

TOCQUEVILLE ON CIVILIAN SOCIETY

A Romantic Vision of the Dichotomic Structure of Social Reality

It is a paradox that Tocqueville is treated as a classic of liberalism in France, whereas in the United States as a classic of republicanism. The canonization of Tocqueville as a principal figure of the neo-liberal side of the French political scene is already well described.¹ The present article is intended to be a preliminary analysis of the occurrence of absorption of Tocqueville by neo-conservatives in America.

The thought of Alexis de Tocqueville has reentered with a new impetus academic classrooms all around the world due to Robert Putnam. In 1993 in a book about civic life in Italy, Putnam has included a short citation from a romantic writer to whom he referred the words that »civil associations contribute to the effectiveness and stability of democratic government, it is argued, both because of their ›internal‹ effects on individual members and because of their ›external‹ effects on the wider polity«. ² Comparing to the scale of popularity of his interpretation, a quotation from Tocqueville employed by Putnam was quite short:

»Americans of all ages, all stations in life, and all types of disposition are forever forming associations. There are not only commercial and industrial associations in which all take part, but others of a thousand different types – religious, moral, serious, futile, very general and very limited, immensely large and very minute [...]«. ³

There are two main objections to Putnam's work: The first one is scientific. He did not analyze the text or make reference to anybody who has done so before. The second objection is contextual. Putnam's interpretation imputes that Tocqueville understood the term »civil society« in a completely different way than his nineteenth century contemporaries, that is Hegel and Marx. It is the effect of decontextualized reading – in historical and linguistic terms.

These observations open the possibility of reading the original text with a little bit of scrupulousness, linguistic approach, semantic networks and discourse

¹ Claire Le Strat, Willy Pelletier: *La Canonisation libérale de Tocqueville* (Paris 2006).

² Robert Putnam: *Making Democracy Work. Civic Traditions in Modern Italy* (Princeton 1993) 89. It is peculiar that Putnam did not use at all the idea of civil society so popular at the time. Moreover he mostly employed the term »civic association«, whereas about »civil associations« he wrote only while referring to Tocqueville.

³ R. Putnam, *ibid.* 89; see also R. Putnam: *Bowling Alone. The Collapse and Revival of American Community* (New York 2000) 48.

analysis to check the validity of the nowadays dominant interpretation of Tocqueville's *De la démocratie en Amérique*.

The first thing to focus attention on is that in the disputed quotation Tocqueville, in the first place, mentioned »associations commerciales et industrielles«. Did he do so in order to exclude them, as Putnam wants us to think? It is rather doubtful. Tocqueville did it in the first place. That means that when writing about associations he thought above all about business organizations. Nevertheless, he even added »auxquelles tous prennent part«. That is literally: everybody in the United States participates in some kind of business entrepreneurship. Therefore while reading »association« should we not think in that case of »company«? Or at least of »partnership«? It should be underlined that throughout the conduct of that chapter, Tocqueville was concerned with both, associations of commercial and industrial character on the one hand, and associations called by him intellectual and moral⁴ on the other hand – as fundamentals of civilization.

The second difficulty is the sentence following the fragment cited by Putnam. In the translation utilized by Putnam, made by George Lawrence, there one can read: »Americans combine to give fêtes, found seminaries, build churches, distribute books, and send missionaries to the antipodes«. ⁵ Whereas the original sentence is a little richer in examples: »Les Américains s'associent pour donner des fêtes, fonder des séminaires, bâtir des auberges, élever des églises, répandre des livres, envoyer des missionnaires aux antipodes«. ⁶ The translator omitted the words »to build inns«, which one can find in other translations. It is symptomatic that the fragment with the most economical meaning was excluded in the chapter Putnam read.

The third concern is the title of the chapter the quoting comes from: »De l'usage que les Américains font de l'association dans la vie civile«⁷ – placed in the second part of the second volume. Problematic is here the translation made in 1840 by the author's friend Henry Reeve, where we can read »Of the uses which the Americans make of public associations in civil life«. The difference is clear – the translators added the word »public«. They have done so in the title of the next chapter, too.⁸ There is no such a construct as »associations publiques« in the whole of the original text at all.

Thus, English readers are misled, because public or political life was for nineteenth-century thought something completely different than private or civil life.

⁴ Of which he wrote primarily in the first volume: for the first time in a chapter on political associations and for the second time in a chapter on advantages of democratic government, where he analyzed vivid activity within the political body of America – henceforth this type of associations was treated by Tocqueville primarily as political.

⁵ A. de Tocqueville: *Democracy in America* (Chicago 1996) 275.

