Tocqueville's Old Regime: Political History

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It has been said of Alexis de Tocqueville that he is the most frequently quoted and least read author of all, rivaling and surpassing even William Shakespeare for this dubious honor. Virtually every American social scientist who as much as pays lip service to tradition manages to quote Tocqueville at least once. But this deference is to the author of Democracy in America, not of The Old Regime and the Revolution, for the latter book is, with the exception of one passage, neither read nor quoted. The Old Regime is neglected today because it is a political history, and today political history is not appreciated. What is "political history"?

Tocqueville's "political history" belongs to a genre of which he considered Montesquieu's "Sur la grandeur et la decadence des Romains" to be the finest example. Tocqueville thought that the nature and habits of his intellect suited him to evaluating modern societies and foreseeing their probable futures, but at the same time he believed he could do this most effectively in historical studies. While flatly denying that one can learn lessons from history in any simple sense, he did nonetheless hold that from an examination of historical particulars one can grasp the universal principles of social existence. His intention in writing The Old Regime was to enable his reader to achieve this same grasp. He, like Montesquieu, would not merely recount facts, but make known their causes and consequences and judge them. He would have to choose his facts well, so that they supported his theses. He would have to present them without making "the character of the

¹ Russell Baker, "Off the Top of De Tocq," in *The New York Times*, 23 November 1976, p. 33.

² Alexis de Tocqueville, *The Old Regime and the French Revolution*, trans. Stuart Gilbert (Garden City, New York: Doubleday, 1955), pp. 176-77. Tocqueville was perhaps the first to expound the theory of "revolutions of rising expectations."

³ Tocqueville to Kergolay, 15 December 1850, in Correspondance d'Alexis de Tocqueville et de Louis de Kergolay, ed. J. P. Mayer (Paris: Gallimard, 1977), p. 233. The full title of the work of Montesquieu's to which Tocqueville refers is Considérations sur les causes de la grandeur des Romains, et de leur decadence.

⁴ *Ibid.*, p. 231.

⁵ Tocqueville to Freslon, 11 September 1857, in *Oeuvres et correspondance inédites*, ed. Gustave de Beaumont (Paris, 1861), 2: 406.

⁶ Tocqueville to Kergolay, Correspondance, p. 232.

work . . . visible" in the hope that "the reader would be conducted naturally from one reflection to another by the interest of the narrative." Thus what I have called political history is understood by Tocqueville to be a selective, but not necessarily incorrect, use of the facts of history for the purposes of shedding light on the present and of teaching others to see and judge the present for themselves. Given Tocqueville's stated intention, we cannot read his work as either scientific history or political polemic.

Thus The Old Regime and the Revolution is a "study" of the French Revolution (p. vii),8 that is, not so much a narrative as an attempt to bring to light its nature and causes.9 Tocqueville insists that the revolution, the violent Revolution of 1789, had particular causes in the French character which could have led to this revolution only in France, or at least would not have led to revolution elsewhere (pp. 210-11). At the same time, the downfall of the Old Regime had more "ancient and general" causes (p. 138), which Tocqueville treats at great length. If these ancient and general causes cannot or need not be ascribed only to France or only to a specific historical situation, then Tocqueville's history of the revolution is not a mere history of the French Revolution. Revolution is a political phenomenon, and one might suppose that the most ancient and general causes of political phenomena lie in the natures of mankind and government. If an analysis of The Old Regime reveals that Tocqueville does understand the causes to be so ancient and general as to be timeless and universal, then this history can be considered as comprehensive in scope as any work of political science or theory.

The Foreword of *The Old Regime* might lead one to suppose that the author had not a comprehensive design, but two distinct and disparate purposes in writing the book. The supposition is supported by much that we know of Tocqueville's actions and express thoughts prior to and during his writing of it.¹⁰ The book

⁷ Ibid., p. 232-33.

⁸ Although for the convenience of my readers I have used the readily available Gilbert translation wherever possible, I have corrected it as necessary. I have retained Tocqueville's original title, *The Old Regime and the Revolution* (not *The French Revolution*). All corrections are based upon the definitive edition of L'Ancien Régime et la Revolution, ed. J. P. Mayer (Paris: Gallimard, 1952).

⁹ Cf. Antoine Redier, Comme disait Monsieur de Tocqueville. . . (Paris, 1925), p. 257; Marcel Reinhard, "Tocqueville Historien de la Revolution," Alexis de Tocqueville: Livre du Centenaire 1859-1959 (Paris, 1960), p. 171.

¹⁰ The best biography of the period of Tocqueville's life during which he wrote *The Old Regime* is Richard Herr, *Tocqueville and the Old Regime* (Princeton, 1962).

appears as, first, a scholarly study of the Revolution. The Revolution was intended by its progenitors to remake society wholly anew; it was the greatest attempt to break completely with the social and political past and consciously to mold society in accordance with "simple and elementary rules of reason and natural law" (p. 139). But according to Tocqueville the revolutionaries failed in their objective. Consequently he contends that in order to understand the post-Revolutionary world as well as the unprecedented Revolution one must analyze the Old Regime, from which both the Revolution and post-Revolutionary society emerged. Tocqueville's own analysis depended chiefly on his examination of the historical records of the eighteenth century, by which are meant not only documents of social, economic, and political data, but the private papers of government officials (which often reveal how things were as distinguished from how they appeared to be) and the cahiers of 1789 (which reveal how the various classes of the Old Regime wished things to be). 11

At the same time, Tocqueville implies that the book has a direct political intention as well as a scholarly one. In the Foreword he expresses a fear that his readers will accuse him of displaying an inappropriate taste for liberty (p. xii), and his fear might well be justified, for he immediately proceeds to give an impassioned defense of liberty.

While Tocqueville's dual intention is generally acknowledged by commentators on *The Old Regime*, few, if any, have endeavored to connect this observation to their commentaries on the book as a whole, for they have not taken to heart Tocqueville's express admiration for the genre of political history. Some have attempted to view his book as a conventional historical work, evaluating Tocqueville's method and facts, and some have used it as a fact of Tocqueville's own biography. Others have attempted to view it as a political statement, but most often these have merely reiterated Tocqueville's express intention and summarized the book. 12 None

In a footnote (p. 714) to a crucial passage in *Democracy in America* (p. 47), Tocqueville recommends that one study the opinions and mores of the founding generation of a republic in order to appreciate their influence on its future (Alexis de Tocqueville, *Democracy in America*, trans. George Lawrence [Garden City, New York: Doubleday, 1969]). Not having made this recommended study with respect to America, Tocqueville there provides a bibliography of historians who have done so. One might say that it is precisely this kind of study that he himself has made with respect to the French republic in his preparation of *The Old Regime*.

