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Civil society in the history of ideas: The French tradition

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**Civil Society in the History of Ideas:
The French Tradition**

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Civil Society in the History of Ideas: The French Tradition

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Abstract

This paper argues that there existed a specifically French tradition of conceptualizing civil society, developed in the eighteenth and nineteenth centuries, which differed in important respects from the Anglo-American emphasis on the market sphere. It shows that this tradition, which had its roots in Montesquieu's *Esprit des lois*, and was exemplified most famously in the writings of Alexis de Tocqueville, argued for the existence of a third, intermediary sphere between the government and the people as indispensable for the preservation of political liberty. At the same time, this paper shows how the French thinkers here discussed feared that the preservation of this intermediate sphere of civil society was threatened by the rise of modern, individualistic society. French defenders of civil society were therefore highly critical of modernity – a critical attitude which seems to have been inherited by some of their contemporary descendants, such as Robert Putnam.

Zusammenfassung

In diesem Papier wird die These vertreten, dass sich im 18. und 19. Jahrhundert eine besondere französische Tradition der Begriffsbildung von „Zivilgesellschaft“ entwickelte, die sich in wichtigen Bereichen von der angloamerikanischen Betonung der Sphäre des Marktes unterschied. Es zeigt, dass in dieser Tradition, wurzelnd in Montesquieus *Esprit des lois* und in den bekannten Schriften von Alexis de Tocqueville, die Existenz einer dritten, intermediären Sphäre zwischen Regierung und Volk postuliert wurde, welche als unverzichtbar für die Bewahrung politischer Freiheit angesehen wurde. Zugleich zeigt das Papier, dass die hier untersuchten französischen Denker befürchteten, die Entwicklung der modernen individualistischen Gesellschaft bedrohe die Wahrung dieser intermediären Sphäre der Zivilgesellschaft. Die französischen Verteidiger der Zivilgesellschaft waren daher gegenüber der Moderne äußerst kritisch eingestellt – eine Haltung, die auf ihre geistigen Nachkommen in der Gegenwart wie beispielsweise Robert Putnam abgefärbt zu haben scheint.

In 1991, the Canadian philosopher Charles Taylor published an important article in which he reflected on the intellectual history of theories of civil society. Taylor distinguishes in this article between two different conceptualizations of civil society as they had developed in modern political thought. One, which he describes as the “L-stream” in thinking about civil society, identifies it primarily with the market sphere. Exemplified by the writings of English political theorist John Locke, this intellectual tradition imagined civil society as the whole of inter-related acts of production, exchange and consumption, with their own internal dynamic and their own autonomous laws. Civil society in this sense became a key concept in Anglo-American liberalism, as a private sphere which needs to be protected as much as possible from state interference. The other tradition in modern political thought, however, developed by French thinkers such as Charles-Louis de Montesquieu and Alexis de Tocqueville, had a very different outlook on civil society. In the “M-stream”, as Taylor calls it, civil society is seen not as the market sphere, but rather as a collection of voluntary groups and associations existing more or less independently from the state. Civil society in this second sense of the word is not perceived as the opposite of the state. It exists as an equilibrium between central government and other loci of power and influence.¹

Taylor’s distinction is illuminating in many ways. It suggests, for instance, that contemporary defenders of civil society in the second, “political” sense of the word, such as Andrew Arato, Jean Cohen and Robert Putnam, are indebted to a specifically French political tradition – a lineage that is not always explicitly acknowledged in the existing literature.² In this paper, I aim to elucidate on Taylor’s arguments in two different ways. First, I will flesh out Taylor’s notion that there existed a specifically French tradition of conceptualizing civil society, developed in the eighteenth and nineteenth centuries, which differed in important respects from the Anglo-American emphasis on the market sphere.³ Second, I will argue that this tradition had one particular characteristic which is not discussed by Taylor: namely, its historical pessimism. I will show that the French tradition in the history of civil society, which found its most famous expression in Tocqueville’s work, was to a certain extent a back-ward-looking ideology, which was highly critical of democratic modernity.

¹ Charles Taylor, “Civil society in the Western tradition”, in *The notion of tolerance and human rights. Essays in honour of Raymond Klibansky, Ethel Groffier and Raymond Klibansky*, eds. (Ontario, 1991).

² John Keane likewise emphasizes the importance of the contribution of French political thinkers such as Alexis de Tocqueville to the formulation of a specifically ‘political’ conception of civil society, cf. his seminal “Despotism and Democracy. The origins and development of the distinction between civil society and the state 1750-1850” in *Civil society and the state. New European perspectives*, John Keane ed. (London, 1988). But compare: Sudipta Kaviraj and Sunil Khilnani, “Introduction: ideas of civil society”, in *Civil society. History and possibilities*, Sudipta Kaviraj and Sunil Khilnani eds. (Cambridge, 2001).

³ The existence of such a language of civil society against the strong state is also discussed by Pierre Rosanvallon in his iconoclastic book *Le modèle politique français. La société civile contre le jacobinisme de 1789 à nos jours* (Paris, 2004). Rosanvallon clearly shows that the Jacobin legacy of the strong state was widely contested in post-revolutionary France, although he seems to be unaware of the ideological roots of this discourse in Montesquieu’s *Esprit des lois*.

Taylor traces the “M-stream” in the theory of civil society, as mentioned above, back to Montesquieu.⁴ At first sight, this lineage might seem inappropriate, since Montesquieu did not give the word civil society special prominence in his major treatise, the *Esprit des lois* (1748). However, Montesquieu introduced an important new idea into modern political thought by arguing for the importance of “intermediary powers” in a state.⁵ In the *Esprit des lois*, he drew a fundamental distinction between monarchy, “the rule of one according to the law”, and despotism, “the rule of one according to his own caprice”. Traditional, Aristotelian political theory maintained that tyranny or despotism was merely a corruption of the monarchy, triggered by accidental factors such as the personality of the king. Montesquieu, however, was convinced that a ruler would always be tempted to expand his power beyond its legally imposed limits (XI, 4). In order to maintain the rule of the law in the government of a single ruler, structural boundaries were therefore necessary. Montesquieu claimed that, in continental monarchies such as France, the nobility was the most natural of such barriers: “In a way, the nobility is of the essence of monarchy, whose fundamental maxim is: no monarch, no nobility: no nobility, no monarch; rather one has a despot.” (II, 4).

