

The Review of Politics 79 (2017), 649–674.

© University of Notre Dame

doi:10.1017/S0034670517000602

“The Idea of Rights”: Tocqueville on The Social Question

Gianna Englert

Abstract: Tocqueville’s writings on pauperism have gained renewed attention in the last decade. Scholars study his *Memoir on Pauperism* (1835) to contextualize his thought in the nineteenth century, to question the extent of his liberalism, or to locate his policy solutions on a spectrum from private charity to state welfare. Yet Tocqueville’s response to pauperism must be interpreted in light of “the social question,” or the problem of how to alleviate not only the material ills of poverty, but also the phenomenon of social exclusion that accompanied it. His discussion of the social question, I argue, illuminates his particular theory of rights and their possibilities. His thoughts on the poor laws culminate in a novel theory of the educative potential of property rights. This theory of rights prompts us to revisit his position on extending political rights and on the role of political participation in overcoming class division.

Alexis de Tocqueville began his *Memoir on Pauperism* with a paradox. Crossing the countries of Europe, he noted, “one is struck by a very extraordinary and apparently inexplicable sight. The nations that appear the most miserable are those who, in reality, contain the fewest indigents, and among the people most admired for their opulence, one part of the population is obliged to rely on the gifts of others in order to live.”¹ This phenomenon of concurrent poverty and industry occupied much of English and French political thought in the eighteenth and nineteenth centuries. Though debates over poor relief began much earlier, the “new” or industrial poor of these centuries occupied a perplexing social position. They existed at the center of society’s

Gianna Englert is a postdoctoral research associate at the Political Theory Project, Brown University, 8 Fones Alley, Providence, RI 02912 (gianna_englert@brown.edu).

Thank you to Richard Boyd, Joshua Cherniss, R. Bruce Douglass, Loubna El Amine, David Golemboski, Brian Kogelmann, Shannon Stimson, Cheryl Welch, and the participants of the Georgetown Political Theory Workshop for their helpful comments. Thank you also to the anonymous reviewers at the *Review of Politics* and to Catherine Zuckert.

¹Alexis de Tocqueville, *Memoir on Pauperism*, in *Tocqueville and Beaumont on Social Reform*, ed. and trans. Seymour Drescher (New York: Harper and Row, 1968), 1.

productive capacity, in the factories and industrial cities of England and France. But they were at the same time excluded from those societies—from the “opulence” introduced by material progress, and from a social order increasingly defined by it.

The paradox Tocqueville identified lay at the heart of “the social question,” or the problem of how to alleviate the many ills—material, social, and political—surrounding the growing class of urban poor. Like other theorists of his time, Tocqueville sought its solution. He delivered his *Memoir on Pauperism* to the Royal Academy of Cherbourg in 1835, authored an unfinished sequel two years later, and commented on the condition of paupers in England and Ireland.² Following the work of Seymour Drescher in the 1960s, scholars have recently revisited Tocqueville’s lesser-known writings on poverty reform, and study the reports on pauperism in order to situate Tocqueville’s thought among the French schools of political economy,³ to highlight the originality of his economic thinking,⁴ or to reveal the nuances and limits of his liberalism.⁵ Others, notably Gertrude Himmelfarb, read the *Memoir on Pauperism* in light of ongoing debates about the virtues of private charity versus public welfare, and situate Tocqueville’s thoughts on poverty alongside his well-known praise of associational life.⁶

This article examines Tocqueville’s reflections on pauperism in light of the problem of communal exclusion central to the social question, a yet unexplored element of his thought. How does the inequality of pauperism comport with the egalitarian condition of a democratic *état social*? Could paupers, as members of a dependent social class, be incorporated into the

²Tocqueville’s follow-up essay on pauperism, known as the *Second Memoir* (1837), was not published until 1989 as part of his collected works. See *Œuvres complètes*, vol. 16, *Mélanges*, ed. Françoise Mélonio (Paris: Gallimard, 1989), 140–57 (hereafter OC). He also wrote a short essay called the “Letter on Pauperism in Normandy” between 1835 and 1836.

³Seymour Drescher, *Tocqueville and England* (Cambridge, MA: Harvard University Press, 1964), *Dilemmas of Democracy* (Pittsburgh: University of Pittsburgh Press, 1968), and *Tocqueville and Beaumont on Social Reform* (New York: Harper and Row, 1968); Cheryl Welch, “Tocqueville’s Resistance to the Social,” *History of European Ideas* 30 (2004): 83–107; Michael Drolet, *Tocqueville, Democracy, and Social Reform* (New York: Palgrave, 2003) and “Tocqueville’s Interest in the Social,” *History of European Ideas* 31 (2005): 451–71.

⁴Richard Swedberg, *Tocqueville’s Political Economy* (Princeton: Princeton University Press, 2009).

⁵Eric Keslassy, *Le libéralisme de Tocqueville à l’épreuve du paupérisme* (Paris: L’Harmattan, 2000); Chad Alan Goldberg, “Social Citizenship and a Reconstructed Tocqueville,” *American Sociological Review* 66 (2001): 289–315; Roger Boesche, *The Strange Liberalism of Alexis de Tocqueville* (Ithaca, NY: Cornell University Press, 1987), esp. 133–40.

