continually being discovered.

The scientific basis for human freedom appears in the very need for freedom in the process of doing the work of science. Freedom is seen as fundamental to questioning, experimenting, and being inventive or creative. Independent-dependent variable relationships “collected in sets of regression or other computing forms cannot ever be expected to completely mirror or totally represent the structures and processes of human being.”

There is no necessary contradiction between freedom and determinateness. Each can be viewed as an abstraction which we have imposed upon ourselves and which we can reintegrate into a more holistic perspective of human functioning. In this way, more questions can be studied with a psychological science and with a wider array of methodologies. “In science, as in many other human endeavors, determinate order and human freedom appear to be equally necessary, synergistic contributions to the enterprise.”

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How Self-Efficacy Develops

Albert Bandura

Stanford University

“Self-Referent Thought: A Developmental Analysis of Self-Efficacy.” *Gestalt Theory* 2(1980): 147–174.

Self-efficacy involves judgments persons make as to how well they can organize and perform actions necessary for handling prospective situations that may contain many ambiguous, unpredictable and often stressful elements. These self-perceptions of efficacy influence personal choices of activities and environmental settings. People do what they think they can succeed in and avoid what they anticipate may lead to failure. They expend greater effort and persist longer when success is foreseen. Those with a strong sense of efficacy deploy their skills well to meet the demands of a situation and are spurred by any obstacles to greater effort.

Misjudgments of self-efficacy in either direction are likely to have adverse consequences. Too high an assessment of efficacy is likely to result in failure. Too low a self-assessment will prevent an individual from engaging in activities which they are fully capable of performing. “The accurate appraisal of one's own capabilities is highly advantageous and often essential for effective functioning.”

Self-knowledge about efficacy is gained through either personal or socially mediated experiences. There are four principal sources of information: (a) personal performance accomplishments, i.e., successes and failures, (b) vicarious experiences obtained through observing the successes and failures of others, (c) information provided about our abilities by others through verbal persuasion and similar types of social influence, and (d) states of personal physiological arousal from which people partly judge their capabilities and vulnerabilities. Each of these sources contributes in varying degrees to accurate and inaccurate judgments of self-efficacy.

The developmental beginnings of perceived personal efficacy occur in infants' experiences that certain actions produce certain repeatable and predictable environmental effects. Children quickly learn how to influence the actions of those around them. When the environmental events, including parental behaviors, are inconsistent and therefore unpredictable, there develops an impaired ability to perceive causal agency and a depressed responsiveness to later situations when personal action could produce more efficacious results. During each stage of a person's life-span, the experience of self-efficacy takes characteristic forms.

The theory of self-efficacy has important implications for parenting and for education. For example, with respect to the use of rewards, incentives contingent on improved performance can contribute to performance gains, growth of interest in the rewarded activity, and increased experiences of self-efficacy. In contrast, rewards given for

undertaking an activity irrespective of the quality of performance result in a decrease in interest in the task and do not contribute to gains in self-efficacy.

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The History Of Motivation

Charles N. Cofer

University of Houston

“The History of the Concept of Motivation.” *Journal of the History of the Behavioral Sciences* 17 (January 1981): 48–53.

Thirty years ago, a prime article of faith for psychological science was that all behavior is motivated. Today, discussions concerning the exact meaning of that statement have led some psychologists to wonder whether behavior may be partly or even entirely unmotivated. To Prof. Cofer, this pendulum movement characterizes the general history of the concept of motivation. His article traces the development of this concept from Hobbes to current cognitive formulations.

In his system, Thomas Hobbes (1588–1679) proposed that we choose what will give us pleasure and avoid what will give us pain. This mechanism for explaining approach and avoidance was rooted in incipient movements that he called “endeavors,” what we would call associations. Motivation, in the form of the hedonic or pleasure principle, thus, entered early into a deterministic account of conduct, and it together with association has remained, in some form, a critical feature of theories of motivation and learning.