It should be emphasized that Montesquieu’s monarchical model did not imply a constitutional balance of powers. Montesquieu did not believe that liberty depended on the nobility’s legal right to share sovereignty with the king. Instead, he described the nobility as an “intermediary power”, which was “subordinate and dependant” on the king, who remained “the source of all political and civil power.” Intermediary powers acted as “mediate channels through which power flows.”. (II, IV) In this sense, the model of the limited monarchy differed fundamentally from another political model propagated by Montesquieu: the English constitution. English liberty, as Montesquieu made clear, depended on the functional division of powers on the central level. It was not dependent on the existence of intermediary bodies; indeed, in England those intermediary powers had almost completely disappeared. “To favour liberty,” Montesquieu emphasized, “the English have done away with all the intermediary powers which formed their monarchy. They have good reason to conserve that liberty; if they were to lose it, they would be one of the most enslaved peoples on earth.” (II, 4).

With this description of the limited monarchy, Montesquieu propagated a model in which liberty was preserved through institutionalised insubordination rather than through fixed constitutional checks and balances.⁶ Intermediary bodies limited central government not because they shared in sovereignty, but because they made the exercise of power more difficult. As he put it in the *Esprit des lois*: “Just as the sea, which seems to want to cover the whole earth, is checked by the grasses and the smallest bits of gravel on the shore, so monarchs, whose power seems boundless, are checked by the slightest obstacles and submit their natural pride

⁴ I have used the English translation of *The Spirit of the Laws* by A.Cohler, B.Miller and H.Stone (Cambridge, 1989). Following conventional usage, I will not mention page numbers but the relevant book and chapter numbers in references to the *Esprit des lois*.

⁵ See on this theme: Melvin Richter, “Montesquieu and the concept of civil society”, *The European legacy*, 3 (1999), pp. 33-41.

⁶ See on this subject: Elie Carcassonne, *Montesquieu et le probleme de la constitution française au XVIIIe siècle*, (Paris, 1927). , p. 82; Bernard Manin, “Montesquieu et la politique moderne”, *Cahiers de philosophie politique*, 1985). , pp. 214-229.

to supplication and prayer.” (II, 4). In particular, the nobility’s sense of honour opposed barriers against arbitrary power. While honour encouraged obedience to the prince, it prevented a blind obedience. Montesquieu illustrated this with the story of the Viscount Dorte. The Viscount had refused to partake in the massacre of the Huguenots on Saint Bartholemew’s Day, even though this order came directly from the king, because it would dishonour him to kill innocent people (IV, 2).⁷

According to Montesquieu, in other words, social hierarchy, a nobility, was necessary for the preservation of liberty in a monarchy. Conversely, he identified “despotism” not just with arbitrary governments, but with a specific type of society, characterised by equality and atomisation.⁸ The despotic state, Montesquieu made clear, dissolved the social tissue. “In despotic states, each household is a separate empire.” (IV, 3). It was a government “where men believe themselves bound only by the chastisements that the former give the latter.” (V, 17). There were no real privileges or distinctions between the despot’s subjects. *Vis-à-vis* such an atomised society, despotism placed an all-powerful government. In a despotic state, all power was concentrated into the hands of the prince: “The prince, directing everything entirely to himself, calls the state to his capital, the capital to his court, and the court to his own person.” (VIII, 6).

Montesquieu’s monarchical model, with its defence of the nobility as an instrument of liberty, had a considerable influence in the second half of the eighteenth century. References to Montesquieu’s concept of the intermediary powers abounded in the increasing opposition against absolutism under Louis XV and Louis XVI.⁹ When in 1789, that opposition finally exploded in the French Revolution, however, Montesquieu’s aristocratic liberalism came to be seen as outdated. From a very early stage, the revolutionaries turned towards the self-governing city states of classical antiquity rather than to the pre-absolutist monarchy as their political model. Concomitant with the rise of classical republicanism, hostility against Montesquieu’s aristocratic liberalism increased during the Revolution. Investigations of revolutionary pamphlets show that Montesquieu’s popularity rapidly waned after 1789. The revolutionaries, far from seeing the aristocracy as an instrument of liberty, believed it to be an oppressive caste with but a negative social and political influence.¹⁰

⁷ On the role of honour in Montesquieu’s political doctrine: M. Mosher, “Monarchy’s paradox: honor in the face of sovereign power” in *Montesquieu’s science of politics*, eds. Id. and Paul A. Rahe (Lanham, 2001), pp. 159-231; Sharon Krause, *Liberalism with honor* (Cambridge, MA, 2002).

⁸ On the innovativeness of this definition of despotism: R. Koebner, “Despot and despotism: vicissitudes of a political term”, *Journal of the Warburg and Courtauld Institute* 14 (1951), pp. 275-302; Roger Boesche, “Fearing monarchs and merchants: Montesquieu’s two theories of despotism”, *Western Political Quarterly* 43 (1990), pp. 741-761.

⁹ Montesquieu’s influence is discussed in detail in Carcassonne, *Montesquieu*, part 3.

¹⁰ Renato Galliani, “La fortune de Montesquieu en 1789: un sondage”, *Archives des lettres modernes* 197 (1981), pp. 31-61; Pierre Rétat, “1789: Montesquieu aristocrate”, *Dix-huitième siècle. Revue annuelle* 21 (1989), pp. 73-82.

This did not mean, however, that the aristocratic liberalism of the *Esprit des lois* – its justification of intermediary powers and social hierarchy, its criticism of social equality as a threat to liberty – was lost for ever after 1789. The degeneration of the republican experiment into the Terror completely discredited the Jacobins' ideal of a direct democracy. The post-revolutionary period was therefore characterised by a search for alternative ways to safeguard liberty. This enterprise famously resulted in a turn towards negative liberty. Many post-revolutionary thinkers came to understand freedom, in Benjamin Constant's famous phrase, as "the peaceful enjoyment of private independence", which was to be protected by representative institutions.¹¹ But classical liberalism was by no means the only response to the failure of the Jacobin experiment. Montesquieu's model of the limited monarchy, with its emphasis on the checking of central government by a nobility, was likewise seen as a viable alternative for the discredited model of participatory democracy. Indeed, although this has been largely ignored in the existing literature, aristocratic liberalism made a remarkable come-back in the political thought of post-revolutionary France.¹²

The first to seize on the potential of Montesquieu's vision as an alternative for republicanism after the restoration of the monarchy in 1814 were the royalists. Defenders of king, Church and aristocracy, royalist politicians and publicists are usually depicted as mindless reactionaries.¹³ However, their political program, deeply influenced by Montesquieu, was more sophisticated than it is usually given credit for. The royalists believed that the preservation of liberty in France depended on the restoration of a territorial nobility. Without such an aristocratic class, the government would automatically revert to despotism and anarchy, as had happened during the French Revolution. For this reason, royalists attempted to buttress the economic power of the landed nobility by propagating a reform of the French property laws. Inheritance laws introduced during the Revolution, such as the law of partible inheritance, encouraged the division of landed property. Royalist publicists believed that these laws were responsible for the levelled and atomized condition of French post-revolutionary society. They campaigned for the re-introduction of primogeniture in France, which would give the bulk of an inheritance to the eldest son.¹⁴

In order to legitimate this program, royalist publicists frequently invoked the English example. Traditionally seen as the home of liberty, the prestige of the English political system

¹¹ Benjamin Constant, *Collection complète des ouvrages, publiés sur le gouvernement représentatif et la Constitution actuelle de la France, formant une espèce de cours de politique constitutionnelle* (Paris, 1818-1820, 8 vols.), VII, pp. 251-252.