⁶ A. de Tocqueville: *De la démocratie en Amérique*, t. 2. *Œuvres complètes*, éd. par J.-P. Mayer, vol. 1/II (Paris 1961) 113.

⁷ A. de Tocqueville, *ibid.*

⁸ Tocqueville [see n. 6] 114: »Du rapport des associations et des journaux«.

In that case, we should understand »civil« as »civilian« rather than »civic«, as Putnam assumed. Tocqueville did not use at all the word »civique«, so frequently in use by Putnam. While in English translations we can meet the word »civic«, in the original text there is nothing like that. This is confusing because the use of the words »public« and »civic« in the context of author's discourse suggests political issues – in places where they are not. There is another question about the word »civil«, which in French usually means »civilian« because there is no other form for that term.

Instead of writing about »public associations«, Tocqueville distinguished two other kinds of associations: »politiques« and »civiles«. He wrote about the political ones very frequently, especially in the first volume, specifically in the chapter »De l'association politique aux États-Unis«. ⁹ However, about civil(ian) ones in only one single chapter: »Rapports des associations civiles et des associations politiques« in the second part of the second volume. It should be underlined that in the whole œuvre this is the only chapter in which the author decided to use the term »civilian associations« (»associations civiles«). ¹⁰ In the chapter where Tocqueville wrote about civilian associations and compared them with political ones there reveals itself a dichotomy of the romantic vision of social reality.

From that chapter comes another popular quotation about influence of associations, as »grand free schools« of democracy. ¹¹ The original sentence runs as follows: »Les associations politiques peuvent donc être considérées comme de grandes écoles gratuites, où tous les citoyens viennent apprendre la théorie générale des associations.« ¹² As one can see, Tocqueville did not write here about associations in general, but particularly about political associations, that is, in contemporary terms, about political parties. For him, political associations are not free but gratuitous. Literally: people can learn for nothing about the general theory of associating while participating in political associations. Then they can make real businesses in civilian associations – engaging and risking their possessions and money. It is important because as the author wrote a few sentences earlier: »L'on ne peut s'engager dans la plupart des associations civiles qu'en exposant une portion de son patrimoine; il en est ainsi pour toutes les compagnies industrielles et commerciales.« ¹³ Hence for Tocqueville political associations are not only good for politics, which he described in first volume of his work, but also for economy. Therefore they are considered here rather as schools of entrepreneurship than democracy, cooperation rather than consent. As the title of the

⁹ Tocqueville [see n. 6] vol. 1/I (Paris 1961) 194–201.

¹⁰ Tocqueville [see n. 6] vol. 1/II, 122.

¹¹ Andrew Arato, Jean Cohen: *Civil Society and Political Theory* (Cambridge 1992) 230; Christopher Bryant: *Civic Nation, Civil Society, Civil Religion*. In: John Hall (Ed.): *Civil Society: Theory, History, Comparison* (Cambridge 1995) 143.

¹² Tocqueville [see n. 6] vol. 1/II, 123.

¹³ Tocqueville, *ibid.* 123.

chapter suggests, Tocqueville did not analyze relations between associations and politics,¹⁴ but between the political culture and the functioning of the market – political superstructure and economic basis, as Engels and Marx later turned upside down Hegelian thought.¹⁵

But how do civilian associations influence political life? In the same chapter Tocqueville wrote, about »les gouvernements de nos jours«: »Ils ont, au contraire, une bienveillance naturelle pour les associations civiles, parce qu'ils ont aisément découvert que celles-ci, au lieu de diriger l'esprit des citoyens vers les affaires publiques, servent à l'en distraire, et, les engageant de plus en plus dans des projets qui ne peuvent s'accomplir sans la paix publique, les détournent des révolutions.«¹⁶ Tocqueville's discourse is paradoxical here. In the short run political associations disturb politics and economy. But in a longer perspective they strengthen civilian associations and the economy, and a strong economy in turn pacifies politics. On a semantic level it seems that Tocqueville should be considered as a liberal rather than a republican.

As one could see, the civil society in the age of romanticism should be understood in a similar way as in the next century the New Left started to conceptualize the »market society«. This idea has nothing to do with the postmodern concept of civil society, especially in communitarian thought.

It is obvious that while writing about democracy in America Tocqueville was concentrated on political issues – on political society and political associations. However, in the second volume he decided to write something about »associations civiles«, too. What Tocqueville had in mind while writing about »associations in civilian life«, should be explained most easily by an institution new at the time of Tocqueville's life, introduced and imposed upon the whole continental Europe by Bonaparte and unknown to the Anglo-Saxon world – *Code Civile*.¹⁷ Anecdotaly it may be said, that Putnam confused political with civil associations because Bonaparte had failed to invade Great Britain.¹⁸ But there is the more fundamental problem that modern Americans did not recognize the distinction, basic for continental Europe, between political and civilian, public and

¹⁴ That is democracy in a popularized interpretation.