The hedonic principle was used to deal with mental habits. Drive concepts, on the other hand, had their origins in biology, rather than in philosophy. They were rooted in the notion of the reflex and the related idea of instincts. Originating in Descartes' *Traité de l'Homme* (1662), the notion of the reflex response placed the organism under external stimulus control. The idea that all behavior is elicited by external stimulation is a concept central to the *tropism*, as described by Jacques Loeb. Reflex and tropistic notions underlie John B. Watson's significant statement of the goals of psychology: given a response to know its stimulus; given a stimulus to know its response.

Accounts of behavior in terms of reflexes and tropisms (Descartes, Jacques Loeb, John B. Watson) ran into difficulties of two kinds. First of all, neither animals nor people respond invariably to repetitions of the same stimulus in the same way. In addition to variability, the problem of spontaneity also arose. People and animals move about even when there seem to be no reflexive coordinations involved.

These difficulties gave rise to two separate theories to account for them: Robert Woodworth's concepts of consummatory vs. preparatory drive behavior and Sigmund Freud's theories concerning the accumulation and discharge of psychic energy. Since they form part of the associationistic and hedonic tradition, both schemas reflect an essentially passive view of the human being.

Nonetheless, in the last two decades, much of psychology seems to be turning toward a greater emphasis on cognitive processes and a more active view of human motivation. Cognitive theory has reintroduced consciousness into psychological discussion, as well as the notion of an active agent who directs his activities, devises strategies to carry them out, and who, in general, thinks. In introducing the idea of *plans*, Miller, Galanter, and Pribram have pointed to value and evaluation as essential to deciding which plan to execute or the choice to continue or to discontinue executing a plan.

Cognitive theory tends to imply rationality and its motivational terms have a rather "cool" connotation. Prof. Cofer wonders where, in cognitive theory, are the strong urges and the "hot" emotions that have been central to thinking about motivation for so long. Cofer does not know the answer to his question but believes it must be answered if the pendulum cycle between rationality and irrationality in motivation theory is to be stopped. Freud's great achievement lies in his uncovering of the irrational side of the human organism. Cofer suggests that the cognitive theorist may once again be faced with the question, "why does the rational human ever behave irrationally?"

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Individualism & Interdependence

Alan S. Waterman

Trenton State College

“Individualism and Interdependence.” *American Psychologist* 36(1981): 762-783.

The value system of individualism which underlies many contemporary psychological theories has been criticized on the grounds that it is antithetical to social interdependence and cooperation. Critics have developed a philosophical analysis that links individualism to unscrupulous competition, atomistic self-containment, and alienation. The author argues that, on the contrary, the principles espoused by the proponents of individualism in psychology are derived from a philosophical orientation defined by eudaimonism (self-realization), freedom of choice, personal responsibility, and ethical universality involving respect for the integrity of others.

In psychology, individualistic concepts are embodied in the work of many major personality theorists: (a) Erik Erikson’s sense of personal identity including the goals, values, and beliefs to which one has made an unequivocal commitment, (b) Abraham Maslow’s self-actualization involving efforts directed toward the fulfillment of the person’s greatest potentialities, (c) Julian Rotter’s internal locus of control, the perception that important outcomes in one’s life are a function of personal action rather than the result of fate, chance, or the activities of powerful others, (d) Nathaniel Branden’s self-esteem including feelings of personal efficacy stemming from one’s abilities and personal worth associated with the holding of values worthy of respect, and (e) Lawrence Kohlberg’s principled (postconventional) moral reasoning, the judgment of moral action in terms of universalizable principles of justice.