For useful surveys and bibliographics of the secondary literature on The Old Regime, see Herr, Tocqueville, pp. 107-35; and Pierre Birnbaum, Sociologie de Tocqueville (Paris,

have effectively proved, by means of an explication of the book as a whole, that Tocqueville's integration of historical scholarship and political prescription amounts to a coherent intellectual enterprise, as worthy of attention in 1981 as in 1856. Not surprisingly then, Tocqueville scholars have failed to revive the work's popularity. My purpose here is to determine whether and how The Old Regime, read as intended to be read, still merits study today.

As an historian, Tocqueville begins by posing questions about the Revolution and the Old Regime to be answered (p. x): First, why did revolution, which was being prepared at the same time throughout almost all of Europe, break out in France? Second, why did it issue as if by itself from the society it was going to destroy? Third, how did the ancient monarchy fall so completely and suddenly? The first question is the explicit theme of the second and third parts of the tripartite first volume of the work. The third question is said to have been answered at the end of the second part. The second and perhaps most interesting question cannot be said to have been fully answered in any one place in the book; perhaps it is then the thematic question.

As would-be judge and prognosticator of modern societies, Tocqueville includes in his Foreword, as we have noted, a seemingly inappropriate paean to liberty. The paean is in fact not inappropriate in Tocqueville's mind, nor is it unconnected to the historical issues he raises, as can be seen with some reflection on his words. The liberty he defends is to be appreciated in contrast to not merely the despotism of the Old Regime, nor to the Second Empire's in whose shadow Tocqueville wrote, but to despotism as such.

Despotism, characterized by the absence of liberty, encourages what Tocqueville considers to be certain vices which are natural to mankind, but can be made to be more or less predominant. For a wealthy man to do everything possible to avoid paying

1970), pp. 154-59. Herr apparently wishes to avoid the defects of previous commentaries, but he tellingly divides his survey into chapters entitled "The Old Regime As Tract" and "... As History." While a number of the early reviews of The Old Regime as well as some of the best contemporary analyses reflect an appreciation of Tocqueville's endeavor, none could really be taken as an attempted proof of its soundness. Cf. for example, Frederick Passy, Journal des économistes, 2e serie, 13 (1857), 43-59; Ed. Scherer, Le Temps, 7 May 1861; A. Villemain, Journal des Debats, 1 July 1856; G. Lefebvre, "A propos de Tocqueville," in Annales historiques de la Revolution Française, no. 141 (1955).

13 The first edition of *The Old Regime* not only sold out within two months of publication, but the book was highly regarded by the French Academy and the Academy of Moral and Political Sciences. Herr, *Tocqueville*, pp. 89-90.

taxes, while shifting the increased burden to men far poorer than he—as did happen especially in the latter years of the Old Regime—is at least illiberal, if not unjust. Liberty, in contrast, causes men to dissemble and so to diminish their vices; at the same time it forces them to display and so to develop certain virtues, especially public or political virtues, for which human beings have a natural capacity also. Rich and poor will seriously deliberate in common—as for example did the English—about what government is to do and how its activities are to be financed only when the poor know that they alone will not foot the bill (p. 199). Furthermore, liberty creates the "light enabling all to see and appraise men's vices and their virtues as they truly are" (p. xiv). Thus the liberty that Tocqueville so ardently defends he understands to be a necessary precondition of both moral and intellectual virtue.

Virtue, as it has traditionally been understood, is or is necessary for the perfect functioning of a human being. 14 Recalling this, we might interpret a remark of Tocqueville's: He wishes to write as a doctor, diagnosing the patient's fatal illness and considering how he might have been saved; he seeks to discover the laws of life (p. xii). There is no inconsistency or even disjunction between Tocqueville's scholarship and his partisanship for liberty if he can demonstrate two things: that the life or health of human and political organisms cannot be preserved without liberty and that the malady from which the Old Regime and the unsuccessful revolutionaries suffered was an insufficient appreciation of liberty. 15

Turning to the body of the text of *The Old Regime*, we find that it consists of three parts (each of which is divided into chapters), end notes, and an appendix.¹⁶ The purpose of the first part seems to be to establish the necessity of Tocqueville's study by showing how it might correct common and fundamental misconceptions about the French Revolution and its intention. In making his cor-

¹⁴ Cf. Aristotle Nicomachean Ethics 1097b22-1098a18.

¹⁵ Voltaire, the prototype of the makers of the Revolution, both failed to appreciate the dependence of British intellectual freedom on political freedom (p. 158) and underestimated the desire of the French immediately before the Revolution for political freedom as well as economic reform (p. 166).

¹⁶ The second volume of *The Old Regime*, lest incomplete at Tocqueville's death, has been published in a definitive edition, Alexis de Tocqueville, *L'Ancien Régime et la Revolution*, ed. J. P. Mayer (Paris: Gallimard, 1953). Substantial portions have been published in English in *Tocqueville: The European Revolution and Correspondence with Gobineau*, ed. and trans. John Lukacs (Garden City, New York: Doubleday, 1959). Because of its fragmentary nature, I have not attempted to treat the volume thematically.

rections, Tocqueville implicitly shows the limits by which all politics, including modern politics, is necessarily circumscribed. The Revolution of 1789, we learn in the first chapter, was universally unforeseen, yet so long in coming that it should have been foreseen. It caught not only statesmen, but philosophers, by surprise. Because it was so dramatic, yet so surprising, people tended to see it as a terrible, supernatural phenomenon, either satanic or providential. Had they seen it as does Tocqueville—as a natural and likely political development—they might have responded to it more sensibly. Tocqueville suggests that a political science like his, which teaches what can reasonably be foreseen, is necessary at least to secure, if not to guide, rational political action.