¹⁵ Marx devoted much more attention to the issue of relations between »politische Gesellschaft« and »bürgerliche Gesellschaft« than Tocqueville, mainly in *Zur Kritik der Hegelschen Rechtsphilosophie*.

¹⁶ Tocqueville [see n. 6] vol. 1/II, 125.

¹⁷ Civil Code replaced the chaos of local and customary feudal laws introducing a single universal judiciary system. It granted equality to citizens before the law, liberty of possession of private property, and freedom of entering contracts, including business partnerships.

¹⁸ Tocqueville compared straight that although political laws were much better in the United States civilian ones were more developed in France: »En cela comme dans presque tout le reste, il est facile de remarquer que, si la législation politique des Américains est beaucoup plus démocratique que la nôtre, notre législation civile est infiniment plus démocratique que la leur. Cela se conçoit sans peine.« (De la démocratie en Amérique [see n. 6] 201, note).

private – because of the very traditional, almost medieval basis of the American political system.¹⁹

In contemporary civil law in France there is still the possibility of existence of many kinds of companies under the name of ›société civile‹ e.g.: ›société civile professionnelle‹, ›société civile de moyen‹, ›société civile immobilière‹, ›société civile de construction-vente d'immeubles‹, ›société civile de placement immobilier‹.²⁰ Common Law does not know the construction of a ›civil law company‹, familiar to continental Europe – in French: ›société de droit civil‹, in German: ›Gesellschaft bürgerlichen Rechts‹ or ›BGB-Gesellschaft‹. That is why in French dictionaries one can easily find the term ›société civile‹ with its Hegelian meaning, while looking for ›civil society‹ in English dictionaries is in vain. In the Tocquevillean discourse ›association civile‹ was a kind of company. And it was completely private not public, as the English translator wanted us to think. Tocqueville did not write about ›public associations‹, but about ›associations in civilian life‹.²¹

Thanks to Manfred Riedel, we know that Hegel in his *Philosophy of Rights* had completely changed the meaning of the term ›civil society‹.²² In the classical world political and civil society meant the same thing. After the French Revolution they became opposites. For Kant ›bürgerliche Gesellschaft‹ and ›Staat‹ were synonyms, for Hegel they became antonyms. For Rousseau ›l'état civil‹ was a sort of state of civility or politeness, while for Tocqueville ›vie civile‹ was a civilian, private life. In a similar way, we can compare Kantian ›bürgerlicher Zustand‹ with Hegelian ›bürgerliches Leben‹. The great popularity of Hegel's work established a new standard of comprehension on the continent (completely unknown in the Anglo-Saxon constituency).

For Hegel civil society became a sphere regulated by Civil Code, freshly established by Bonaparte and imposed on Europe, a sphere of private interests, private ownership – in contemporary terms, a sphere of the market economy. This vision is much clearer when we read Marx or Engels, especially when the term ›bürgerliche Gesellschaft‹ is translated as ›bourgeois society‹ in older issues of their works.²³ And we should take it for granted that apart from many other differences Tocqueville understood the concept in a similar way because he did not know the phenomena of a third sector and the non-governmental

¹⁹ Samuel Huntington: *Political Order in Changing Societies* (New Heaven 1968) 93–134.

²⁰ Useful in this regard could be a glance at the article no. 1845 of the French *Code Civile*.

²¹ Although one should notice that the English language distinguishes civil corporations and eleemosynary corporations.

²² M. Riedel: *Bürgerliche Gesellschaft und Staat. Grundproblem und Struktur der Hegelschen Rechtsphilosophie* (Neuwied 1970); id.: *Between Tradition and Revolution. The Hegelian Transformation of Political Philosophy* (Cambridge 1984); id.: Art. ›Gesellschaft, bürgerliche‹. In: Otto Brunner, Werner Conze, Reinhart Koselleck (Hg.): *Geschichtliche Grundbegriffe*, Bd. 2 (Stuttgart 1975) 719–800.

