

Western University

Scholarship@Western

2020 Undergraduate Awards

The Undergraduate Awards

2020

**Quarrel of the Ancients and the Moderns: Montesquieu,
Tocqueville, and Conservative Innovation in De La Démocratie en
Amérique**

Aram Arutyunyan

Follow this and additional works at: https://ir.lib.uwo.ca/undergradawards_2020

Quarrel of the Ancients and the Moderns:

Montesquieu, Tocqueville, and Conservative Innovation in *De La Démocratie en Amérique*

Abstract

Despite the preeminence of his name within the annals of modern political thought, little is known definitively about the ideological beliefs of Alexis de Tocqueville. His two-volume publication, *De La Démocratie en Amérique (On Democracy in America)*, is revered as a guiding work of the American republican tradition. Conservatives claim him as a defender of their cause, whereas liberals claim him a champion of their own. As a project of intellectual history, this paper attempts to penetrate the veil subtly covering Tocqueville's nuanced ideological convictions insofar as they can be ascertained from his *Démocratie*. What can be said with confidence is that Tocqueville owes a great debt to his eighteenth-century predecessor, Baron de Montesquieu, and his principal work of political philosophy, *De l'esprit des loix (The Spirit of the Laws)*. This paper coins the unique concept of *conservative innovation*, first suggested by Montesquieu and later elaborated upon by De Tocqueville, to describe the reconciliation of traditionally conservative and traditionally liberal elements within a society. By individually dissecting and then comparing the authors' works, the two are revealed to have advocated for moderation in a state regardless of its form of government—be it monarchy, democracy, or despotism. Moreover, Tocqueville is deemed to favor a form of moderate liberal democracy which is perfected and persisted through the reincorporation of aristocratic mœurs (virtues, manners, ideals) in both political and civil society. This is Tocqueville's philosophy of conservative innovation in modern society. Ultimately, I have chosen to undertake this project in order to piece together a hitherto deficient intellectual history, whereby both liberals and conservatives may be married to an idea greater than themselves: that is, pluralism.

Quarrel of the Ancients and the Moderns:

Montesquieu, Tocqueville, and Conservative Innovation in *De La Démocratie en Amérique*

The spirit of how best to care after posterity is encapsulated in the words of Lt. Gen. James G. Harbord: “The roads you travel so briskly lead out of dim antiquity, and you study the past chiefly because of its bearing on the living present and its promise for the future.”¹ Alexis de Tocqueville was a man caught between two worlds since the French Revolution had dissolved the old aristocracy. As a member of this class, he chose not to vanish but to adapt. More than that, he sought to fill the void left in the sociopolitical apparatus previously at the core of French life. From the very onset of his political career, he hoped to signal to the peoples of France and Europe a *point de départ* from the abstract utopian discourse littering post-revolutionary continental thought.² Tocqueville’s new approach would be comparative, analytical, and focused as much on the spirit of the peoples and their times, as on any regime they may comprise.³ Moreover, great emphasis would be placed on reincorporating certain values and sensations of past human orders: ideally not their institutions, but their *mœurs*. As Marvin Zetterbaum highlights, “He [De Tocqueville] saw no incompatibility in refusing to judge the superiority of one social condition over the other, and at the same time, striving to perfect the one destined to triumph.”⁴ It is here where the degree of Montesquieu’s influence on Tocqueville’s thought must be appreciated. This paper will argue that key aspects of Tocqueville’s interpretation of

¹ *United States of America Congressional Record Proceedings and Debates of the 78th Congress: First Session*, vol. 89-Part 9 (Washington, D.C.: U.S. Government Printing Office, 1943), A171.

² Cheryl Welch, *De Tocqueville* (Oxford: Oxford University Press, 2001), 13.

³ *Ibid.*

⁴ Marvin Zetterbaum, "Tocqueville: Neutrality and the Use of History." *The American Political Science Review* 58, no. 3 (1964): 611. doi:10.2307/1953136.

American government and society in *De La Démocratie en Amérique* are influenced by Montesquieu's ideology of *conservative innovation*, as found in *De l'esprit des loix*. First, I will consider these influences on Tocqueville's attempts at reconciling the apparent dichotomy between democratic and aristocratic ideals of moderate political liberty when mitigating tyranny. Then, I will consider Montesquieu's influence in Tocqueville's reconciliation of individualism and traditional societal collectivism in the quest for moderate liberal democracy.