Those who were not so awed by the events of the Revolution as to be unable to form some opinion about their significance formed what was, on the whole, an incorrect opinion, according to Tocqueville (pp. 5-9). The most frequent interpretation of the meaning of the Revolution was that it was meant to destroy religion and weaken political power. But this too superficial view mistakes the accidents for the essential. It is true that the Revolution attacked and attempted to abolish all existing religious, social, and political institutions and that it sought to banish from the human spirit the idea of respect for established powers, traditions, and mores. Because the Church had become the most powerful and privileged institution of the Old Regime, not merely the institution, but its foundation in the Christian religion itself, had to be attacked. Yet this initial radical destruction was the necessary preliminary of an intended radical reconstruction. Not anarchy, but a newer and even stronger order was the intention of the Revolution.

Later in the book (p. 151), Tocqueville gives a more sophisticated account of this attack on Christianity. Because of its power, the Church served in men's minds as a model for secular government. But the Church's order reflects Christianity's order. Since the new order intended in the Revolution would prove inconsistent with the Christian model of order then holding sway over opinions, then for this reason too that model would have to be destroyed. Similarly, all social and political institutions of the Old Regime that could not be accommodated to the new conception of order would have to be cleared away. Although the French Revolution can be said to have had as its purpose the destruction of the Christian religion and the Old Regime in which Christian

institutions dominated, it would not follow that the intention was the destruction of all religion and government in every sense.

Indeed, so far were the revolutionaries from intending to destroy all religions that they attempted to give their own enterprise the form of a religion. This aspect of the French Revolution was novel and significant.¹⁷ Let us recall, with Tocqueville, the characteristics of a religion like Christianity. 18 It treats of man in himself and provides a common ground on which human beings can unite despite their particular national laws, customs, and traditions. Its end is above all to regulate the relations of man and God, but it also defines the rights and duties of men toward one another. Because its foundation is in human nature itself, 19 it can in principle be received and applied universally, and it is therefore able to use advantageously propaganda and proselytism. The first political revolution to resemble a religious revolution, the French Revolution made a principle fundamental and sought to unite men as citizens of a sort of intellectual cosmopolis, despite their differing nationalities. It spoke of the citizen abstractly, and because its patrie was "so to speak more natural" (p. 12), it invited universal imitation. Because it purported to regenerate the whole human race rather than merely to reform France, it too lent itself to propagandizing and proselytizing. It actually became a sort of religion, although Tocqueville himself finds it to be rather imperfect with its lack of a god, rituals, and belief in an afterlife. In sum, it would be correct to say not that the Revolution meant to destroy all religions, but that it wished to appropriate to itself the mode of religion and the enthusiasm religion can inspire.

Why the French Revolution was the first political revolution to assume this character Tocqueville does not clearly state.²⁰ He is

¹⁷ Since then, the same observation has often been made about Communist revolutions and twentieth-century phenomena like National Socialism and nationalism.

¹⁸ Tocqueville clearly distinguishes between Christianity and the pagan cults of antiquity in this respect (p. 12).

Tocqueville's statement that the "foundation" of religions lies in human nature (L'Ancien Régime, p. 88) should perhaps be modified, since he acknowledges in Democracy that an argument about the human need of or desire for religion is not the same as demonstration of the veracity of religion in general or of any religion in particular, hence of its "foundation" in another sense.

²⁰ Indeed, he raises the reader's curiosity by adding the following observation: "In all periods, even in the Middle Ages, there have been leaders of revolt who, with a view to effecting certain changes in the established order, appealed to the universal laws governing all communities, and championed the natural rights of man against the State. But none of these ventures was successful; the firebrand which set all Europe ablaze in the eighteenth century had been easily extinguished in the fifteenth" (p. 13). What had happened since the fifteenth century?

concerned to point out that certain changes must have occurred in society to make people more susceptible to the revolution's propaganda. Even more extraordinary than the new methods and ideas of the French Revolution was the fact that so many people had come at the same time to be ready to accept them (p. 13). Thus we are further led to wonder what had changed and how that change had come about.

Moral and political principles command the respect of human beings because they are held either to be divine in origin or to accord with some natural order. (Otherwise, we might be tempted to think that the principles were merely devised by whoever was in power for his own benefit.) Every religion purports to define a whole, a unity of ordered parts which is complete and demonstrably so. From religion's elucidation of the whole that includes man in his relation to all other beings moral and political precepts are deduced. Similarly, the revolutionaries sought support for their design of a new political order in the claim that their principles were in accord with the laws of nature.

As Tocqueville makes quite clear, especially in the second and third parts of *The Old Regime*, the new principles did contradict Christian principles.²¹ Perhaps more to the point, however, is that in Tocqueville's opinion there is still another political alternative at least as comprehensive as the revolutionaries'.²² In chapter four of part one, he observes as follows:

The various races which, after overthrowing the Roman Empire, ended up by forming the nations of modern Europe, had different ethnic origins, came from different regions, and spoke different languages—indeed, the only thing they had in common was their barbarism.

Once these races were firmly entrenched within the boundaries of the Empire, there followed a long period of intertribal warfare, and when at last this period ended and their respective territorial limits had been stabilized, they found themselves isolated from each other by the ruins they themselves had caused. Civilization was practically extinct, public order non-existent; communications had become difficult and precarious, and the great European family was split up in-

The government's attempt to make itself omnipotent is, of course, an attempt to make God superfluous (cf. pp. 70-71). Moreover, on p. 151, Tocqueville spells out "the very principles on which the Church was founded [which] were incompatible with those our writers wished to embody in the new, ideal system of administration they had set their hearts on."

²² It does not appear from Tocqueville's account that there is any necessary, as distinguished from historical, connection between feudalism and Christianity.

to a number of hostile communities, each an independent unit. Yet within this incoherent mass there developed with remarkable suddenness a uniform system of law.

These institutions were not an imitation of Roman law The system we are now discussing was an original creation, vastly different from any other code of laws devised for the maintenance of the social structure. Its various elements dovetail neatly into each other, forming a symmetrical whole quite as coherent as our modern legal and constitutional codes, and were skillfully adapted to the needs of semi-barbarian peoples (p. 12).