¹² With the notable exception of G.A. Kelly, "Liberalism and aristocracy in the French Restoration", *Journal of the History of Ideas* 26 (1965), pp. 509-530.

¹³ Accounts of royalism as a "traditionalist" ideology: J.-J. Oechslin, *Le mouvement ultra-royaliste sous la Restauration* (Paris, 1960); Jean-Christian Petitfils, "Postérité de la Contre-révolution" in *La Contre-révolution*, eds. Jean Tulard and Benoit Yvert (Paris, 1990), p. 388; René Rémond, *La droite en France de 1815 à nos jours. Continuité et diversité d'une tradition politique* (Paris, 1954); Jean El Gammal, "1815-1900. L'apprentissage de la pluralité" in *Histoire des droites en France. Vol. 1. Politique*, ed. Jean-François Sirinelli (Paris, 1992), pp. 491-518; Jacques Prévotat, "La culture politique traditionaliste" in *Les cultures politiques en France*, ed. Serge Berstein (Paris, 1999).

¹⁴ Montesquieu's influence on the royalist discourse is discussed in: Annelien De Dijn, "Aristocratic liberalism in post-revolutionary France", *The Historical Journal* (48, 2005), pp. 661-681.

had only increased during the French Revolution. As the British had successfully resisted both internal upheaval and Napoleon's armies, their constitution came to be seen as a model throughout the rest of Europe. Thus, the new French constitutional Charter introduced in 1814, which introduced a bicameral legislature in France, was modelled on the English example.¹⁵ According to the royalists, however, institutions such as the Chamber of Peers did not suffice to guarantee the particular mixture of liberty and stability characteristic of England. They claimed that English freedom should be attributed to the strength of its landed nobility even more than to any particular institution. The existence of such a powerful landed nobility was guaranteed in turn by inheritance laws that prevented the division of landed property, such as primogeniture and entailments.

One of the most comprehensive statements of this view was provided by Charles Cottu, a lawyer at the Royal Court in Paris, in his *De l'administration de la justice criminelle en Angleterre, et de l'esprit du gouvernement anglais* (1820).¹⁶ Cottu was not an active politician. Although he was seen as a liberal at the beginning of the Restoration period, he moved considerably to the right in the course of time. He supported the royalist government of Joseph de Villèle when it came to power in 1820, and by 1826, he was generally seen as representing, together with Louis de Bonald, the voice of the *pointus*, the most virulently anti-liberal element in the royalist party.¹⁷ At the beginning of the Restoration period, Cottu had been sent on a government mission to study the English jury system, and his book was the result of that visit. However, Cottu did not limit himself to an analysis of the jury system. Rather, he sketched the working of the English political system in general, as well as the particular customs and habits on which it was based. Like Montesquieu, whose authority was invoked by the very title of his book, Cottu came to argue that liberty depended on the existence of an independent nobility, capable of checking the potentially despotic tendencies of central government.¹⁸

Cottu had no doubt that the mainstay of the English model was its powerful landed nobility. It was the aristocracy who really ruled England, not the king. He explained how the electoral system allowed the nobility to buy votes and to appoint their chosen candidates to the rotten boroughs, which accounted for its predominance in both the House of Commons and the Lords. Nobles also controlled the local administration. This dominance of the aristocracy, Cottu explained, brought many benefits with it. It accounted for the superior administration of justice in England. It assured small government: in England everything went of its own accord, the government needed to interfere but little. However, the most important role of the

¹⁵ G. Bonno, *La constitution britannique devant l'opinion, de Montesquieu à Bonaparte* (Paris, 1931). See also Annelien De Dijn, "Balancing the constitution: bicameralism in post-revolutionary France, 1814-1831", *European Review of History*, 12 (2005), pp. 249-268.

¹⁶ I have used the second edition of 1822, reissued by Slatkin reprints: Charles Cottu, *De l'administration de la justice criminelle en Angleterre, et de l'esprit du gouvernement anglais* (Paris, 1822).

¹⁷ On Charles Cottu: Prosper Duvergier de Hauranne, *Histoire du gouvernement parlementaire en France, 1814-1848* (Paris, 1857-1871, 10 vols.), X, pp. 399-400; Eugène Hatin, *Histoire politique et littéraire de la presse en France, avec une introduction historique sur les origines du journal et la bibliographie générale des journaux depuis leur origine* (Geneva, 1967, 8 vols.), VIII, p. 517.

¹⁸ Cottu, *De l'esprit du gouvernement anglais*, pp. ix-x.

English aristocracy, Cottu believed, was its function as an instrument of liberty. A locally entrenched elite, it resisted the central government when necessary. The existence of a class of landowners spread throughout the country created “a powerful dyke, both against the excesses of the democratic spirit, and against the encroachments of arbitrary power.”¹⁹ In short, the English example taught that the preservation of liberty depended on the existence of an aristocratic body. Although this might seem to some as a “paradox”, Cottu wrote, it was clear that “there can be no moderate government, and even less so any veritable liberty, without aristocracy.”²⁰

The survival of such a landed nobility, Cottu argued, depended to a large extent on the English property laws. Indeed, in his very first chapter, Cottu explained that the English social structure was based on primogeniture, which implied that the largest portion of the estate went to the eldest son. This system was based on habit as much as on existing succession laws. Even when the law admitted free choice on the part of the testator, the eldest was usually preferred. According to Cottu, this system had considerable influence on the social stratification of England. It allowed individual families to amass and consolidate considerable fortunes over the generations. At the same time, it encouraged social stability, connecting noble families firmly to their estates and to their provinces. As a result, English society was characterised by the existence of a wealthy, local aristocracy, which, unlike the absentee French landlords of the Old Regime, played a crucial role in the political and social life of the provinces.²¹

In France, unfortunately, the inheritance laws promoted the division of landed property. The French therefore had no aristocracy comparable to the English. Although there were many rich people in France, the French lacked an entrenched nobility.²² For this reason, the French inheritance laws were “subversive of representative government”. These “disastrous laws” caused not just instability of government, but undermined the “esprit de famille” as well, so that everyone lived alone and isolated. Because they encouraged the eternal subdivision of landed property into ever smaller fragments, they were also detrimental to agriculture. Cottu concluded his book by pleading for the re-introduction of primogeniture in France, so as to re-establish an aristocracy “without which it will remain impossible to give the people all the rights which follow the constitutional system without exposing them to great danger.”²³

Throughout the Restoration period, the royalists’ political program was strenuously contested by their liberal opponents. Liberal thinkers and politicians, such as Benjamin Constant, François Guizot and Pierre-Paul Royer-Collard, pointed out that an aristocratic restoration had

¹⁹ *Ibid.*, p. 18.

