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State and Civil Society in the Political Philosophy of Alexis de Tocqueville

Henk E. S. Woldring^{1,2}

Alexis de Tocqueville discusses extensively the phenomenon of civil society. He distinguishes between the competence of the state on the one hand and the proper competences of free associations on the other. Therefore, the competence of the state should be a limited one. However, since free associations can cause social struggle, the government should also have the ability to limit self-regulation of free associations. Moreover, each government needs a social basis that gives support to this policy of intervention. The central question of this article reads as follows: What method of research is Tocqueville employing to discover this social basis. The conclusion is that his method is to discover what mores form the basis needed by a democratic government to pursue its policy of intervention.

KEY WORDS: civil society; political philosophy; governmental versus administrative centralization; free associations versus the state; method of research; mores.

INTRODUCTION

Alexis de Tocqueville (1805–1859) is one of the first political philosophers who discussed extensively the phenomenon of civil society: free associations that exist as intermediate institutions between citizens and the state, and in which citizens can realize their social freedom and equality. Already in the first decades of the 19th century he discovered that a differentiated civil society had come into existence in the United States and

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in Western Europe. This process of differentiation was the result of private initiatives that would, according to him, promote democratization and a revitalization of society. In his view these processes of democratization and a revitalization would be threatened not so much by *governmental* centralization (which is necessary for each state) but rather by *administrative* centralization, which would restrict the self-regulation of free associations, thus frustrating the competences and responsibilities of citizens who participate in these associations. Therefore, administrative centralization should be feared for the sake of protecting free associations. However, because free associations can cause social struggle, the government should also have the competence to limit self-regulation of free associations. Moreover, each government needs a social basis that gives support to its policy of intervention. The central question of this article reads as follows: What method of research is Tocqueville employing to discover this social basis?

Discussing these questions of competency, government's intervention and Tocqueville's method of research, I employ neither juridical arguments nor arguments of political science. I discuss the philosophical questions that underlie these arguments.

Before discussing his method of research I give a short biography of Tocqueville. Second, I discuss his theory of governmental and administrative centralization. Third, I examine his view of free associations and of the relationship between freedom and equality of citizens in a democratic society. Next I consider his method of research. And finally, the scientific and social relevance of Tocqueville's philosophy is discussed.

A STATESMAN OF VISION

Tocqueville was born on July 29, 1805, in Paris. His great-grandfather on his mother's side, Charles G. Lamoignon de Malesherbes, had been the lawyer of King Louis XVI for the law court of the National Convention, and like the king he had died under the guillotine in 1793. Due to the fall of Robespierre, his parents, who were in prison, had narrowly escaped from the guillotine.

Shortly after his appointment to judge in the court of Versailles, Tocqueville decided to make a study trip to the United States (1830–31). This study trip resulted in a voluminous book, entitled *Democracy in America*; the first part was published in 1835, the second part in 1840. He was generally praised for this work, and in 1841 he was elected as a member of the *Académie Française*.

Meanwhile, he had gone into politics. In 1839 he became a member of the House of Representatives. In 1849 he was Secretary of State for a couple of months.

After the *coup d'état* of Louis Napoléon (the later Napoléon III) in 1851, Tocqueville withdrew from politics and devoted his time to writing a book on the history of the *ancien régime* and the French Revolution. This study was published in 1856, three years before his death in 1859.

The central theme of his study of American democracy and of the French Revolution is the transition of a feudal and aristocratic society to a democratic society. He argues that this transition is the process of a social revolution. However, in view of the far-reaching social and political consequences, he characterized this transitional process also as a democratic revolution (1988a, Vol. II, p. 703; 1988b, pp. xxi–xxvii). Regarding Tocqueville's theoretical elaboration of these consequences, Wilhelm Dilthey (1927, pp. 104–105) called him the most original philosopher of the 19th century, while for the same reason his work may be characterized as also relevant to our present time.