Broadly speaking, Montesquieu's belief in regime pluralism forms the foundation of Tocqueville's approach to the moderation of political liberty endangered by looming tyranny. Naturally, political liberty is the opposite of tyranny. Montesquieu defines political liberty as "having the power to do what one should want to do, and in no way being constrained to do what one should not want to do."⁵ This suggests the need for stable and perpetual counterbalances to the centralized authority, wherever it may reside: with the aristocratic nobility or the democratic majority. The effects of these counterbalancing forces can be referred to as moderation. In his concern for moderation, Montesquieu hopes to check the abuses of the sovereign power in a state. This line of argument leads into his declaration that neither democracy nor aristocracy are "free states by their nature."⁶

With that said, it is by subtly advocating for conservative innovation that Montesquieu, and later Tocqueville, sets about achieving moderation in a regime. For the purposes of this paper, conservative innovation is to be defined as the revival of aristocratic mœurs in a modern democratic context. Specifically, conservative innovation aims to achieve moderation in a state

⁵ Montesquieu et al., *Montesquieu: The Spirit of the Laws* (Cambridge: Cambridge University Press, 1989), 155.

⁶ Keegan Callanan, *Montesquieu's Liberalism and the Problem of Universal Politics* (Cambridge: Cambridge University Press, 2018), 128.

by combining elements from different kinds of societies, supplementing what is deficient in a present order. This can be likened to the conception of mixed government. Correspondingly, moderation shall also be regarded as the principal impediment of tyranny. Therefore, a state too wholeheartedly devoted to one or the other sociopolitical ideal will invariably slip into dissension and tyranny, whereas a mixed government will moderate itself and liberty shall persist. Montesquieu claims that mixed government, and thus moderation, is best achieved by a tripartite distribution of powers: one legislative, one executive, and one judicial.⁷

I argue that Montesquieu's conception of mixed government is based upon restoring the "Gothic" governments of medieval Europe. This Gothic form was threefold, and in Montesquieu's words, constituted the "civil liberty of the people, the prerogatives of the nobility and of the clergy, and the power of the kings."⁸ He extols this mixture of aristocracy and monarchy as the most well tempered regime on earth.⁹ Thus, according to Montesquieu, mixed government leads to moderation, and the best way of achieving mixed government is not by looking forward into the future, but by looking back into the past. Montesquieu is convinced of the merits of bygone orders in ameliorating the ills of the present society.

I have established how Montesquieu makes use of conservative innovation in the pursuit of moderate political liberty, but I must now present Tocqueville's view. The urgent question for Tocqueville in his *Démocratie* of 1835 was how to best organize a mixed government that would moderate in a *democratic* context. Despite Montesquieu's belief, Tocqueville explicitly calls into question the possibility of "true" mixed government, likening the phenomenon to "a mere

⁷ Callanan, *Montesquieu's Liberalism*, 129.

⁸ Montesquieu, *The Spirit of the Laws*, 167.

⁹ Callanan, *Montesquieu's Liberalism*, 139.

chimera.”¹⁰ As much as Montesquieu yearns to see his absolutist Bourbon France returned to its moderate Gothic constitutionalism of the Middle Ages, Tocqueville would like to see his anarchic post-revolutionary France achieve and perpetuate moderate liberal democracy.¹¹ So, Tocqueville suggests a reevaluation of the mixed government theory Montesquieu prescribes. He explains that it is simply impossible for multiple competing principles (institutions) to be equally effective defenders of liberty, while still being in perfect opposition to each other.¹² He continues, that if such an arrangement was to be effected within a government, that same government would either dissolve or suffer a revolution.¹³ Tocqueville contends that one social power always asserts an “uncontrolled and all-predominant authority.”¹⁴ Tocqueville explains how eighteenth-century England is often identified with Montesquieu’s conception of mixed government: notably, by Montesquieu himself. Witheringly, Tocqueville cites the ultimate preponderance of the aristocracy in England over the “very powerful elements of democracy” in that nation as a prime example of why the term “mixed government” is a misnomer.