Where the critics of individualism make a dialectical dichotomy between individual and social interests, its proponents offer the potential for transcending this dichotomy through the recognition that the ethical pursuit of self-interest can simultaneously provide benefits to others. Waterman hypothesized that the holding of individualistic values, as shown by the presence of the five psychological qualities listed above, would facilitate, not inhibit, helping, cooperation, and other prosocial behaviors. A review of the research literature provides extensive evidence for the anticipated benefits of individualistic functioning. The author cites additional evidence that if constraints on freedom are imposed in an attempt to produce cooperation or helping, the resulting feelings of psychological reactance will actually reduce the probability of prosocial behavior.

In light of this research, the author proposes a synergistic social ideal which, in line with individualistic values, entails the compatible incorporation of individual and social interests. Efforts to promote social interdependence and cooperation within this

context may appropriately include such techniques as education, persuasion, and negotiation. However, the use of political force to compel cooperation represents the abandonment of the synergistic ideal.

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Institutionalism Vs. Radical Individualism

Paul D. Bush

California State University at Fresno

'Radical Individualism' vs. Institutionalism: Philosophical Dualisms as Apologetic Constructs Based on Obsolete Psychological Preconceptions. *American Journal of Economics and Sociology* 40 (July 1981): 287-297.

In his book *Thorstein Veblen and the Institutionalists*, David Seckler adopts a whole range of classical philosophical dualisms which find their expression in such methodological prescriptions as Ludwig von Mises' "insurmountable methodological dualism." According to Prof. Bush, this philosophical orientation is the least likely to help him come to grips with the question of what Veblen and the institutionalists "really mean."

According to the school of "radical individualism," which Seckler supports, we are required to adopt a methodology in the human sciences quite different from that employed in the *natural* sciences where phenomena under study can be comprehended only in terms of "deterministic" hypotheses. The specific method that must be used in the *social* sciences, therefore, is one upon which Veblen heaped so much scorn, the method of "sufficient reason."

For Seckler, this position allows one to take a clear and unambiguous stand in favor of free will and against determinism. In his view, "humanists" opt for free will, whereas behaviorists commit the fallacy of "scientism," that is, superimposing the methods of the natural sciences in the study of human nature and processes. Seckler is quite correct in stating that Veblen rejected both "historicism" and "behaviorism" in his search for an appropriate methodology to understand the social processes of "cumulative causation." It is also true, Prof. Bush asserts, that Veblen rejected what Seckler calls humanism.

In one very revealing passage in his book, Prof. Seckler talks about institutional changes taking place without any change in the "fundamental values" of society. Such a remark reveals how far he has moved from both Veblen and contemporary institutionalists in his conception of institutions and the meaning of institutional change. According to both Veblen and Ayres, institutional change means a change in "habits of thought" and, at the core of these habits are the values by which behavior is correlated within the institutional context. Thus, institutional change is a change in the value structure of the community.

For the institutionalist, rational choice does exist. However, the kind of rational choice the institutionalist finds extant in human behavior is publicly knowable. It is not confined to the private, internal world of the rankings of tastes and preferences. Values have social significance only to the extent that they function as standards of

judgment which help to correlate behavior. This conception of the human value is quite different from the idea propounded by radical individualism. The institutionalist is able to formulate hypotheses about social behavior which are *not* cast in terms of postulates on the mapping of individual preference rankings. This is precisely because institutionalists find human values in the public realm of observable human action, leaving the "internal" or private world of individual preference rankings to fields other than science.

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Freedom & Destiny

Rollo May

Freedom and Destiny. New York: W.W. Norton, 1981

Freedom, for May, means the possibility of development—either enhancing one's life or withdrawing from life and stultifying one's growth. Personal freedom entails our ability to be aware of the different possibilities for action, even when it is as yet unclear how one must act. Through personal choice and individual initiative freedom affords us the opportunity for self-realization. Freedom is seen as essential to human dignity and as the foundation of values, including honesty, love, and courage.

May distinguishes between the freedom of doing and the freedom of being. Freedom of doing is the capacity to make choices: to pause in the face of alternatives and throw one's weight toward one of the rival possibilities. Everyone experiences such freedom many times a day. Freedom of being, on the other hand, occurs at a deeper level. It means the ability to reflect, to ponder, to choose one's attitude toward the context in which one acts. Freedom of being precedes freedom of doing.