Feudalism, no less than Christianity and modern democracy claim to be, was, in Tocqueville's judgment, a whole, an order arising seemingly naturally and suited to what might be called natural man.²³

The significance of Tocqueville's contention is twofold. First, in presenting feudalism as a secular alternative to the intended secular society of the Revolution, Tocqueville can establish a basis for opposing or at least criticizing the eighteenth-century philosophers on a ground they and their followers accept. Even without taking the side of religion against politics, one can still reopen the question of which order—the old or the new democratic one—is according to nature, thus shaking the certitude of the revolutionary claim. This is of political importance especially because the French Revolution initiated what we now call ideological politics. It professed to be based on a theory, whereas traditional politics never made that profession (even if it ultimately implied a theory). Second, if there has been no theoretical resolution of the issue of which order is correct or more correct according to nature, then pending resolution, it seems necessary for practical purposes to decide the issue on practical grounds. One must then ask: Does a theory support a society which is manifestly not a coherent and stable whole in practice and which is therefore not politically choiceworthy? In implying that the inquiry best proceeds in this practical manner, Tocqueville in effect rejects the eighteenth-century attempt to make theory precede practice. He seems to agree with the philosophers that the nature of a whole is a subject for rational inquiry, not a matter of faith, but he seems to disagree with many modern

²³ Whatever Tocqueville may mean by "natural" man, in neither *The Old Regime* nor *Democracy* does he mean an autonomous, presocial and political animal. In contrast, cf. Thomas Hobbes, *Leviathan*, chaps. 13 and 14 (beg.); Jean-Jacques Rousseau, *Second Discourse*, part 1 (beg.); *The Social Contract*, bk. I, chap. 6.

philosophers in his insistence that the beginning point of the inquiry must be practice. In any case, the fundamental assumption shared by all parties to the dispute is that any order commanding the respect of human beings and the obedience of free and moral beings must be, or claim to be, a whole.

In chapter four, as elsewhere in the book, Tocqueville argues that medieval institutions, afflicted with some secret malady, had decayed much before the Revolution. The Revolution was the culmination of the efforts of ten generations,24 and the violent revolution of 1789 only completed the then-inevitable crumbling of feudal institutions. Yet since Tocqueville never mentions any inherent defect of these institutions, he may have thought them not intrinsically unsound or unstable. Rather, it was a curious new spirit (pp. 18-19), utterly foreign to them and their spirit, that sapped their vitality. What the new spirit was, Tocqueville allows us to see in parts two and three of the book. The present point, however, is that if feudalism did not engender the new spirit that undermined it and if the development of that spirit was not some essential aspect of the progress of civilization, then for Tocqueville aristocracy remains a political alternative, even if not possible at present. This is not to say that he calls for a return to medieval feudalism-he surely does not do so. His intention in depicting it seems to be to enable us better to understand our new regime by understanding what it is not in order that we be able to perceive and provide for its deficiencies. The political science called for by Tocqueville at the beginning of his book must enable one not only to foresee events but to evaluate as far as reason permits all political alternatives with a view to their claims to be wholes.

Part two of the book treats of the "ancient and general" causes of the Revolution; part three of the "particular and more recent" causes (p. 138). The various chapters in the second section chronicle certain aspects of French political and social life and of governmental policies in the eighteenth century, but they are also meant to be more than an accurate history of France. These are "ancient and general" facts precipitating the Revolution or, more precisely, preparing the downfall of the Old Regime (p. 137). On reflection, the most ancient and general facts of which political science must take account are, at the least, human nature and the

²⁴ In the Gilbert translation this is printed as "six" generations (p. 20).

nature of government and politics.25 At times, Tocqueville does make this deeper level of analysis explicit: the nature, if not the condition, of the French peasant has long remained unchanged (p. 30). The ancient monarchy, in its efforts to centralize political power, acted as any government naturally tends to act (p. 58). The French aristocracy, at the most crucial moment in its history, was faced with the same choice the English aristocracy faced at some point or points in its history (pp. 97-99). And, finally, all of the little facts described in part two are said to add up to a great law of God in the conduct of societies (p. 135).26 These ancient and general facts analyzed by Tocqueville are not of mere historical interest, but of theoretical and contemporary practical interest as well. For the revolutionaries did not wish or were unable to repudiate many things in constructing the new order. So these aspects of the Old Regime are aspects of the post-Revolutionary world too.

By the eighteenth century, and certainly by the decades immediately preceding the Revolution, feudal institutions had broken down to such an extent that the nobility retained many of its privileges, but virtually none of its political authority. The privileges were not merely honorific and social, but economic. While the nobles paid almost none of the heavy taxes levied by the central government, they still received numerous feudal fees and rents from the lower classes. Indeed, feudalism came to be more hated in France than elsewhere, despite the fact that its destruction had proceeded further there than anywhere else. The peasants had, to a surprising degree, become small landowners (pp. 22-23). The substantial fees and rents they paid to feudal lords and to the Church now came out of their own, not the lords', profits. This economic burden inspired hatred and envy in the peasantry. Further contributing to their hatred and envy was the fact that the nobles no longer had traditional feudal powers and responsibilities. If the nobles could no longer abuse the peasants capriciously, neither could they assume their ancient duties of administering justice and law and of succoring their own peasants during famines. Just as we begrudge government our taxes less when we believe that we are receiving some benefits in return, so

²⁵ Ultimately, from both the religious and philosophic points of view, one would also have to take into account the nature of God or of nature and the way in which He or it does or does not impinge on political life.

²⁶ The law is that in dividing men to rule them, one leaves oneself with no whole, that is, nothing, to rule.

the peasantry would have resented the nobility less had the nobility not lost its political authority (pp. 30, 204). Given this loss, the peasants' hatred and envy of the nobility went unmitigated.

In the next several chapters (2-7), the reader learns how the monarchy centralized all administrative power under its own authority. (Tocqueville denies that the creation of a highly centralized administration was, as was then generally believed, the work of Napoleon.) The authority of agents of the central government replaced not only feudal authority, but the self-government that towns and villages had enjoyed in the Middle Ages. What was most shameful about this centralization - what Tocqueville calls the most shameful feature of the Old Regime (p. 43)-was that towns were deprived of their liberty and then allowed to buy back from the monarchy the right of self-government. The right was withdrawn and granted again on numerous occasions. The purpose of this deprivation could not then have been political; it was financial. Moreover, the town governments themselves became increasingly oligarchic with the monarchy's sanction; so most people, left with the shadow, but denied the substance of self-government, lost interest in public affairs (pp. 43-46, 236-48). As the quality of local administration consequently declined, the only remedy considered was more centralization.