By those statements alone, it may be rashly assumed that if Montesquieu is an orthodox pluralist, Tocqueville must be an ultra particularist. However, the solution Tocqueville posits to combat the destabilizing tendencies of the particularist preponderance of one sociopolitical principle—which in the case of democracies would be unchecked popular sovereignty—is in fact the incorporation of moderating elements.¹⁵ Tocqueville specifically advocates for the introduction, or rather reintroduction, of principles inherently absent in the laws of democracy

¹⁰ Alexis de Tocqueville, *Democracy in America*, Vol.1 (Colonial Press, 1900), 264.

¹¹ Callanan, *Montesquieu's Liberalism*, 139.

¹² Tocqueville, *Democracy in America*, Vol.1, 264.

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ *Ibid.*, 265.

brought about by the mœurs of his countrymen.¹⁶ This is a fundamental conclusion of *Democracy in America*. That is, mixed mœurs, but not mixed government, best combat tyranny. Tocqueville, in conceding the weaknesses of pluralism, still refuses to surrender to particularism. Rather than departing from Montesquieu's espousal of regime pluralism, Tocqueville uses this pluralism to moderate democracy. This is conservative innovation. In theory, the stage has been set for aristocratic and democratic ideals to no longer oppose one another, but to enhance each other.

Now I will explore the sources of the aristocratic ideals which sustain moderate liberty in democratic practice, as communicated in *De La Démocratie en Amérique*. More vital to the discussion hitherto, I will also show that these elements of conservative innovation are reminiscent of Montesquieu. Tocqueville declared that "the goal is not to reconstruct an aristocratic society, but to bring forth liberty from the midst of the democratic society in which God has decreed we must live."¹⁷ Tocqueville admits that the hallmarks of democracy, namely popular sovereignty and the unlimited power of the majority, are not things to be feared in and of themselves, but that they are naturally deficient and easily corrupted. This means that they may quickly devolve from forces of liberty, into forces of tyranny. Because of the mutability of the democratic laws in America, Tocqueville implies that the solution to the looming tyranny of the majority must be sought from outside the laws.¹⁸ Undoubtedly, he means to find them from outside government altogether.¹⁹

¹⁶ Tocqueville, *Democracy in America*, Vol.1, 266.

¹⁷ Annelien de Dijn, *French Political Thought from Montesquieu to Tocqueville: Liberty in a Levelled Society?* (Cambridge: Cambridge University Press, 2008), 150.

¹⁸ Tocqueville, *Democracy in America*, Vol.1, 265.

¹⁹ Ibid.

While Montesquieu seeks the outright reestablishment of aristocratic institutions, Tocqueville invokes aristocratic ideals of society as “a model to be imitated.”²⁰ Montesquieu had sought the *pouvoirs intermédiaires*, or intermediary powers, to function as a “power able to check its source.”²¹ In a monarchy, Montesquieu identifies these intermediary powers with the aristocracy.²² He notes the inherent desirability of the aristocracy as a decentralizing force within society, wherein the otherwise unchecked power of the central authority is curbed.²³ An intermediary power as such not only moderates a regime, but also reinforces the political liberty of the people. For Montesquieu, the reawakening of an ancient intermediary power like the aristocracy is seen as ideal in retarding tyranny. Tocqueville, on the other hand, refuses to reincarnate old aristocratic political institutions in this new democratic social order.²⁴ Instead, he desires the incorporation of aristocratic ideals within the preferred institutions of democratic society. As a result, Tocqueville seeks to establish these intermediate powers in “local political governing bodies, political associations, and civil associations.”²⁵ Aristocratic ideals shall then become embodied in the democratic practice of free association. Ultimately, Tocqueville prefers to keep in step with democratic traditions and nomenclature, but his underlying conclusions remain in step with Montesquieu’s conservative innovation. One way or another, ancient aristocratic ideals must be reconciled with modern democratic principles in the successful pursuit of moderation and political liberty.

²⁰ de Dijn, *French Political Thought*, 149.

²¹ Callanan, *Montesquieu's Liberalism*, 134.

²² Montesquieu, *The Spirit of the Laws*, 167.

²³ Callanan, *Montesquieu's Liberalism*, 135.

²⁴ de Dijn, *French Political Thought*, 151.

²⁵ Welch, *De Tocqueville*, 91.