²⁰ *Ibid.*, p. 236.

²¹ *Ibid.*, pp. 1-19.

²² *Ibid.*, p. 239.

²³ *Ibid.*, p. 247.

quite simply become impossible. Drawing on theories of social change that had been developed during the eighteenth century and the Revolution, they argued that France had become a levelled or “democratic” society, which was very different from the social ideal defended by royalists. Even if one agreed that the nobility might have played a useful political role in the past, they argued, it had nevertheless become an obsolete social element that could not be restored in post-revolutionary France. The royalists’ attempts to recreate a landowning nobility through primogeniture were impracticable and wrong-headed. The feudal nobility had no place in the new, democratic world.²⁴

Despite this critique on the royalist discourse, however, many liberals found it difficult to escape Montesquieu’s influence. The demise of feudalism might be a positive and irreversible development, but the atomization of French society which had resulted from this process worried thinkers such as Germaine de Staël or Prosper de Barante no less than the royalists. Like their royalist opponents, they feared that a truly levelled society left no protection against governmental despotism. This analysis led a number of liberals to argue that the re-creation of an elite – albeit not the traditional, landowning nobility – was indispensable for the preservation of liberty in post-revolutionary France. Unsurprisingly, they detected the elements of such an elite in the victors of the French Revolution, the bourgeoisie. Some liberals therefore proposed to give a special place in the political system to the emerging industrialist class. More often, however, Restoration liberals turned towards the new professional elites which had come to the fore as local administrators during the French Revolution. They hoped to empower these local “notables” by decentralising the administrative system.

This program was outlined most powerfully in the writings of Prosper de Barante, a former prefect who made name for himself as a political theorist and historian during the Restoration period. Like the royalists, Barante was a great admirer of Montesquieu, who, as he wrote, had produced with the *Esprit des lois* “the monument that might honour him and his century the most.”²⁵ Impressed with Montesquieu’s empirical spirit, Barante believed that no other book presented more useful advice for the government and administration of European nations, and in particular for France. He approved especially of Montesquieu’s analysis of despotism. The *Esprit des lois* explained clearly how a nation could be led to despotism, and warned its readers for the degrading effects of this form of government on a people. This assured Montesquieu “for ever the love and admiration of men of good will.”²⁶

It is therefore hardly surprising that Barante’s most important political treatise of the Restoration period, his widely read brochure *Des communes et de l’aristocratie*, contained a thoroughly Montesquieuian analysis of the French predicament. Barante had written this brochure in response to the royalist government’s proposals for decentralisation in 1821. While the royalist government advocated a very limited measure, which would introduce elections

²⁴ Larry Siedentop, “Two liberal traditions”, in: *The idea of freedom. Essays in Honour of Isaiah Berlin*, ed. Alan, Ryan (Oxford, 1979). A good example of the liberal critique on the royalist discourse: Charles Ganilh, *De la contre-révolution en France ou de la restauration de l’ancienne noblesse et des anciennes supériorités sociales dans la France nouvelle* (Paris, 1823).

²⁵ Prosper de Barante, *Tableau de la littérature française aux dix-huitième siècle* (Paris, 1832). p. 115.

²⁶ *Ibid.*, p. 118.

only on the level of the municipal administration, not on the level of the departments,²⁷ Barante's brochure defended a more radical form of decentralisation. He attempted to convince the government that freely elected general councils, organised in each department, should have power of control over the prefects. However, Barante couched his arguments in a more general discussion of the political system, in which he attempted to provide an alternative to the royalists' aristocratic liberalism. As such, it was generally praised by Barante's liberal contemporaries. In an exhaustive review written upon the republication of this brochure in 1829, *Le Journal des débats* acclaimed *Des communes* as "a courageous manifest against the men who [...] give themselves over to [...] dreams of factitious aristocracy and counter-revolution."²⁸

Barante started out by arguing that proposals to recreate a territorial aristocracy in France, modelled on the English example, were doomed to fail. A return to feudalism was impossible in an advanced society such as post-revolutionary France, he explained. The decline of the landed nobility had not been an accidental, remediable consequence of the Revolution, but dated from long before 1789. It had become inevitable when commerce and enlightenment expanded at the end of the Middle Ages. While these impersonal forces undermined the aristocratic edifice, the growth of monarchical power had contributed to the demise of feudalism as well. The absolute kings had greatly encouraged the abasement of the aristocracy by turning it into a court nobility. This was an irreversible development, Barante stressed. The feudal nobility was no longer a possible instrument for the protection of post-revolutionary liberty. "We have to learn," he wrote, "not to give to old age the remedies of infancy."²⁹

It was therefore hardly surprising that all attempts to recreate a nobility in post-revolutionary France had failed. Both Napoleon and successive Restoration governments had endeavoured to re-establish a landed nobility. But neither the imperial nobility nor the Chamber of Peers qualified as a true aristocracy, that existed independently from the will of the monarch. Barante was in particular dismissive of the attempts of the royalists, "the party that believes itself to be aristocratic," to restore a territorial aristocracy in France.³⁰ Their campaign for primogeniture was doomed to fail, because it attempted to remedy a long-term process of social change through legislation. The division of landed property did not date from the Revolution; it had started centuries ago. The nobility had ruined itself, encouraged by Louis XIV, and their property was fragmented as a result of their general poverty. In other words, the division of property had nothing to do with the legal system, it was the result of irreversible tendencies in French society.

In short, "the social constitution" in France had never been "less aristocratic", and never had individuals been "more isolated from one another."³¹ However, Barante did not believe

²⁷ Rudolf von Thadden, *La centralisation contestée*, trans. Hélène Cusa and Patrick Charbonneau (Paris, 1989), pp. 239-263.

²⁸ Quoted in *Ibid.*, p. 305, note 158.

²⁹ Prosper de Barante, *Des communes et de l'aristocratie* (Paris, 1821), pp. 23-59, quote p. 30

³⁰ *Ibid.*, pp. 87-88.

³¹ *Ibid.*, p. 73.

that the levelling of French society was a process with wholly positive results. As we continue in *Des communes et de l'aristocratie*, it becomes clear that he also saw this development as a threat to the continued liberty and stability of the post-revolutionary state. If the individual citizens of a nation remained isolated, he echoed Montesquieu, they were without defence against the usurpation of their rights. An elite of enlightened and independent citizens was necessary both to resist abuses, and to protect the government against disorder.³² Without such a hierarchy, despotism and anarchy threatened, as was illustrated by the troubled situation in post-revolutionary France. For this reason, a new social elite was necessary – and Barante believed that decentralisation would allow such an elite to come into being in France.