In seeking to direct all affairs by itself, the government of the Old Regime did not act according to a premeditated plan; it merely followed the instinct of any government (p. 58). For to govern, carried to its logical conclusion, does mean to direct all things. Powers naturally tend toward unity, and the only way of dividing them, thereby permitting some degree of liberty, is to create by art secondary powers (p. 60). Such secondary powers did exist in feudal aristocracy, but the aim of both the late French kings and the revolutionaries was to destroy aristocracy. The inference to be drawn is that if the need for secondary powers is not appreciated and met, then democracy may have no more natural defense against centralization, which tends to despotism, than does absolute monarchy (p. 209).

In the last half century of the Old Regime the central government sought not only to do things by itself, but to do more kinds of things. Instead of merely providing emergency grain in times of famine, for example, bureaucrats sought to teach peasants how to farm more effectively. The government became both tutor and master. Its agents were jealous of any attempt at independent ac-

tion. The government, Tocqueville says, had come to replace Providence (p. 70). And, like Providence, it created not only dependence on itself, but a demand for exceptions in one's favor (as is implied in prayer). This new understanding of the role of government came to be so widely accepted that there are records of farmers blaming the government for poor growing seasons (p. 71). The government of the Old Regime was not inept (pp. 65-66); rather, it set tasks for itself that no government could have accomplished. In thus raising unreasonable expectations in those it governed, it created a source of constant dissatisfaction with itself. For this reason, and because the government often found it more convenient to act arbitrarily itself, it created a general sentiment in favor of lawlessness.²⁷ Tocqueville's observations lead us to wonder whether the modern welfare state, with its ambitious goals and frequent disappointments, did not have its origins in eighteenth-century monarchy.²⁸At the least, the revolutionaries of 1789 were so imbued with the habit and idea of living under a highly centralized and powerful government that they never thought to abandon this aspect of the Old Regime (pp. 8-9, 60, 71-72, 159-68).

Another distinctive characteristic of the late Old Regime was that men became increasingly similar to one another. Although the different social classes were becoming similar, they refused to accept the consequences of the fact. The nobility, having retained its economic privileges after losing its political authority, nonetheless lost its vitality and therewith its economic prosperity. The bourgeoisie, meanwhile, prospered greatly and gradually came to have the same education, tastes, habits, and pleasures as the nobility. Despite their similarity, the classes did their best to maintain their status as distinct groups, becoming increasingly isolated and self-regarding. The nobility held firmly to its privileges. The bourgeoisie, seeking its own prestige and economic advantage, moved to the towns and purchased public offices (which entailed tax exemptions). But it had no wish to have anything in common with the artisans, tradesmen, and lower

For what Tocqueville considers the worst consequences of this habitual lawlessness, see especially part 2, chap. 4 (pp. 52-57) and part 3, chap. 6 (pp. 188-92).

²⁸ Tocqueville does explicitly contend that the principle of socialism originated, in effect, with Louis XIV, who invoked for the first time the feudal principle that all property belongs to the state and, therefore, that all titles to property are conditional and subject to challenge by the state (p. 189).

²⁹ The following paragraph of my text is a summary of the argument of chaps. 8-10 of part 2.

classes of the towns. The peasantry was left totally isolated: the nobles lived among peasants, but neither ruled them nor behaved to them as fellow citizens. The bourgeoisie moved away from them. Despite its avowed concern for peasants, the central government did little or nothing to improve fundamentally their way of life; it viewed them chiefly as a source of revenue. The "individualism" of the Old Regime differed from the individualism and alienation characteristic of contemporary life only in that it was still an individualism of small groups. At the root of this separation and apparent desire for distinction, Tocqueville again finds envy: no one would have insisted on his status if no one else had been given a privileged position above a homogeneous mass (p. 96). The ultimate cause and effect of this situation, Tocqueville asserts, is lack of political liberty.

The malady to which the Old Regime eventually succumbed was contracted at a specific moment in history.

It was on the day when the French people . . . permitted the king to impose a tax without their consent and the nobles showed so little public spirit as to connive at this, provided their own immunity was guaranteed—it was on that fateful day that the seeds were sown of almost all the vices and abuses which led to the violent downfall of the old regime (pp. 98-99).

What happened, in effect, was that the French nobility lost its political virtue, ceasing to be an aristocracy (in the sense of the rule of the best) and becoming a caste (a privileged group distinguished solely by birth). Over the honor and burden of participating in governing, its members chose private economic advantage. The vice of greed triumphed over the love of liberty and ambition that engender public virtue. Greed leads most surely to envy, whereas love of liberty and ambition eventually discover the necessity of cooperation for the common good.30 In part two of his book Tocqueville has shown the vices of envy and greed to be present in virtually everyone-peasant, bourgeois, nobleman-with two exceptions to be noted below. The kings of France, too, were greedy, though they retained the ambition to rule. What they lacked was foresight, for in tempting the nobility to succumb to vice, the kings secured for themselves a Pyrrhic victory.

³⁰ For a concise description of the psychology of this transformation, see *Democracy*, pp. 509-513.

At one point Tocqueville suggests that the policy of the kings and nobles might be understood to have been necessary (p. 98). France was exhausted and on the verge of economic collapse. But the necessity of raising money does not explain why the kings did not appeal to the nobles for assistance; the explanation lies rather in their ambition to rule exclusively. Nor does the necessity explain the decision of the nobility to relinquish political power for the sake of economic advantage. Tocqueville makes this quite clear in his frequent contrasts of the English and French nobility.31 The English nobility consistently chose to pay heavier taxes in order to retain its right to govern. And although the bourgeoisie prospered as much in England as in France, so also did the English nobility. Moreover, because the English nobility chose to retain its political authority, thereby assuming the task of defending the political liberty of the nation vis-à-vis the king, it made possible the eventual extension of liberty. This the French never succeeded in doing, before or after the Revolution. While retaining its distinctive manners, the English upper class had to deliberate in common with the bourgeoisie, and so was compelled to take an interest in their common problems. In retaining its local authority, the nobility was forced to show a far greater concern for the material and moral well-being of the peasantry than did anyone in France. In contrast to the French, the English nobility remained dissimilar, but not isolated.

Finally, as noted earlier, there is an appendix to Tocqueville's book (pp. 212-21). It is a description of Languedoc, a pays d'etat in which a substantial amount of local autonomy survived. Tocqueville says that such provinces were historically insignificant by the eighteenth century; so why then does he devote ten or so pages to explaining how Languedoc was governed? The reason becomes clear from his account.³² We learn that Languedoc, which kept its self-government and a semblance of popular government, even while paying the central government dearly for its privilege, maintained its prosperity and even undertook numerous costly projects to promote the common advantage. Thus even if provision for economic necessity or well-being were one's primary con-

³¹ See especially pp. 18-19, 69-70, 81, 82-84, 88, 97-98, 141, 145-46, 153-54, 175, 281, 283-86.