At this point, my attention will shift to the degree of Montesquieu's influence on Tocqueville's conception of individualism, and the solutions to the inherent threat it poses to cohesion in civil society. I shall demonstrate that Montesquieu's negative conception of individualism informs Tocqueville's defining and casting of that same characteristic as the chief peril to democracy. Montesquieu hails public virtue as the spring of moderation in a democracy.²⁶ In *De l'esprit des loix*, he defines public virtue simply as a desire to achieve the public good. He warned, writing "when that virtue [seeing one's own interest in the common interest] ceases, ambition enters those hearts that can admit it, and avarice enters them all."²⁷ Montesquieu's principles of democracy in the *Spirit of the Laws* support the notion that it is not merely through the political sphere that a nation promotes liberal moderation, but also the civil sphere. Following this train of thought then, it also must be true that tyranny may spring from the civil sphere as well as from the political sphere. Correspondingly, Tocqueville avers that the guiding principle of democratic civil society, namely equality, can exist without a correspondent political liberty.²⁸ In this lies the danger. The individualism caused by excessive equality separates man from his contemporaries, his fellow-citizens, thus threatening to "confine him entirely within the solitude of his own heart."²⁹ What is described resembles a crisis of mœurs, which Tocqueville fears will translate into a crisis of political liberty. This Tocquevillian connection between mœurs and laws is purely an adaptation of Montesquieu.

In criticizing the individualist effects of excessive equality, Tocqueville applies the ideology of conservative innovation to find a cure. Tocqueville differs his conception of public

²⁶ Montesquieu, *The Spirit of the Laws*, 22.

²⁷ *Ibid.*, 23.

²⁸ Alexis de Tocqueville, *Democracy in America*, Vol.2 (Colonial Press, 1900), 99-100.

²⁹ *Ibid.*, 106.

virtue from Montesquieu's in nothing but name, calling it "the principle of interest rightly understood."³⁰ Tocqueville himself defines individualism as a feeling which "disposes each member of the community to sever himself from the mass of his fellow-creatures; and to draw apart with his family and friends; so that after he has thus formed a little circle of his own, he willingly leaves society at large to itself."³¹ Tocqueville elaborates that citizens of the United States are taught from infancy to "rely upon [their] own exertions in order to resist the evils and difficulties of life."³² He continues, charging that the American "looks upon social authority with an eye of mistrust and anxiety, and he only claims its assistance when he is quite unable to shift without it."³³

As underscored by Sheldon Wolin, Tocqueville points to an "aristocratic past to criticize the democratic present."³⁴ In his discussion of individualism, Tocqueville explains that aristocratic institutions "have the effect of closely binding every man to his fellow citizens."³⁵ Something which is inevitably lost in the extreme levelling of society. He hauntingly tells, "those who went before are soon forgotten... of those who will come after no one has any idea."³⁶ There is a romance, a charm, and an overall chivalric appeal to aristocratic conceptions of community and corporativism as described by Tocqueville.³⁷ The past organization of separate classes and professions perpetuated a belief of public virtue among citizens mainly because the benefits of human fellowship were clearly visible.³⁸ Tocqueville proclaims that "Aristocracy had made a

³⁰ Tocqueville, *Democracy in America*, Vol.2, 129.

³¹ *Ibid.*, 104.

³² Tocqueville, *Democracy in America*, Vol.1, 191.

³³ *Ibid.*

³⁴ de Dijn, *French Political Thought*, 151.

³⁵ Tocqueville, *Democracy in America*, Vol.2, 105.

³⁶ *Ibid.*

³⁷ *Ibid.*, 104.

³⁸ *Ibid.*, 105.

chain of all the members of the community, from the peasant to the king.”³⁹ Every person was somehow dependent on the other, and valued one another’s role in the society they all shared. Tocqueville spotlights the aristocratic community, and how each citizen sees “a man above himself whose patronage is necessary to him, and below himself another man whose cooperation he may claim.”⁴⁰ There was an innate sense among people that in lifting each other up, they were additionally lifting themselves up. Tocqueville aptly calls this humanitarian achievement the “the principle of interest rightly understood,” since man “serves himself [best] in serving his fellow-creatures.”⁴¹ The far-reaching benefits of such brotherhood and belonging among mankind deserve reflection.