GOVERNMENTAL AND ADMINISTRATIVE CENTRALIZATION

According to Tocqueville, the French Revolution was neither a burst of emotions nor the result of abstract philosophical ideas but an inevitable consequence of certain social and political processes that had been developing in France for more than two centuries. In particular he asked for attention to processes of administrative centralization:

Let us briefly recapitulate the points established in the three preceding chapters. A single body, placed in the centre of the kingdom, administering government throughout the country; a single minister managing nearly all the business of the interior; a single agent directing the details in each province; no secondary administrative bodies, or authorities competent to act without permission: special tribunals to hear cases in which government is concerned, and shield its agents. (1988b, pp. 45–46)

Thus, in his study of the ancient regime, Tocqueville discusses under the heading of administrative centralization both competences of local and provincial institutions and competences of free private associations. In his study of the democracy in America, he distinguishes more precisely this administrative centralization from governmental centralization. The administrative centralization concerns in particular free associations. He writes:

Certain interests, such as the enactment of general laws and the nation's relations with foreigners, are common to all parts of the nation. There are other interests of special concern to certain parts of the nation, such, for instance, as local enterprises. To concentrate all the former in the same place or under the same directing

power is to establish what I call governmental centralization. To concentrate control of the latter in the same way is to establish what I call administrative centralization. (1988a, Vol. I, p. 87)

Tocqueville acknowledges that governmental centralization is necessary for the existence and survival of each state. This centralization has a bearing on the interests of all citizens and all parts of the state: the central government, maintenance of the public legal system, enactment of laws, and foreign policy. However, there are local and provincial interests as well. These can be promoted in particular by free associations such as industries, commercial enterprises, schools, and churches. If the government desires to centralize and control these interests, then Tocqueville spoke of administrative centralization. According to him (1988a, Vol. I, p. 88), this administrative centralization would teach citizens, managers, and administrators of free associations that they have no authority. They would get accustomed to following the central government.

According to Tocqueville, the situation in England and in the republics of the United States in his time were much more favorable than in France: The former countries were characterized by a strong governmental centralization, and by almost no administrative centralization. He argues that maintenance of the autonomy and the proper responsibility of free associations could prevent despotism of the central government (Tocqueville, 1988a, Vol. I, p. 89). This despotism undermines responsibilities of citizens, and as a consequence it threatens the vitality of society.

FREE ASSOCIATIONS

According to Tocqueville (1988a, Vol. II, pp. 503–506), in a democracy the principle of social equality of citizens underlies their social freedom, which means that citizens are equal before the law and that they have equal political rights to participate in the state government and in other social and political associations. However, each government, also a democratic one, makes laws and thus limits more or less the freedom of its citizens.

If the individualistic attitude of citizens is strong, and their social and political engagement is weak, then, according to Tocqueville, the temptation of the government is great to usurp administrative power. This implies the danger of administrative centralization at the cost of free associations. In this case, as I said before, the government would take over many responsibilities of citizens and would undermine the vitality of society.

Tocqueville (1988a, Vol. I, pp. 189–195) distinguishes between social and political associations. Social associations are organized to promote common private interests. Political associations are organized with the goal-

forming collective powers in order to promote or to fight certain laws, moral rules, and other issues of public life. In general, he holds that the more both social and political associations would rule their own interests, the more vital a democracy would be, and the better social and political freedom could be performed (1988a, Vol. II, pp. 513–517; see Nisbet, 1966, pp. 130–131).

In this context, some analytic remarks are necessary. Tocqueville (1988a, Vol. I, pp. 61–98) makes a distinction between relationships of the state and local and provincial institutions of public law on the one hand, and relationships of the state and free social and political associations on the other hand. Indeed, these local and provincial institutions are parts of the state, yet he is defending a decentralized authority: These institutions should have, according to his view, governmental freedom as much as possible in order to promote the competences and responsibilities of local and provincial governors (1988a, Vol. I, pp. 97–98). According to their nature, social and political associations have proper competences, rights, and duties that are not reducible to the state. These associations are no parts of the state, but, as Tocqueville characterizes them, they are free associations. Local freedom or autonomy is a relative autonomy (related to and dependent on the state). The autonomy of free associations is resting on their proper and irreducible nature and competence.