³² Cf. Herr, *Tocqueville*, pp. 82-88. On the whole, Herr's monograph is useful as a biography of Tocqueville, rather than as an analysis of *The Old Regime*. Despite Herr's claim to have fathomed its depths, discovering the "ocean current" beneath its "whitecaps" and "tides" (p. 35), he fails to do so because he fails to develop his own observation that Tocqueville insists that his end is to force his reader to fathom the human soul (pp. 35-36).

cern, one would not have to destroy political freedom. Anyway, in adopting the policy it did, the French government never did solve its economic problems.

Nor did the Old Regime ever succeed in quashing the desire for liberty; it only perverted that desire. When the central government expanded its administrative powers and usurped legislative powers by preventing the Estates-General from convening, it effectively made the judiciary the locus of politics (pp. 58-59). The judiciary was the last free institution to be fully suppressed, and there was considerable furor when that was accomplished in 1771. The judiciary had been the only institution of the late Old Regime that contributed to the education of a free people. For "the courts were largely responsible for the notion that every matter of public or private interest was subject to debate and every decision could be appealed from; as also for the opinion that such affairs should be conducted in public and certain formalities observed" (p. 117). Administrative centralization is to be regretted because it makes a government incapable of meeting the demands it allows to be placed upon it, thereby making it potentially unstable. But it is to be most regretted because a people can be free and virtuous only when it is in the habit of deliberating about public and private interests and when it is habituated to respect the forms within which deliberation and debate properly take place. The possibility of such deliberation was absent at the end of the Old Regime, and the benefits of deliberation were hardly obvious to the Parisian mobs who set the tone of French politics from the time of the Revolution on.³³ Indeed, one of Tocqueville's greatest concerns is whether any modern institution provides an education in deliberation.

Under the Old Regime the nobility itself never lost its spirit of independence, although this spirit is distinct from one that supports an orderly and lawful political liberty (p. 120). A spirit of independence that assumes the form of resistance, or defense of one's own rights against incursions by the government, is surely different from the spirit of political liberty manifest in common

³³ Raymond Aron, in his Main Currents of Sociological Thoughts, trans. Richard Howard and Helen Weaver (New York, 1965), vol. 1, understands Tocqueville to show that the essential fact in the failure of the Revolution was the failure of the Constituent Assembly, which signified the failure to combine the virtues of aristocracy or monarchy and the democratic movement (p. 217). Cf. pp. 96-98 of vol. 2 of The Old Regime on the worst "error" or "crime" of the Constituent Assembly, which put it for its duration at the mercy of the Parisian mob.

determination of a common good under republican government. But even if the nobility asserted itself only in defense of its own rights, there was nonetheless something in its assertion that must be appreciated and admired.

Almost all the safeguards against the abuse of power which the French nation has possessed during its thirty-seven years of representative government were vigorously demanded by the nobles. When we read the cahiers they presented to the Estates-General, we cannot but appreciate the spirit and some of the high qualities of our aristocracy despite its prejudices and failings. It is indeed deplorable that instead of being forced to bow to the rule of law, the French nobility was uprooted and laid low, since thereby the nation was deprived of a vital part of its substance, and a wound that time will never heal was inflicted on our national freedom. When a class has taken the lead in public affairs for centuries, it develops as a result of this long, unchallenged habit of pre-eminence a certain proper pride and confidence of its strength, leading it to be the point of maximum resistance in the social organism. And it not only has itself the manly virtues; by dint of its example it quickens them in other classes (pp. 110-11).

If, in Tocqueville's estimation the new regime is to be judged superior to the old, it must nurture the natural desire for freedom, forming in the citizenry a proper pride and confidence of strength that makes it capable of exercising a lawful political liberty. Tocqueville may accept the fact that modern republicanism is based on the defense of individual rights, not devotion to a common good.³⁴ But modern republicanism, too, requires some virtue, and virtue must be nurtured.

Finally, liberty in the new regime would have to exist in one more sense, as it still could under the Old Regime.

Eighteenth-century man had little of that craving for material well-being which leads the way to servitude. A craving which, while morally debilitating, can be singularly tenacious and insidious, it often operates in close association with such private virtues as family love, a sense of decorum, respect for religion. . . . While promoting moral rectitude, it rules out heroism and excels in making people well behaved but mean-spirited as citizens (p. 110).

In sum, the new spirit that gradually crept into and undermined the Old Regime was the preference for one's own economic

³⁴ Cf. *Democracy*, vol. 1, part 2, chap. 6 (pp. 231-45). The teaching about "rights" is the necessary teaching for our time (p. 239).

prosperity (and the comforts it brings) over political liberty. This spirit, as we learn in the third part of the book, came to be enshrined in the principles of the Revolution and modern society generally. Since individuals concerned with enjoying prosperity are not fundamentally concerned with political liberty (p. 168), the new spirit might seem to serve the ambitions of despotic governments. Yet the Old Regime, at least, was no longer intact as a whole by the end of the eighteenth century; it was a multitude of individuals, ready to disperse at the first opportunity. Thus we are led to wonder whether the spirit encouraged to surface at the end of the Old Regime and still flourishing today can generate a viable political whole. The modern spirit and institutions established in accordance with it may well exacerbate rather than alleviate the malady that led to the demise of the Old Regime.

On the basis of part two of The Old Regime one might wonder how any significant political action, revolutionary or otherwise, could have been undertaken in eighteenth-century France. That question is answered in part three, which treats of the particular and more recent causes of the Revolution. Although Tocqueville contends, in disagreement with other historians, that 1789 did not initiate a profound political change, but only brought certain developments to a violent culmination, he nonetheless must account for the violent actions that did occur. Tocqueville's argument is that the specific character of the Revolution can be traced to the effects of espoused principles on the passions of the men directly responsible for the violence of 1789 (pp. 141-42, 207). These principles were formulated under the Old Regime or conceived in reaction to its most ancient institutions. It is now necessary for us to make somewhat clearer what the principles were, how they came to be discovered, and how they became causes of political deeds.