Finally, if virtue is the lifeblood of moderation in a democracy, and aristocracy offers a reminder of what virtue once did achieve in a society, then the solution Tocqueville is encouraging to individualism must pertain to conservative innovation. Tocqueville insists that in an aristocratic society, the aristocrats themselves—as private individuals and as a body—constitute natural associations.⁴² Likewise, artificial associations are free institutions meant to promote virtuous mœurs such as morality, religion, public order, and commerce, among others.⁴³ The aforementioned are all elements that invariably nurture social relations between citizens and prevent their individualist retreat into solitude. Therefore, by synthetically recreating aristocratic social bonds through public associations, virtuous mœurs may be reintroduced, and liberal moderation can once more persevere.

³⁹ Tocqueville, *Democracy in America*, Vol.2, 105.

⁴⁰ *Ibid.*

⁴¹ *Ibid.*, 129.

⁴² *Ibid.*, 117.

⁴³ Tocqueville, *Democracy in America*, Vol.1, 192.

History is not static. In the fullness of time, the divergent courses of human affairs shall always provide humans a way back to their true nature. After the democracies of antiquity were subjugated by the Romans, the light of democracy did not shimmer on this earth again until the modern age. If democracy is our nature, then as Tocqueville was keen to discover, the moderation resulting from conservative innovation is the key to taming its inevitable shortcomings. The Revolution of 1789 presented a great existential trial to Tocqueville's French world. In addressing the question of his partisanship in *De La Démocratie en Amérique*, Tocqueville declared, "I have undertaken not to see differently, but to look further than parties, and whilst they are busied for the morrow I have turned my thoughts to the Future."⁴⁴ Consequentially, Tocqueville sought the past in order to build a bridge to a future worth living for. By looking back a hundred years to Montesquieu for answers, Tocqueville had already enlisted the first lesson Montesquieu had to offer: that is, the value of history. The second lesson was that history is, by all means, not static. I have advocated for a reading of both Montesquieu and Tocqueville which considers the sheer plurality of their thought. A plurality wherein conservatism meets liberalism, and is better for it. Aristocratic ideals are not only made compatible with, but favorable to a democratic state. In this way, Tocqueville took and more fully realized Montesquieu's vision of sustainable liberal moderation. In the words of La Rochefoucauld, "*Absence diminishes small loves and increases great ones, as the wind blows out the candle and fans the bonfire.*"⁴⁵ Perhaps it is only after a society is lost, that its true merits

⁴⁴ Tocqueville, *Democracy in America*, Vol.1, 16.

⁴⁵ Arthur M. Eastman, ed., *The Norton Reader: An Anthology of Expository Prose* (New York, NY: Norton, 1973), 798.

may be discovered. If in that society there existed anything that was noble, or lovely, or right, surely its absence would not be for long.

Word Count: 2588

Bibliography

- Callanan, Keegan. *Montesquieu's Liberalism and the Problem of Universal Politics*. Cambridge: Cambridge University Press, 2018.
- de Dijn, Annelien. *French Political Thought from Montesquieu to Tocqueville: Liberty in a Levelled Society?* Cambridge: Cambridge University Press, 2008.
- de Tocqueville, Alexis. *Democracy in America*, Vol.1, Colonial Press, 1900.
- de Tocqueville, Alexis. *Democracy in America*, Vol.2, Colonial Press, 1900.
- Eastman, Arthur M., ed. *The Norton Reader: An Anthology of Expository Prose*. New York, NY: Norton, 1973.
- Montesquieu, Basia Carolyn. Miller, Harold Samuel. Stone, and Anne M. Cohler. *Montesquieu: The Spirit of the Laws*. Cambridge: Cambridge University Press, 1989.
- United States of America Congressional Record Proceedings and Debates of the 78th Congress: First Session*. Vol. 89-Part 9. Washington, D.C.: U.S. Government Printing Office, 1943.
- Welch, Cheryl. *De Tocqueville*. Oxford: Oxford University Press, 2001.
- Wolin, Sheldon S. *Tocqueville between Two Worlds: The Making of a Political and Theoretical Life*. Core Textbook ed., Princeton: Princeton University Press, 2009.
muse.jhu.edu/book/29787.
- Zetterbaum, Marvin. "Tocqueville: Neutrality and the Use of History." *The American Political Science Review* 58, no. 3 (1964): 611-21. Accessed February 22, 2020.
 doi:10.2307/1953136.