May places freedom and destiny in paradoxical opposition. As with good and evil, freedom comes alive only when we view it in the context of destiny. Likewise, destiny is significant only when in opposition to freedom. May defines destiny as “the pattern of limits and talents that constitute the ‘given’ in life.” Destiny includes (a) cosmic level events, such as birth and death, (b) events on the genetic level, such as our innate capabilities and limitations, (c) events on the cultural level, such as values of the society into which we are born and raised, and (d) events on the circumstantial or historical level, such as wars or the swings of economic cycles.

When we confront our destiny we may respond in a wide variety of ways. We may try to ignore it. We may be aware of and acknowledge it. We may rebel against it. We may cooperate with it. How we respond to our destiny is a manifestation of our freedom.

May describes many of the mistaken paths to freedom. These include narcissism, hedonism, materialism, and casual sexuality devoid of intimacy. Each of these is an attempt to escape from the anxiety caused by freedom. However, anxiety is an essential aspect of freedom and, therefore, a necessary part of worthwhile living.

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Error: The History Of Life & Knowledge

Michel Foucault

Collège de France

Georges Canguilhem: *Philosopher of Error. I & C (Ideology and Consciousness) No. 7 (Autumn 1980): 51-62.*

Georges Canguilhem's impact on the French intellectual milieu has been profound, influencing a wide variety of scholars, notably Althusser, Castel, and Lacan. His importance is best appreciated when we realize that in France, it was Canguilhem's discipline of the history of science that transmitted (with Husserl's phenomenological contribution) the crucially relevant question of the Enlightenment: the problematic status, history, and role of knowledge and reason. At the close of our coercive and colonial era, the Enlightenment question of the validity of rationality may be reformulated: was not the history of "reason" the history of economic and political hegemony? "Reason as despotic enlightenment" must now "liberate itself from itself" if it hopes to transcend its historical dogmatism and despotism. Canguilhem's writings, from his *Essai sur le Normal et le Pathologique* (1943) through *La Connaissance de la Vie* (2nd ed., 1965) to *Idéologie et Rationalité* (1977), have reshaped the history of science, gone beyond Thomas Kuhn in clarifying the nature of progress in knowledge, and illuminated the significance of error in promoting biological life and epistemological truth.

How has Canguilhem reshaped the history of science? (1) First, he has shown how advances in knowledge have come about through discontinuities or successive recastings, reformulations, reconceptualizations. Error is not eliminated by the slow emergence of "truth" but by a sudden new way of "saying the true".

(2) Next, in his view, the history of discontinuities is not given once and for all, but is itself "impermanent" and discontinuous. Science makes and remakes itself and its own history at each instant in a spontaneous manner. The "epistemological point of view" makes visible across diverse episodes of a scientific knowledge "a latent well-ordered advance" based on a shifting "norm". This norm "is not to be identified with a theoretical structure or contemporary "paradigm", because the scientific truth of today is itself only an episode ... of this normative process. It is not on the basis of "normal science", in T.S. Kuhn's sense, that we can return to the past and validly trace its history: it is by retracing a "normalised" process in which contemporary knowledge is only a moment whose future cannot be predicted except by prophecy.

(3) Thirdly, Canguilhem has reinserted the sciences of life in this historico-epistemological perspective. A science of the living has to take as an essential part of itself the possibility of disease, death, anomaly, and "error" in general. This is

because living entails procedures of self-regulation and self-correction. The problem of disease or "error" is irreducible and essential for any science of life.

(4) Lastly, he has pointed out that the role of a properly biological concept is to single out within the phenomena of "life" those which permit a non-reductive analysis of the processes proper to a living being. Chemical and physical mechanisms come into play only after such a non-reductive identification.