In the absence of political freedom men of letters had assumed the position normally held in society by statesmen or politicians (pp. 139-40). The one freedom left in the Old Regime had been to discourse about politics, about the origins of societies, the essential nature of governments, and the primordial rights of the human race. Eighteenth-century French literature treated these issues incessantly, abstractly, and usually superficially (pp. 138-39). The sum and substance of what has been called the political philosophy of the eighteenth century was the notion of founding a political and social order on "simple, elementary rules"

deriving from reason and natural law" (p. 139). The aristocracy and the statesmen of the monarchy accepted this notion or failed to see the necessity of making arguments in opposition to it (p. 141; cf. vol. 2:73). The imagination of the masses, who passionately hated the Old Regime, was carried away by the designs of literary politics. But in a footnote to the passage just quoted, Tocqueville makes it clear why he does not deign to refer to this

political literature as political philosophy (p. 281).

Eighteenth-century political literature was characterized by an unbounded faith in reason and its power to change laws, customs, and institutions. More precisely, however, the writers followed not reason and natural law, but their own reason. They had as much contempt for the common wisdom and the wills and sentiments of the majority of mankind as for divine will. Elsewhere (p. 183), Tocqueville remarks that the writers and statesmen of the day never anticipated that all their talk of reform and of the need to redress injustices done to the common people would lead these common people to avenge themselves. These writers made no attempt to fathom the nature of the vulgar many, who can be a significant political force. When Tocqueville notes their refusal to submit both to divine will and to the majority's will, he implies that the writers could not fathom the sempiternal nature of politics and the constraints on reason inherent in it because they did not think it necessary to regard human nature.35 If the many are more subject to the passions of greed, envy, and revenge than to reason, then democratic politics-or any politics-can never be conducted according to the simple and elementary laws so obvious to the literati. Democratic politics is necessarily intransigent to the direct rule of reason because the demos is, on the whole, intransigent to all but the simplest reasoning about its immediate self-interest. Politics could perhaps be rational if much of human nature were despotically repressed, but we would hardly wish to call the result "politics." In Tocqueville's opinion the eighteenth-century political writers were blind to this problem because only experience in political liberty can bring the truth to light. At the same time, only habituation to political liberty can diminish the dangers which liberty itself increases when it gives human passions their due.36

³⁵ See above; also, The Old Regime, pp. 3-4.

³⁶ For an elaboration on the means of this salutary habituation, see especially *Democracy*, pp. 62-88 on decentralized administration, pp. 235-45 on the true advantages of democratic government, pp. 270-76 on the jury system, pp. 301-305 on how the

The eighteenth-century writers whose specific ideas were brought to fruition by the Revolution were very far from making the complete break with the past for which the revolutionaries hoped. Under the spell of advances that had been made in the eighteenth century, they continued to emphasize economic progress, uniform laws equally applied to presumably equal men, and reforms accomplished in one sweep by a strong, centralized government. The radical reformation of mankind was to be achieved through public education. They thought not at all about the desirability of political liberty, or even about the fact of the desire for it and its effects on politics and society. Nor did they think seriously about the strength of political institutions, customs, and habits in promoting or precluding reform for whatever end. Tocqueville's assessment of their judgment on this last point can be inferred from the last several chapters of the book, in which he consistently stresses the power of institutions, customs, and habits over men's lives.37 Thus it seems that in politics at least there can be no radical breaks with the past, or no constructive breaks.38 Political innovation is constrained by the necessities of human nature, and intellectual hypothesizing should perhaps be restrained by respect for this nature.

Tocqueville's assessment of the judgment of eighteenthcentury men of letters on the relative importance of economics and politics is revealed in his implicit demonstration that the desire for freedom is the enduring motive force of politics. The Revolution occurred when, in the very last years of the Old Regime, men began to desire freedom as well as reform (p. 165).

Americans' practical experience helps to maintain republicanism, and pp. 509-519 on free institutions and voluntary associations.

³⁷ Chap. 5 of part 3 is on "How the spirit of revolt was promoted by well-intentioned efforts to improve the people's lot"; chap. 6, "How certain practices of the central power completed the revolutionary education of the masses"; chap. 7, "How revolutionary changes in the administrative system preceded the political revolution and their consequences." Chap. 8 recapitulates the factors making the revolution inevitable, given the French character.

³⁸ It was, in Tocqueville's opinion, especially the simultaneous rejections of religious and political and social traditions that had such disastrous consequences. "In the French Revolution, however, both religious institutions and the whole system of government were thrown into the melting pot, with the result that men's minds were thrown in a state of utter confusion; they knew neither what to hold on to, nor where to stop. Revolutionaries of a hitherto unknown breed came on the scene: men who carried audacity to the point of sheer insanity; who balked at no innovation and, unchecked by any scruples, acted with an unprecedented ruthlessness" (p. 157). It should be recalled that he contends that the repudiation of Christianity was a necessary element of the political revolution intended.

The final impetus to revolution came as the Old Regime had actually begun to improve, for it was then that men conceived the idea of the infinite perfectibility of man and gained enough faith in themselves and their cause to act (p. 177). The desire for economic improvement would have been insufficient without the theories justifying the desire as a political principle and without the theories and facts making expectations of improvement seem reasonable. However much it seems to be the basis and end of politics, economics has assumed its preponderance in modern society only with a political impetus and a political justification.

The French Revolution had especially unfortunate consequences for French politics because it was made by multitudes of men not habituated to political freedom and not advised of its benefits. Prior to their desire for freedom was a desire for reform. The desire for reform originated in a hatred of the Old Regime bred of greed and envy, and the content of reform was articulated by the *philosophes*. The reforms aimed at ends and required institutions that vitiated the spirit and institutions of political freedom (pp. 167-68). England and Languedoc, however, guided by their liberty-loving upper classes, were far more successful in gradually accommodating, and thereby moderating, the new spirit with old forms. The implication of Tocqueville's analysis is that politics will remain unstable as long as the desires for material well-being and freedom continue to be blended ineptly.

The French Revolution failed and all succeeding regimes based upon its principles are doomed to instability because even the most rational economic model is incapable of encompassing man's whole nature and of including all his vices and virtues. In Tocqueville's opinion a regime based upon the primacy of the desire for liberty is not similarly defective.

I have often wondered what lies behind that craving for political freedom which in all ages has spurred men to deeds that justly rank among the most momentous in human history; what are the feelings that engender and nurture it. . . .