Barante made it quite explicit that he was primarily interested in decentralization as an instrument for social reorganization. His proposal for decentralisation did not just aim to achieve a better administrative system. Above all, it was meant to establish “a better constitution of society” by encouraging “the spirit of association between citizens,” as well as “the use of social superiorities to the general interest, which is the sole just and reasonable principle of aristocracy.” By turning local administrators into a class of “magistrates”, freely elected and therefore recognised by the population as their superiors, decentralization would allow the growth of a new elite.³³ By having elected administrators, he hoped, “a progressive hierarchy will establish a non-interrupted chain between the monarch and his subjects.” By giving the more elevated ranks in society a role in the political system, they would provide “an honourable and faithful retinue” for the monarch, and they would defend, at the same time, national liberty against the usurpations of central power.³⁴

Barante put much emphasis on the differences between his scheme and that of the royalists. He underscored that the aristocracy he defended was very different from the territorial magnates idealised by the royalists: it was an elective, local elite. Free elections would allow the formation of a true aristocracy, based on the influence of its natural superiority, that was moreover independent from the government. It was not his goal to defend the interests of one specific class, as the royalists did with their advocacy of primogeniture. But despite these differences, it is clear that Barante’s brochure was inspired by the same school of thought as the royalists’, based on Montesquieu’s *Esprit des lois*. Like the royalists, Barante believed that the levelling and atomisation of French society was problematic because this meant that there were no intermediary powers to check government power. And like the royalists, Barante believed that French society needed to be reorganised to make it more resistant against despotism and anarchy, to counteract the malaise that had caused the Revolution.

Barante’s conviction that a new nobility was necessary for the preservation of liberty and stability in France was shared by many of his fellow liberals. A similar argument was made, for instance, in Pierre-Paul Henrion de Pansey’s important treatise *Du pouvoir municipal et de la police intérieure des communes* (1825), which, apart from Barante’s *Des communes et de l'aristocratie*, was probably the most widely read and influential liberal treatise on decentrali-

³² *Ibid.*, pp. 132-157.

³³ *Ibid.*, p. 1-22, quotes p. 22.

³⁴ *Ibid.*, pp. 252-256, quotes p. 254-255.

sation.³⁵ Like Barante, Henrion de Pansey was convinced that decentralization would form a natural elite within the “democratic” or bourgeois part of the nation. This “new aristocracy” would form a powerful barrier against anarchy and despotism, and thus guarantee the survival of the government instituted by the Charter.³⁶ Aristocratic liberalism, in short, continued to survive in the Restoration period not just in the writings of the royalists. It also remained an important ingredient in the political discourse of many of their liberal opponents.

A royalist through upbringing but a liberal by choice, Alexis de Tocqueville was acquainted with both these worlds while coming of age in the Restoration period. It is therefore hardly surprising that the main problems Tocqueville posed and the solutions he provided for them in his *De la démocratie en Amérique* (1835-1840) were inspired by ideas first developed by publicists such as Cottu and Barante. Although he was a far more subtle and interesting thinker than his Restoration predecessors, many of his concerns, indeed even the vocabulary he used, reflected the particular intellectual milieu in which his political consciousness had matured. Like the Restoration liberals, he believed that the advent of a new and more democratic society was irreversible, indeed “providential”.³⁷ But he feared, as did his royalist friends and kinsmen, that the levelled, atomized society of post-revolutionary Europe had its downsides as well. The demise of the aristocracy had led to the disappearance of the ancient barriers against central power. Tocqueville was therefore convinced, like Prosper de Barante, that new checks and balances needed to be created, more suitable to the new, post-aristocratic age.

In the preface to his *Démocratie* of 1835, Tocqueville explained that his book was written in order to answer a very specific question: how to preserve liberty in a levelled, democratic society, where the old, aristocratic barriers against central power had disappeared? Modern history, Tocqueville wrote, had been characterised by “a great democratic revolution”, which had levelled social conditions and made individual citizens more equal to one another.³⁸ As a result, the specific form of liberty that had existed in France under the Old Regime, when the power of great nobles formed a powerful check on royal absolutism, could no longer be restored. A return to aristocratic liberty had become impossible. “People who think of reviving the monarchy of Henry IV or Louis XIV seem to me quite blind,” he warned his

³⁵ This brochure was first published in 1822; a revised and extended version was re-issued in 1825, and again in 1833 and 1840. I have used the last edition.

³⁶ Pierre-Paul-Nicolas Henrion de Pansey, *Du pouvoir municipal et de la police intérieure des communes* (Paris, 1840), p. 17.

³⁷ The influence of Restoration liberals on Tocqueville’s conception of social democracy is well documented. See in particular: Larry Siedentop, *Tocqueville* (Oxford, 1994); Aurelian Craiutu, “Tocqueville and the political thought of the French doctrinaires (Guizot, Royer-Collard, Rémusat)”, *History of Political Thought*, 20 (1999), pp. 456-493; Melvin Richter, “Tocqueville and Guizot on democracy: from a type of society to a political regime”, *History of European Ideas*, 30 (2004), pp. 61-82.

³⁸ Alexis de Tocqueville, *Democracy in America*, transl. Arthur Goldhammer (New York, 2004), p. 3.

readers in the *Démocratie* of 1835; repeating this in the volume of 1840: “I am convinced... that anyone who attempts to amass and hold authority within a single class will fail.”³⁹

A new model for liberty was necessary. Tocqueville therefore turned for inspiration to an example that seemed, at first sight, as far removed as possible from the aristocratic liberty glorified by his royalist predecessors. In the United States, the people ruled supreme, and the aristocracy was all but non-existent. Tocqueville clearly admired such popular self-rule, and he believed that it should be imitated in France. Nevertheless, he was at the same time convinced that democratic rule, when it went unchecked, could pose an important threat to liberty. He addressed this problem for the first time in the context of his discussion of the danger of popular tyranny in America. In a democratic system such as the United States, the majority had “an immense actual power together with a power of opinion that is almost as great”. As soon as the opinion of the majority on a specific issue had been formed, no obstacle was capable of stopping or even hampering its course.⁴⁰ The omnipotence of the majority, Tocqueville warned, could easily degenerate into an actual tyranny. For this reason, sovereign power, even when exercised by the people, should always be limited.⁴¹

Like Barante, Tocqueville pointed to the growth of a new type of aristocracy as a solution to this problem, although he located this new elite in the class of the lawyers rather than among local notables. His trip to the United States had convinced Tocqueville that lawyers held a very important place in American society. They formed a body distinct from the rest of the nation by their special knowledge, convinced of their own superiority. In this sense, lawyers were the most “aristocratic” element in American society. Rather than the class of wealthy bankers, lawyers shared “some of the tastes and habits of aristocracy.”⁴² This aristocratic class was actively hostile to many elements of the democratic system. Their penchant for order turned American lawyers into the natural opponents of the revolutionary spirit and unreflective passions of democracy, Tocqueville believed. Combined with its very real influence in American society, this class formed “the most powerful, if not the only, counterweight to democracy.”⁴³

But Tocqueville did not put all of his hopes on the growth of such a new elite. In *De la démocratie en Amérique*, he developed an idea that was more or less absent from Barante’s brochure. Tocqueville argued that the levelling and atomization of democratic societies could be combated, not so much by the recreation of an aristocracy, but through the art of association. From the American example, he learned how a system of decentralisation limited the power of government and administration by dividing it over several people, by multiplying functionaries. In New England, as in other American states, he explained, power was divided over at least nineteen officials. This rendered authority less irresistible and less dangerous, without undermining it. Tocqueville compared this system favourable with what he described

³⁹ *Ibid.*, p. 363, p. 822.