COMPETENCE AND COMPETITION

It will be clear that the possibility to establish social and political associations presupposes a peaceful society. Mutual struggle between associations that strive for their own interests only can destroy society. If industries and other free associations do not take into account the interests of the whole society, then they cannot promote social rest and welfare. Therefore, the government has the task to limit freedom of social and political associations for maintaining the public order, for respecting laws, for promoting a stable state and social rest and welfare (Tocqueville, 1988a, Vol. II, pp. 520–524).

Since in a democracy governors also have the tendency to enlarge their power, Tocqueville holds that both relatively free local and provincial institutions and free associations could serve as buffers between state and citizens (see Hereth, 1969, pp. 30–33). In this manner, despotism of the government is prevented, and a balance between social freedom and equality of citizens is promoted.

Tocqueville acknowledges that he cannot solve the problem of this balance of freedom and equality in abstract philosophical terms (1988a, Vol.

II, pp. 481–482). His attempted solution proceeds along the following lines. He discovered two tendencies among Americans: (a) some individual citizens discover possibilities for new thoughts and initiatives, and (b) other citizens are inclined to give up independent thought, and to conform with the opinion of the majority. This last category does not have the courage to live freely and independently. In contrast, those who value independence of opinion reject ideas that are the result of tradition or public opinion. They strive for an enlargement of their possibilities and chances by a restless creativity. They are eager for enlargement of happiness of life, wealth, and power (Tocqueville, 1988a, Vol. II, pp. 435–436).

Most people strive only for an increase in their material well-being. Hence, according to Tocqueville, certain philosophical and moral ideas have become dominant in the United States. These ideas are not characterized by traditional thought patterns or prejudices of rank. These patterns and prejudices could not exist in the United States because in this country quite other material life conditions exist than, for instance, in Europe. An American who wants to make a career appeals to his own insights instead of relying on the philosophical and moral ideas of others (Tocqueville, 1988a, Vol. II, p. 430). However, how is a society possible if everyone appeals to his own insights? Without an agreement on ideas, no agreement of action could exist, and thus this no society could exist.

Tocqueville (1988a, Vol. II, pp. 506–508) argues that, if social equality grows, the amount of people with an individualistic attitude will increase, and this individualistic attitude will strengthen the process of democratizing. This process also strengthens the public opinion that values individualism positively.

Therefore, it is difficult to engage individualistic people in the interests of the state unless they acknowledge that these interests concern their own interests. Since many people see the state as a danger to their freedom, and they acknowledge at the same time that individuals can counterbalance the state, they start to form free social and political associations in which they can join their strength. These associations are founded in every sector of society: industry, commerce, education, health care, and recreation (1988a, Vol. II, pp. 513–517). Tocqueville argues that if citizens would not exercise their democratic freedom and equality into free associations, then a democratic state would run the risk of administrative centralization and despotism. With the help of free associations he gives a theoretical and practical solution to the politico-philosophical problem of the relationship between freedom and equality.

Birnbaum (1970, pp. 27–29) rightly discovers a paradox in Tocqueville's analysis of American democracy: Democracy produces an individualistic lifestyle that is the basis of free social and political associations,

while these associations have the implicit goal to struggle for individualism or to lead it into organizational channels. I will not discuss this paradox, but for the sake of the central question of this article I discuss another one: Since free associations have their proper competences and rights, the competence of the state is a limited one, while the state has the implicit goal to lead free associations into organizational channels for the sake of public order. In other words, the government should acknowledge the proper competences and rights of free associations, but it also has the right of social intervention. How are we to solve this paradox?

Although the government has the competence of social intervention, according to Tocqueville (1988a, Vol. I, p. 95), its policy of intervention also needs the approval and support of citizens. This means a social basis is required to perform this policy of intervention. Moreover, and even more important in this article, is the question: What method of research is Tocqueville employing to discover this social basis?