The sciences of life, thus, demand a certain way of doing their history. They also pose the philosophical question of knowledge and its relationship to error. What processes bring about living beings that can know, and know life itself? For man, knowing through concepts is a mobile, self-correcting way of gathering information in order to live. To form concepts is thus a natural way of living, provided we allow for and tolerate error. "Ultimately, life is that which is capable of error." Through "mutation" or hereditary "error" human life was first created, which then sustains itself biologically and intellectually by a process of "erring." Within this perspective, truth is our "most recent error." If the history of science is a discontinuous series of "corrections" or "a new distribution of the true and the false which never finally and forever frees the truth," it is because "error" is an essential dimension of life for the human species and for human knowing.



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[\[1.\]](#) A different version of this essay will appear in *European Writers*, a volume to be published by Charles Scribner's Sons, New York.

[2.] His very name, especially in the English-speaking world, is often written erroneously. When not preceded by his first name, it should be Tocqueville, not *de* Tocqueville.

[3.] Tocqueville, in one of his marginal jottings, about Burke's *Reflections on the Revolution in France*: "Altogether this is a work of a powerful mind, full of that practical wisdom which in a free nation some men acquire almost instinctively. His superiority is evident here to a high degree. His insight into new institutions and into their immediate effects is masterful...But the general characteristics; the universality, the portents of the Revolution, the beginning, completely escape him..."

On the margin of a fragment, about Burke's *An Appeal from the New to the Old Whigs*: "For Burke the Revolution was not the product of a long development but the sudden outburst of a perfidious emotion. All of Burke's picture is full of true touches, and yet it is a false picture altogether...But it is very wrong to say that the habits and even the ideas of the Revolution were not introduced well beforehand by society. It was not a sudden achievement. There was the obvious feebleness of the nobility, the jealousies and the vanities of the middle classes, the miseries and wounds of the lower classes, their ignorance: all of these were powerful and organic seeds which needed only to be fertilized..." For these quotes, see the author's *Tocqueville: The European Revolution and Correspondence with Gobineau*, pp. 163-164.

[4.] Tocqueville, *Democracy in America*, Vol. I, Chapter XI. Because of the differences in pagination in the various English editions of *Democracy in America*, I am omitting references to the pages where the passages cited may be found. The brevity of many of Tocqueville's chapters allows for this form of citation. Please consult the Bibliography for various English translations of *Democracy in America*.

[5.] *Democracy in America*, I, Chapter XIII.

[6.] *Democracy in America*, I, Chapter XIII.

[7.] *Democracy in America*, I, Chapter XIII.

[8.] *Democracy in America*, I, Chapter XVI.

[9.] *Democracy in America*, I, Chapter XVI.

[10.] *Democracy in America*, I, Chapter XVIII.

[11.] *Democracy in America*, I, Chapter XVIII. The passage quoted actually ends Volume I as part of the "Conclusion."

[12.] *Democracy in America*, I, Chapter XVII.

[13.] *Democracy in America*, II, First Book, Chapter XX.

[14.] *Democracy in America*, II, Fourth Book, Chapter VI. All subsequent quotes in this section are from Chapter VI.

[15.] *Democracy in America*, II, Fourth Book, Chapter VIII.

[16.] Alexis de Tocqueville, *Recollections*. London and New York, 1970, pp. 14–15. For two English translations of Tocqueville's *Recollections*, consult the Bibliography.

[17.] *Memoir, Letters, and Remains of Alexis de Tocqueville*, p. 136. Consult English Translation section of the Tocqueville Bibliography.

[18.] *Memoir, Letters, and Remains*, p. 2.

[19.] The title of their English translation is *The Recollections of Alexis de Tocqueville*. In the text of my essay I shall refer to Tocqueville's book under its French title of *Souvenirs*.

[20.] *Recollections*, p. 3. References to *Souvenirs* are from the 1970 English translation edition.