⁴⁰ *Ibid.*, p. 284.

⁴¹ *Ibid.*, p. 288.

⁴² *Ibid.*, p. 304.

⁴³ *Ibid.*, p. 309.

as the European way of safeguarding liberty. Europeans believed that liberty was safeguarded when power was weakened in its very principle, when the state sphere was as limited as possible. In America, on the contrary, the rights of society over its members were not contested, power was not attacked in its principle. Rather, it was divided in its exercise.⁴⁴

Tocqueville returned to this idea in the second volume of the *Démocratie*, in which he explained how local institutions and associations could have a very similar function as the old nobility in restraining the potential despotic tendencies of the government. In aristocratic countries, the presence of “wealthy and influential” citizens instilled moderation in the government, because they could not be oppressed “easily or secretly”. These could be replaced in democratic countries through the art of association. Borrowing Montesquieu’s terminology, he described voluntary organizations as “secondary bodies temporarily constituted of ordinary citizens.” They allowed the citizens’ liberty to be more secure, without endangering their equality.⁴⁵ They would preserve liberty without reconstructing an aristocracy, thus allowing “to bring forth liberty from the midst of the democratic society in which God has decreed we must live.”⁴⁶ “I am firmly convinced that aristocracy cannot be re-established in the world. But ordinary citizens, by associating, can constitute very opulent, very influential, and very powerful entities – in a word, they can play the role of aristocrats.”⁴⁷

With Tocqueville, in short, we have come to an important turning point in the intellectual history of theories of civil society. In his *De la démocratie en Amérique*, civil society, understood as the network of local and voluntary institutions and associations, was defended for the first time as the most suitable barrier against governmental despotism. While he had inherited the concept of an intermediary power from Montesquieu, through the mediation of publicists of the Restoration period, Tocqueville adapted it to the new realities of the post-revolutionary world. By looking for intermediary powers against central government in associations of ordinary citizens rather than in elites old or new, he made a decisive step in bending Montesquieu’s political model to the requirements of the new and more democratic age that had come into being with the French Revolution. Tocqueville had operated, as Jean-Claude Lamberti puts it, “a democratic transposition” of Montesquieu’s aristocratic liberalism.⁴⁸

But had he really? Tocqueville’s *De la démocratie en Amérique*, for all of its insistence on the irreversible character of the rise of democracy, evinced an unmistakable nostalgia for the lost

⁴⁴ *Ibid.*, p. 78-82.

⁴⁵ *Ibid.*, p. 823.

⁴⁶ *Ibid.*, p. 822.

⁴⁷ *Ibid.*, II, pp. 842-843.

⁴⁸ Jean-Claude Lamberti, *Tocqueville et les deux démocraties* (Paris, 1983), p. 12.

aristocratic world of the Old Regime.⁴⁹ In particular, his discussion of the effects of the rise of democratic modernity in the second volume of the *Démocratie* is quite surprisingly critical for a thinker who is usually perceived as the main prophet of democracy. Describing the influence of the levelled condition of society on the sentiments and *moeurs* prevalent in democratic societies, Tocqueville made a sustained and often unflattering comparison with the attitudes which he deemed typical of aristocratic societies.⁵⁰ More specifically, he identified three “passions”, which he believed to be typical of a democratic people: the love of equality, the taste for well-being, and individualism. All of these passions posed, in his view, a threat to the associational life which was required for the preservation of freedom.

Social equality, Tocqueville explained, engendered a passion for material comforts, for well-being. Democratic man was typically an acquisitive man. At first sight, the love of well-being was more compatible with liberty than the other passions engendered by equality. According to Tocqueville, history showed that there was a close link between liberty and the industriousness of a people. A democratic people needed liberty to fulfil its passion for material goods. Nevertheless, this passion could easily lead to despotism. If citizens were not enlightened enough to see the connection between liberty and industry, they might easily be persuaded to give up their political rights in exchange for protection against the threat of anarchy; they might become more interested in order than in liberty.⁵¹ The passionate devotion of democratic nations to the principle of equality likewise threatened liberty. Such a people was prepared to sacrifice its political rights if this would prevent a return to an aristocracy, as it had happened, for instance, at the end of the French Revolution.⁵²

But the greatest threat to associational life, in Tocqueville’s view, came from the “individualism” typical of levelled societies, a sentiment which predisposed each citizen to isolate himself from the rest of the population, and to withdraw into his private sphere. Individualism was an inevitable consequence of a democratic social condition. In aristocratic societies, on the contrary, which lacked the geographical and social mobility of democratic societies, solidarity across time and space was more pronounced. Aristocratic institutions established closer links between citizens, because individuals were always connected to those on a higher and lower level. “Aristocracy linked all citizens together in a long chain from peasant to king. Democracy breaks the chain and severs the links.”⁵³

Thus, the levelling of society throughout the ages had created an atomised, individualistic society, where citizens were isolated from one another. Tocqueville believed that the equalised condition of modern societies encouraged the unlimited growth of government power, a process which he described as “centralization”. This was explained in particular in part 4 of

⁴⁹ Sheldon Wolin makes a similar argument in his *Tocqueville between two worlds* (Princeton, 2001), but he connects Tocqueville’s critical attitude towards modern democracy to his personality rather than to the influence of his intellectual environment.

⁵⁰ Cf. Larry Siedentop’s insightful discussion of Tocqueville’s distinction between “democratic” and “aristocratic” man in his *Tocqueville*, (Oxford, 1994), pp. 69-95.

⁵¹ Tocqueville, *Democracy*, pp. 617-622.

⁵² *Ibid.*, pp. 581-584.

⁵³ *Ibid.*, p. 586.

the second volume of the *Démocratie*, where Tocqueville discussed the influence of the sentiments and ideas engendered by democracy on the political society. He described the progress of centralisation as the result of psychological attitudes typical of democratic societies.