METHOD OF RESEARCH

According to Tocqueville (1988c, pp. 51–53), the existence and survival of any society is dependent on an integrated alliance of material life conditions on the one hand, and patterns of thought, behavior, and moral values on the other hand. Material life conditions can be as a feudal social structure or relationships of social equality and other social and political institutions. Those patterns of thought, behavior, and moral values arise from material life conditions, and at the same time they can serve to maintain, to legitimize, or to change these conditions.

In the introduction of *Democracy in America*, Tocqueville writes:

No novelty in the United States struck me more vividly during my stay there than the equality of conditions. It was easy to see the immense influence of this basic fact on the whole course of society. It gives a particular turn to public opinion and a particular twist to the laws, new maxims to those who govern and particular habits to the governed. I soon realized that the influence of this fact extends far beyond political norms and laws, exercising dominion over civil society as much as over the government; it creates opinions, gives birth to feelings, suggests customs, and modifies whatever it does not create. (1988a, Vol. I, p. 9)

Thus, Tocqueville acknowledges that material life conditions of equality produce opinions, feelings, customs, and ideas that cause changes of the existing public opinion and laws. Next, he acknowledges that, “[T]he first duty imposed on those who now direct society is to educate democracy; to put, if possible, new life into beliefs; to purify its mores; to control its actions” (1988a, Vol. I, p. 12).

Tocqueville took into account a comparable process in France. The material life conditions of the French people in the feudal era were characterized by a rank structure. This social structure seemed to be unchangeable because it produced patterns of thought, behavior, and moral values that legitimize those material life conditions. Revolutionary ideas of freedom and equality of Enlightenment philosophers could not be realized because of those dominant patterns of thought, behavior, and moral values. However, before the French Revolution, the feudal rank structure was in a process of disintegration. Some revolts had already occurred that encouraged many citizens who were striving for more social freedom and equality. In consequence, traditional patterns of thought, behavior, and moral values disintegrated more and more, and this process of disintegration gave some space to achieve those ideas of freedom and equality. Tocqueville (1988b, pp. 140–141) intended to investigate the achievement of these ideas within the material life conditions: a process of growing social and political freedom and equality of citizens to participate in free social and political associations and in the state government.

Tocqueville (1988b, p. 113) argues that the French Revolution could arise from the lack of universally shared social consciousness, opinions, and values: The consciousness of an aristocratic type of society that is characterized by a rank structure was disintegrating, while ideas of social freedom and equality were not yet rooted in stable patterns of thought and action. So, there was an ideological vacuum that could be filled by ideas of the Enlightenment philosophy, but not immediately! In order to do so, these ideas needed to be rooted in material life conditions that could make them fruitful. But these conditions had already changed a lot in that time.

In the French society of the second part of the 18th century, both changing material life conditions and changing patterns of thought, behavior, and values existed, which together made people susceptible to new ideas of freedom and equality. So, Tocqueville did not defend a one-sided materialistic interpretation of society because then he would disparage the significance of immaterial factors (Salomon, 1935, p. 417). Neither had he an idealistic approach, starting with philosophical and moral ideas, because then material factors would be disparaged (Herr, 1962, p. 36).

Many critics of Tocqueville argue, and rightly so, that he uses as a method of social research assumption of an integrated alliance of material life conditions on the one hand, and patterns of thought, behavior, and moral values on the other hand. However, discussing his method of research no critic clarifies what the precise link is between these material and immaterial factors. My thesis is that this link is the interaction between material life conditions and immaterial factors (patterns of thought, behavior, and moral values) that generates *mores*: different notions, various opin-

ions, and ideas that shape mental habits (“*moeurs*”). These mores make people susceptible to new ideas, which can be linked with ideas of Enlightenment philosophers, and which they can pursue in a revolutionary direction. The words “mores” and “mental habits” show precisely the link of that integrated alliance in his method of research. Discussing ideas and arguments of Enlightenment philosophers, Tocqueville writes (1988b, p. 11): “Arguments of this kind can not succeed till certain changes in the conditions, customs, and mental habits [“*moeurs*”] of men have prepared a way for their reception.” Interaction between changing material life conditions and changing patterns of thought, customs, and values generates new mores that shape mental habits.