Nor do I think that a genuine love of freedom is ever quickened by the prospect of material rewards; indeed, that prospect is often dubious, anyhow as regards the immediate future. True, in the long run freedom always brings to those who know how to retain it comfort and well-being, and often great prosperity. . . .

What has made so many men, since untold ages, stake their all on liberty is its intrinsic charm, a fascination it has in itself, apart from

all "practical" considerations. For only in countries where it reigns can a man speak, live, and breathe freely, owing obedience to no authority save God and the laws of the land. . . .

... a genuine love of freedom, that lofty aspiration which (I confess) defies analysis. For it is something one must *feel* and logic has no part in it. It is a privilege of noble minds which God has fitted to receive it, and it inspires them with a generous fervor. But to meaner souls, untouched by the secret flame, it may well seem incomprehensible (pp. 168-69).³⁹

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. The expression of that love does not preclude the economic prosperity sought by the new regime, as the examples of England and Languedoc show. Nor does it preclude the freedom and full flowering of the intellect. In contrast, the new regime which puts reason in the service of the passion for material well-being stifles or distorts the love of liberty and obscures the knowledge of the human soul which is both politically useful and rewarding in itself. Liberty cannot be made to be desired simply for the sake of either material well-being or philosophy, but the satisfaction of these other natural needs or desires is nonetheless furthered by the passion for liberty. In such a regime all the desires of the soul can seek their ends and the individuals in whom one desire predominates can find their place.

The regime that makes a whole of the human soul also makes a whole of different sorts of human beings. Tocqueville believes

statement, but there he acknowledges the universality of the desire for freedom. "There is, thus, an intellectual interest in liberty, the main source of which is the tangible benefices it provides. And there is an instinctive tendency, irresistible and hardly conscious, born out of the mysterious sources of all great human passions. Never forget this in your thoughts. It is a taste which, it is true, all men have in some way or another; but its primacy exists only in the hearts of very few. . . . It is the common source not only of political liberty but of all of the high and manly virtues. . . . It is not so much the material advantages provided but the enjoyment of freedom which attaches free people strongly and jealously to their rights" (pp. 167-68).

Lively contends that "the defence of liberty was the whole purpose of [Tocqueville's] writings" (Jack Lively, The Social and Political Thought of Alexis de Tocqueville [Oxford, 1962], p. 37). But he denies that Tocqueville had an interest in or capacity for attempting a philosophical, as distinguished from political, defense of liberty (pp. 252-53). It is true that Tocqueville does not provide this defense in The Old Regime; it is not appropriate to a political history. As indicated above, however, part 1 of the book reveals that Tocqueville appreciated the significance of such defenses. Throughout Democracy, but especially in volume 2, he hints at what that defense must be, even if he provides no demonstrative proof of its correctness.

that he has shown that the natural love of liberty in some men moves them to act for the common good and inspires others to follow their lead. He believes he has shown that the love of liberty and the intellectual, political, and administrative orders making possible its actualization can best secure stable polities and their well-being. In contrast to the new regime which encourages an isolating, and therefore politically debilitating, selfishness and envy, the regime animated by the love of liberty and designed to permit its expression encourages a concern for a common good in which each individual also shares. The political whole is secured because public virtue triumphs over private vice. If Tocqueville's diagnosis of the malady of the late Old Regime is correct, then his prescription of liberty may also be correct. 41

The thesis of Tocqueville's Old Regime and the Revolution 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. As we have seen, in defending this thesis Tocqueville adopts the premise shared by all political philosophers, namely that political science can give a full account of human affairs, including those that appear to be of satanic or providential origin. His historical argument that the human soul desires liberty, that the desire can have beneficial consequences for individuals and polities, that regimes which have discouraged or precluded satisfaction of the desire have failed for that reason, and that some have flourished while satisfying it, does not constitute a proof that Providence or nature ordains the fulfillment of human desire. Here and elsewhere Tocqueville indicates that he is aware of the necessity of such a proof.42 Here, however, within the confines of the genre of political history, Tocqueville can do no more than lead his reader to see this necessity of reflecting on the themes of religion and philosophy.

Nonetheless, as what it is—political history—The Old Regime stands on its own and in opposition not only to the teaching of the eighteenth-century French philosophes, but to virtually all of modern political thought. Virtually all teach that the love of liberty and the public virtue it engenders are both unlikely and un-

⁴⁰ See above. Consider also Tocqueville's analyses of England and Languedoc.

⁴¹ See above.

⁴² Democracy begins and concludes with a consideration of the role of Providence in human politics, and it therefore presumably contains an argument leading to the conclusion, which Tocqueville presents as a statement of fact (pp. 9, 12, 705).

necessary.43 Having become habituated to deference to intellectuals like the philosophes, the men responsible for the political and administrative institutions of modern societies, before as well as long after 1789, have failed to provide for liberty and public virtue. Tocqueville's history of the demise of the Old Regime and the failure of the Revolution is meant to provide evidence that modern political philosophy errs in its prescription: The Old Regime collapsed because its spirit and institutions came to encourage the passions that lead to vice, and the Revolution failed, in large part, because the peculiar, but characteristic, manifestations of the vicious passions of the demos were unanticipated.44 The philosophes, confident of their own reason and its power, never doubted their opinions or sought their true origins. Nor did they think it necessary to study the nature of the human soul and how it is affected by and affects various political theories and regimes. The eighteenth-century philosophers consequently could not have explained, as does Tocqueville in his political history, why the Revolution issued as if by itself from the society it was going to destroy.45

⁴³ Not only for Hobbes, but even for Rousseau, public virtue is a consequence of the desire for the preservation of oneself and one's goods: *Leviathan*, chap. 15 (end); *The Social Contract*, bk. 1, chap. 6.

⁴⁴ See above.

⁴⁵ The Revolution, Tocqueville said earlier, was the making of ten generations of men, and the revolutionary "religion" could not have enflamed men's passions prior to the sixteenth century. Tocqueville well knew that the ideas of the eighteenth-century reformers, which had their origin in the new spirit that undermined the Old Regime, had their ultimate origin ten generations before the Revolution—in the political philosophy of Niccolò Machiavelli. His work was carried on by Descartes, Bacon, Hobbes, Locke, and Rousseau. The history of these reformers, not the philosophes or economistes, would be one of a true revolution in human affairs. Cf. Democracy, pp. 429-31, 663.