An aristocratic people, he argued, naturally tended towards the creation of “secondary powers, placed between sovereign and subjects,” because important individuals and families were readily available in such a society. A democratic nation, however, had a penchant for a strong central power, because it had a high opinion of the rights of society and a low opinion of the rights of individuals. As conditions became more levelled, individuals became more and more insignificant, and society seemed increasingly encompassing, until “nothing can be seen any more but the vast and magnificent image of the people itself.”⁵⁴ The sentiments of a democratic people contributed to this tendency as well. The passion for individualism and the materialism of democratic peoples drew them away from public life, made them more interested in order. Particular causes, Tocqueville emphasized, related to the revolutionary inheritance, made this tendency even more outspoken on the European Continent than in the United States.⁵⁵

As a result, sovereign power in most European states was continually growing. Independent bodies that had once cooperated with central power in government and administration had been abolished. The “secondary powers” had been destroyed, and all rights previously exercised by bodies such as the nobility had been concentrated in the hands of the sovereign. But at the same time central government had penetrated into areas that up till then had been reserved for individual independence. While aristocratic governments limited themselves to areas that were of national interest, democratic governments believed themselves responsible for the actions of their individual subjects. Moreover, central power showed itself more active and independent than ever before, because the development of industry made centralisation more and more necessary. In short, “all the diverse rights that have been wrested in recent years from classes, corporations, and individuals were not used to establish new secondary powers on a more democratic basis but were concentrated instead in the hands of the sovereign.”⁵⁶

Tocqueville underscored that the despotism to be feared in democratic societies differed from the military despotism of the Roman Emperors, established by force and exercised with violence. He described it as a more peaceful kind of dictatorship, stifling rather than violent. Not a bloody tyranny, but an oppressive tutelage threatened to become the future government of European nations, degrading its subjects rather than tormenting them.⁵⁷ But at the same time, the new despotism would be more complete and interfering than even the most absolutist regime of the past. The different nations of the Roman Empire had all been able to retain their customs and *moeurs*, as Tocqueville reminded his readers; the provinces were dotted

⁵⁴ *Ibid.*, p. 790.

⁵⁵ *Ibid.*, pp. 793-815.

⁵⁶ *Ibid.*, p. 804.

⁵⁷ Tocqueville’s innovating notion of despotism is discussed by Roger Boesche in his “Why did Tocqueville fear abundance? Or the tension between commerce and citizenship”, *History of European Ideas* 9 (1988), pp. 25-45.

with rich and powerful municipalities. Although the emperors had exercised power alone, and decided over everything in principle, many details of social life and the individual existence had escaped their control. The new despotism, however, would leave no room for this type of individual resistance and aberration, but would reduce the nation to “a flock of timid and industrious animals, with the government as its shepherd.”⁵⁸

In short, Tocqueville had a highly ambiguous attitude towards the rise of modernity. He was firmly convinced that the increasing equality of modern societies was an irreversible and providential development. For this reason, he looked for an alternative for the traditional aristocratic barriers against central government in the local and voluntary institutions and associations so typical of the American model. But at the same time, Tocqueville inherited from his pro-aristocratic predecessors a highly critical attitude towards social equality. Reading his book, especially the second volume of the *Démocratie*, we clearly get the sense that something irretrievable had been lost with the demise of the aristocracy. This critique of democratic modernity can be explained by the fact that the roots of Tocqueville’s thought can be traced back to eighteenth-century aristocratic liberalism.

Tocqueville’s feeling of loss, his critical attitude towards the rise of democracy was echoed by many liberals of the 1850s and 1860s. The establishment of the Second Empire in 1850-1852 in the wake of the February Revolution of 1848, convinced many opponents of the new regime of the correctness of Tocqueville’s analysis. Louis Napoleon’s rise to power illustrated, in the eyes of many liberals, more clearly than ever before the necessity of extra-parliamentary barriers against central power. Like Tocqueville, liberals such as Charles de Montalembert, Odilon Barrot and Victor de Broglie became firmly committed to decentralization as the only realistic way of curbing central power in modern, egalitarian societies. But again like Tocqueville, their arguments in favour of civil society were suffused with a nostalgic longing for the aristocratic past and a highly critical attitude towards democratic modernity.

Such pessimism can be found for instance, in the writings of Charles de Montalembert, who was the scion of an old noble family of staunch royalists. Unlike most of his peers, Montalembert had rallied to the new regime in 1830 as a liberal Catholic. He gained a considerable reputation during the July Monarchy as a defender of religious liberty, cooperating with Félicité de Lammenais on *L’Avenir*; and he became known to the general public with a campaign for educational freedom in the 1840s. Under the Second Republic, Montalembert initially supported Louis Napoleon’s presidential regime. But after the *coup d’état* of 1851, he became an enemy of the Empire and a staunch defender of liberty in all of its forms. From a liberal Catholic, he became, as one historian has expressed it, a Catholic liberal.⁵⁹

⁵⁸ Tocqueville, *Democracy*, p. 819.

⁵⁹ Lucien Jaume, *L’individu effacé ou le paradoxe du libéralisme français* (Paris, 1997), p. 211. On Montalembert’s political development, see: R.P. Lecanuet, *Montalembert* (Paris, 1912).

Like Alexis de Tocqueville, whose *De la démocratie* Montalembert had read with great admiration, he believed that the levelled condition of French society made the establishment of a stable, liberal regime problematic.⁶⁰ The overthrow of parliamentary government in 1848, Montalembert argued, had not been accidental, but it was related to a more fundamental deficiency in French society. More specifically, he believed that the establishment of a liberal regime was hindered by the absence of a traditional social elite in France and on the European Continent in general. “In essence”, he wrote in his brochure *Des intérêts catholiques au XIXe siècle*, which was published in 1852, “democracy is incompatible with liberty, because it is based on envy posturing as equality; while liberty, by its very nature, protests incessantly against the tyrannical and brutal level of equality.”⁶¹

Montalembert turned to the example of the English, decentralized state as a solution to this problem, which resulted in 1856 in the publication of his major political treatise, *De l'avenir politique de l'Angleterre*. The publication of this book was triggered by a debate about the viability of the English model, which had developed as a result of English failure in the Crimean War. In *De la décadence de l'Angleterre* (1850), Alexandre Ledru-Rollin claimed that “the great system of the British aristocracy” was on the brink of collapse.⁶² Montalembert’s response to this claim was indignant. *De l'avenir politique*, which defended the continued viability of the English political model, went through five successive editions in France, while in England it even raised a debate in parliament in April 1856.⁶³

More remarkable than Montalembert’s rather conventional praise of the English model, is the outright attack he formulated at the beginning of his book on the rise of social equality. Like Tocqueville, he believed that the constant progress and final triumph of “democracy”, implying both social and political equality, was an inevitable development in modern societies. “Democracy governs wherever it does not yet reign,” he wrote.⁶⁴ Again like Tocqueville, Montalembert believed that this evolution was, to a certain extent, a positive one. He applauded the fact that barriers, which had prevented the masses to enjoy specific commodities and rights in the past, had been or were being reversed. Equality before the law and equal taxation were acclaimed by Montalembert as conquests of justice. Likewise, he believed it to be a positive evolution that public officials were now chosen for their merit rather than for their background, as this implied a recognition of legitimate superiority.