As I said before, in the United States the material life conditions caused people to be less inclined to accept the opinions of authorities. Rather, they were inclined to accept the opinion of those who were their equals: the public opinion that was characterized by ideas to enlarge happiness of life, wealth, and power. In the United States the material life conditions and certain philosophical and moral ideas are linked by mores of an individualistic lifestyle.

Tocqueville (1988a, Vol. II, p. 287) writes that he considered mores “to be one of the great general causes responsible for the maintenance of a democratic republic in the United States.” He continues:

I here mean the term “mores” (“*moeurs*”) to have its original Latin meaning; I mean it to apply not only to “*moeurs*” in the strict sense, which might be called the habits of the heart, but also to the different notions possessed by men, the various opinions current among them, and the sum of ideas that shape mental habits. So I use the word to cover the whole moral and intellectual state of a people. . . . I am only looking for the elements in them which help to support political institutions.

Thus, Tocqueville discusses mores as the “great general causes” maintaining the democratic republic. Next he investigates in particular those “elements” of mores which help to support political institutions that should serve their social and political freedom.

Here I come back to the central question of this article: What method of research is Tocqueville employing to discover the social basis a government needs to pursue its policy of social intervention? The government should investigate the material life conditions that produce certain mores. These mores may be strengthened in opposition to such a policy. However, it may also be possible that this pattern of thought changes in favor of that policy. Whether this pattern of thought will change depends on opinions, ideas, and evaluative judgments that citizens have of a given sociopolitical situation. However, without mores as the basis of support, a democratic government is not able to pursue its policy of intervention.

CONCLUSIONS

Tocqueville defended the proper competence of free associations by the argument that citizens themselves should promote their own social, political, economic, and cultural interests. The government can promote these interests less effectively and efficiently, and if it would do so, administrative centralization and despotism would be the consequences. Moreover, the vitality of society would be undermined. The competence of the state should be restricted to maintain the public law system and a safe and peaceful society. Only if the public law system were in danger should central government make restrictive rules for free associations. Thus, the nature of the relationship between the state and free associations should be determined by the government's acknowledgment of the autonomy and proper competence of these associations on the one hand, and by the maintenance of the public law system on the other hand.

In general it is difficult to answer the question of what the bounds of the government can be in restricting self-regulation of free associations for the sake of the public law system. Yet, we can answer that these bounds come to the fore if the interests of these associations dominate general interests, and if the public law system, social peace, and safety are in danger. However, free association should fight the rules of government if these rules frustrate their competence and if there is a danger of despotism. This danger comes not only from the side of the government but also from free associations themselves. I shall end by clarifying this briefly.

The philosophical differentiation between the state and free associations may be clear in principle, but from a juridical point of view this differentiation is still vague. For instance, we can ask questions about the relationship between (a) legal restrictions of the government for the sake of the public order, and (b) giving as much space to free associations as possible. This problem will be even more complicated if self-regulation of free associations concerns public interests. We may conclude that Tocqueville did not intend to defend a classical liberal constitutional state; he rather had in mind the idea of a social liberal constitutional state, which means that the government makes social and economic laws for the sake of the general interest. Moreover, law is also created by industries and free associations, for example, by employment contracts. These contracts are products of the autonomy of trade and industry, and in particular of competent business parties that form their own social and economic law with consequences for the public law system. So, there is an "intermediate law sphere" between public law of the government and private law of free associations. Next, lawyers are eager to formulate substantial and procedural criteria to check laws of the government, and new social and economic

laws of free associations. Since the time of Tocqueville, law has been expanded to other social areas apart from the area of labor and industry. Thus, the problem is not that there is self-legislation of free associations. The problem is the substance of this self-legislation in relationship to the competency of the government, and in relationship to the social basis the government needs for its policy.

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