[21.] *Recollections*, p. 4.

[22.] *Recollections*, pp. 38–39.

[23.] *Recollections*, pp. 45–46.

[24.] *Recollections*, p. 48.

[25.] *Recollections*, p. 110.

[26.] *Recollections*, p. 150.

[27.] *Recollections*, p. 161.

[28.] *Recollections*, pp. 153–154.

[29.] *Recollections*, p. 36.

[30.] *Recollections*, p. 12.

[31.] *Recollections*, pp. 52–53.

[32.] *Recollections*, p. 39.

[33.] One of the most engaging passages in the *Souvenirs* is Tocqueville's recollection of his argument with his friend J.-J. Ampère during the early days of the revolution: “...All the indignation, grief and anger that had been piling up in my heart since the morning suddenly erupted against Ampère; and I addressed him with a violence of language which makes me a little ashamed whenever I think of it and which only such

a true friend as he would have excused. He then reconstructs his own diatribe, and ends: "After a lot of shouting, we both agreed to leave the verdict to the future, that enlightened and just judge who, unfortunately, always arrives too late." *Recollections*, p. 68.

[34.] *Recollections*, p. 62.

[35.] In the *Œdition d'Œnitive* (see "French Editions of Tocqueville's Works" in our Bibliography), Tome II, vol. 1, *L'Ancien RŒgime et la RŒvolution*, p. 134.

[36.] *L'Ancien RŒgime et la RŒvolution*, p. 174.

[37.] *L'Ancien RŒgime et la RŒvolution*, p. 1.

[38.] Œmile Faguet, "Tocqueville." In *Politicians and Moralists of the Nineteenth Century*. Transl. from the French edition of 1903. London: Bouverie House, Ernest Benn Limited, p. 80.

[39.] John Lukacs, "The European Revolution" and *Correspondence with Gobineau* (See "English Translations of Tocqueville's Works" in the Bibliography), pp. 138-139.

[40.] Lukacs, "The European Revolution," p. 172.

[41.] These events were contested during the century that passed after Tocqueville's death in 1859. Certain people, and certain intellectuals, claimed that Tocqueville's last religious acts were questionable, because they had been undertaken out of respect for the wishes of his wife. The support for this claim rested on a statement by Beaumont, as well as on an earlier phrase written by Tocqueville himself to his tutor the abbŒ Lesueur (see Lesueur to Tocqueville, 8 September 1824): "Je crois; mais je ne puis pratiquer" "I believe; but I cannot practice" a phrase which, instead of disbelief, attests to Tocqueville's extraordinary intellectual and moral scrupulosity. He had been brought up by an admirable tutor, the abbŒ Lesueur; around the age of sixteen, Tocqueville said, he had recognized that his beliefs in Christianity were no longer unconditional. The evidence of his private religious practices during the middle phase of his life remains fragmentary; the evidence for his religious practices during the last phase of his life is not. (It is not only that the above mentioned statement by Beaumont is contradicted by many other accounts and letters by Tocqueville's friends and members of his family; in 1962, this writer found three separate accounts by the above-mentioned nursing sisters in the archives of their congregation; published in the July 1964 issue of the *Catholic Historical Review*, these accounts confirm the facts, and attest to the sincerity of Tocqueville's religious acts.)

[42.] Example: Tocqueville to Freslon, 10 August 1853: "In reading the correspondence of the ministers of Louis XV with their subordinates, you see a crowd of little embryo professors of imperial administrative law. So true is this that the better one is acquainted with the old regime the more one finds that the Revolution was far from doing either all the good or all the harm that is supposed; it may be said

rather to have disturbed than to have altered society. This truth springs up in all directions as soon as one ploughs the ancient soil.â€?

[43.]Tocqueville to Gobineau, 5 August 1858, in the author's â€œ*The European Revolution*,â€? p. 322.

[44.]*Memoir, Letters, and Remains*, p. 102.