⁶⁰ Montalembert admired in particular the second volume of the *Démocratie*, “cette admirable prophétie, à laquelle il conviendrait de rendre son véritable titre: De la démocratie en France et en Europe.” Quoted from: Charles de Montalembert, *Des intérêts catholiques au XIXe siècle* (Paris, 1852), p. 154, note 1.

⁶¹ *Ibid.*, quote p. 97. This idea was not new to Montalembert. In 1839, one year before the publication of the second volume of Tocqueville’s *De la démocratie*, Montalembert had already criticised “democracy” as a despotic force in his correspondence with his friend and fellow liberal-catholic Père Lacordaire. However, Montalembert did not publicly want to defend an “aristocratic system” during the July Monarchy, as he also indicated to his correspondent, because he had more pressing priorities as a catholic. Lecanuet, *Montalembert*, III, pp. 184-190.

⁶² Alexandre Ledru-Rollin, *De la décadence de l'Angleterre* (Brussels, 1850), p. 171.

⁶³ As Montalembert indicated in the preface to the third edition of his *De l'avenir politique de l'Angleterre*.

⁶⁴ Charles de Montalembert, *De l'avenir politique de l'Angleterre* (Paris, 1856), p. 35.

But the progress of democracy also entailed considerable dangers. Echoing Tocqueville's criticism of democracy and the harmful psychological attitudes which it brought with it, Montalembert pointed out that a democratic condition engendered hatred, jealousy, and envy against all forms of superiority. For this reason, democracy posed a threat to both liberty and stability: "[Democracy] is the enemy of everything which lasts, of everything which resists, of everything which grows," he wrote. "It negates all gradual progress of liberty; it insults all its natural allies; and above all it pursues with an implacable ingratitude the princes which have brought it into being or who have served it. It creates a perpetual turbulence in nations; it brings them to look for shelter in the first haven they encounter, and to become the servant or hostage of whomever will save them from the wreckage." Montalembert had little doubts about the eventual outcome of this process: "Thus it cannot but help to clear the route for the unity of despotism."⁶⁵

In particular, Montalembert was concerned about the atomisation of society engendered by the progress of democracy. In democratic societies, mechanical, artificial connections substituted moral, natural, traditional bonds, which could act as a guarantee against central power. Independence was abhorred. In a democratic society, the valour and dignity of man was absorbed by the state, and capacity, courage and uprightness were ostracised. The government by men superior through their capacity and virtue was rejected; instead rule by numbers was imposed. By isolating individual citizens in this manner from one another, the process of democratisation had encouraged the establishment of despotism.⁶⁶

Similar criticisms were echoed by other liberal decentralizers as well. Victor de Broglie, a former Prime Minister and one of the most influential political figures of the July Monarchy, pleaded in his *Vues sur le gouvernement de la France* (1870) for decentralization as a necessary prerequisite for re-establishing liberty and stability in France.⁶⁷ This was in his view to only way to counteract the atomization of French society, which he described as "pulverised into individuals – individuals without connections, without cohesion, without personal resistance, individuals brushed away by the wind, one by one, like so many sprigs of straw."⁶⁸ *De la centralisation et de ses effets* (1861), written by Odilon Barrot, one of the leaders of the radical left under the July Monarchy, evinced a similar critical attitude towards the recent past. The Old Regime had been characterised by hierarchy, traditional influences, and relationships of vassalage and patronage. Although the absolute monarchy had worked hard to "dissolve all resisting forces in society,"⁶⁹ some remnants of the institutions of the Middle Ages had survived throughout the Old Regime. But the National Assembly had made *tabula*

⁶⁵ Ibid.

⁶⁶ *Ibid.*, p. 38.

⁶⁷ On Broglie's brochure and its importance in the context of the constitutional debates of 1870-1875: Jean-Pierre Machelon, "Victor de Broglie et les *Vues sur le gouvernement de la France*" in *Coppet, creuset de l'esprit libéral. Les idées politiques et constitutionnelles du groupe de Madame de Staël. Colloque de Coppet, 15 et 16 mai 1998*, ed. Lucien Jaume (s.l., 2000), pp. 187-198.

⁶⁸ Victor de Broglie, *Vues sur le gouvernement de la France*. Ouvrage inédit du duc de Broglie publié par son fils (Paris, 1872), p. 61

⁶⁹ Odilon Barrot, *De la centralisation et de ses effets* (Paris, 1870). p. 47.

rasa of these last obstacles: “independence of the clergy, tradition of nobility, municipal corporations, syndicates, provincial orders, *parlements*, hereditary offices, all disappeared in one day, not to be reformed in the sense of liberty, but to enrich and increase central power with their spoils.” Napoleon completed this work by destroying everything left of individual independence. As a result, Barrot complained, French society had become “individualised”; the state alone was powerful.⁷⁰

In short, the language in which opposition against a strong state was formulated in nineteenth-century France clearly showed its roots in aristocratic liberalism. Tocqueville and his liberal followers of the Second Empire believed that the rise of modern democratic states was an irreversible and providential development. They defended decentralization and civic associations as the best protection against the despotic tendencies of central government in the atomized societies which had resulted from this process, rather than a resurrection of elites old or new. Nevertheless, the discourse of these liberal decentralizers remained imbued with a nostalgia for the aristocratic past and a highly critical attitude towards democratic modernity. In this sense, the French conception of civil society had an anti-modernist flavour.

This conclusion is not without its relevance for contemporary political debate. For, it is possible to argue that the historical pessimism of the French tradition has continued to reverberate in the writings of Tocqueville’s twentieth-century followers. The writings of Robert Putnam, perhaps the most famous of today’s neo-Tocquevilleians, are a case in point. Charting the decline of associational life in his *Bowling alone*, arguably one of the most influential books of the past decade, the golden age invoked by Putnam is the America of the 1950s rather than an aristocratic past. Nevertheless, Putnam decries, like Tocqueville and his followers of the Second Empire, a growing individualism as one of the most important and dangerous characteristics of contemporary society.⁷¹ Even today, in other words, proponents of a more political conception of civil society continue to think of associational life as being under threat in modern societies.

⁷⁰ *Ibid.*, p. 49.

⁷¹ Robert Putnam, *Bowling alone: the collapse and revival of American community* (New York, 2000).

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