²³ Especially in the *Manifesto of the Communist Party*.

organizations, as one can read from Putnam. For the romantic age civil society, or rather ›civilian society‹, was a part of a dichotomic vision of social reality in which the political sphere was set in opposition to civilian one, ›société politique‹ in opposition to ›société civile‹ – not a very complicated semantic field.²⁴ However, Tocqueville did not devote his œuvre to studies of civil but essentially to political society.²⁵

Small mistakes in the English translations appear significant enough to force us to think that Tocqueville understood the term ›civil society‹ in a completely different way than his contemporaries, that is Hegel and Marx. The dichotomic nature of Tocqueville's discourse, side by side with Hegel and Marx, juxtaposing the economic with the political was not noticed by Putnam and other representatives of American communitarianism because of the nature of their political project. Understanding civil society as the third sector is a very postmodern phenomenon stemming from mixing the political with the apolitical. The non-governmental organizations have nowadays become very important providers of social services monopolized earlier by the welfare state. Its restructurization in response to the economic havoc of the 1975 oil crisis gave impetus to externalization of public services to plethora of associations and foundations.²⁶ At that time in France the *tiers secteur* was conceptualized as set between (sic!) ›société politique‹ and ›société civile‹.²⁷ At the end of the eighties civil society became widely identified with the third sector as a political project of defining the apolitical.

In the early nineties the idea of civil society became included in communitarian thought, becoming a core of their doctrine. Before that, they were focused on political philosophy in classical writings usually the ancient Greeks or Classicism. At that time their project was clear while they were concerned with problems of the political community in the classical ways of understanding the contractual, consensual, associational character of republicanism. Discovering the phenomena of associations, communitarianism turned to a completely new

²⁴ French Civil Code in article no. 7 clearly differentiates those two spheres on the level of the law: »L'exercice des droits civils est indépendant de l'exercice des droits politiques, lesquels s'acquièrent et se conservent conformément aux lois constitutionnelles et électorales.«

²⁵ Similar although not very popular interpretations of Tocqueville are present in Zbigniew Pelczynski: *Solidarity and ›The Rebirth of Civil Society‹ in Poland*. In: John Keane (Ed.): *Civil Society and the State: New European Perspectives* (London 1988) 379, Krishan Kumar: *Civil society. An inquiry into the usefulness of an historical term*. In: *The British Journal of Sociology* 44 (1993) 375–395; Bryant [see n. 11] 143. It is also worth noting that a lot of postmodern discourse on civil society touches in fact on issues of political society in the Tocquevillean sense.

²⁶ Pawel Zaleski: *Global Non-governmental Administrative System. Geosociology of the Third Sector*. In: Dariusz Gawin, Piotr Glinski (Ed.): *Civil Society in the Making* (Warszawa 2006) 121–122.

²⁷ Jacques Chevallier: *L'association entre public et privé*. In: *Revue du Droit public et de la Science politique en France et à l'Étranger* 97 (1981) 887–918, quoted 912 ; see also: J. Chevallier et al.: *Société civile* (Paris 1986).

sphere of perception of social reality. Then, due to Putnam, they incorporated the liberal thought of Tocqueville into their neorepublican project.²⁸ Putnam thus became a father of a new tradition of non-governmental organizations.

Within a trichotomic vision of social world communitarians set themselves between the etatism of state socialism and free market liberalism as zealots of civil society. However, within the American political scene, beginning with the clash with the liberals, they established themselves on the side of conservatism. Problematic here is not the domestic but global perspective of a project of building and strengthening civil society as a tool of global politics. Non-governmental organizations working outside the OECD countries are wholly financed by OECD governments. As long as communitarianism does not comprehend the difference between problems of the local community and modes of operation of the global system of non-governmental organizations its doctrine will be idealizing a system competing in reality with local traditions and not accountable to local authorities, regardless of whether or not they are democratic.²⁹

Tocqueville is good for conceptualizing the political arrangements of a modern nation-state, but it is questionable if he is appropriate to grasp the new global structures of power idealized as a worldwide civil society. Perhaps the political philosophy and terminology of the turbulent times of Classicism are nowadays much more suitable and communitarianism should return to the very origins of its doctrine, that is problems of political community which Tocqueville was analyzing within the safe liberal arrangements guaranteed by the modern nation-state as the freedom of political associations and political society. The postmodern concept of civil society is commonly confused with the idea of political society. However, the idea of political society does not exclude radical and fundamentalist alternatives as the idealized concept of civil society does. Henceforth political society is a more objective and less normative idea from the postmodern construal of civil society.

²⁸ Whereas on the French political scene, after domination of Marxism, especially in nineteen-sixties, liberal right rediscovered and canonized Tocqueville as anti-Marx years before Putnam (see: Le Strat & Pelletier, see n. 1).

²⁹ See Zaleski, [n. 26] 137–138.