⁶Gertrude Himmelfarb, introduction to the *Memoir on Pauperism* (London: Civitas, 1997).

social order as Tocqueville understood it? Could public relief accomplish this aim? These were questions that troubled the thinker during his journeys to England and Ireland in the 1830s. But as an obvious exception to his thesis about providential equality, the problem of pauperism also struck at his deepest anxieties over Europe's democratic future, and at his persistent if cautious hope in the progress of modern civilization.

There was much at stake, then, in "solving" the social question. For Tocqueville, this solution could not be reached by way of temporary, material remedies to the entrenched problem of pauperism. Any remedy must aim to integrate the impoverished classes into the political community. While his response to pauperism in part echoed what Françoise Mélonio has called "commonplace" moral critiques of the poor,⁷ revisiting standard images of criminality and moral degradation, it also departed from those critiques in the character of its solution. Tocqueville's discussion of the social question, I argue, illuminates his particular concept of rights, their practice, and their possibilities. His arguments about the limits of public relief and harms of material exclusion culminate in a novel theory of the educative and socializing potential of rights, especially property rights, as a possible solution to "the social question" and a central element of healthy democratic societies.

What began as a reflection on property rights extends to the political realm and to the question of legal citizenship in Tocqueville's thought. Tocqueville acknowledged in *Democracy in America* that political participation, much like the exercise of property rights, could provide an educative experience in shared life. His overarching stance on *political* rights was, however, more complicated than his work on America might suggest. He shifted his position on expanding suffrage in France, prompting us to consider under what circumstances political participation could assist to remedy problems of social exclusion and class division at the heart of the social question. I argue that Tocqueville weighed the philosophical and psychological benefits of political participation for the individual against the pressing requirements of stability for his own nation. His call to extend suffrage in 1848, a shift from his earlier arguments in France, reflected not simply a concern for stability, but his belief that, under the right conditions, political rights could potentially repair "the social" by incorporating once-estranged classes into public life.

Tocqueville approached the social question by comparing his own country with his observations of England and America. America offered necessary lessons in democratic practice; England revealed the full scope of the problem of pauperism. Accordingly, we begin with a historical examination of the social question in England and France, before turning to the originality of Tocqueville's response.

⁷OC, 16:131n16.

I. The Social Question: A Cross-National Conversation

To study pauperism was to study England. Tocqueville took an interest in the subject during his journeys to England and Ireland in the 1830s, where he observed the “immense workshop, huge forge, and vast shop” that was Birmingham. It was also where he noted the tensions inherent in industrialization. Manchester was a lesson in contrasts—a “palace of industry” and “refuge of poverty.”⁸ His observations seemed to confirm the insights of his countryman Jean-Baptiste Say, who claimed that the English invented the term “pauperism” to describe their country’s widespread condition.⁹

Still, defining and delimiting the “pauper class” remained somewhat of an open question. The term signaled a shift in conceptions of the “able-bodied poor,” from agricultural laborers and mendicants to industrial workers and urban poor. But as Drescher notes, neither English nor French theorists discriminated between categories of the poor in discussions of laws and relief.¹⁰ The working poor, the industrial wage-earner, the unemployed, and the indigent were grouped together and joined to moral categories of the dangerous, delinquent, and depraved. Titles of various writings on poverty attest to this ambiguity—*les classes laborieuses, prolétaires, paupérisme*.¹¹ The only notable distinction was between rich and poor, highest and lowest, perhaps the result of a persistent aristocratic mindset that could not account for the emergence of new classes and occupations.¹²

⁸Tocqueville, *Journeys to England and Ireland*, trans. George Lawrence and J. P. Mayer (New Haven, CT: Yale University Press, 1958), 107. Hereafter *Journeys*.

⁹Jean-Baptiste Say, *Cours complet d'économie politique pratique* (Paris: Guillaumin, 1828–29), 2:361n1. See also Eugene Buret, who wrote that the term “pauperism” was “borrowed from England, which undoubtedly deserved the honor of naming this new evil that it possessed before any other nation” (Buret, *De la misère des classes laborieuses en France et en Angleterre* [Paris: Paulin, 1840], 1:120).

¹⁰Drescher, *Dilemmas of Democracy*, 105. One notable exception is Edmund Burke’s distinction between laborers and the poor in *Thoughts and Details on Scarcity* (authored 1795; first printed London: Rivington, 1800). Burke’s distinction had a dual purpose. First, he argued that the “poor” were those who simply could not work—the infirm, the elderly, the sick, children—and were thus the proper recipients of charity. Second, he wished to convince the laborer that he was not “poor” in this sense, and should not believe that he can depend on anything but his own “industry and frugality” for assistance. As we will see, the Royal Commission behind the 1834 poor law reform outlined a similar distinction.

¹¹E.g., Buret, *De la misère des classes laborieuses*; Louis-Napoleon Bonaparte, *L’Extinction du paupérisme*, in *Oeuvres* (Paris: Temblaire, 1844); H. A. Frégier, *Des classes dangereuses de la population dans les grandes villes, et des moyens de les rendre meilleurs* (Paris: Baillièrre, 1838).

¹²Tocqueville addressed the persistence of the aristocratic mindset among the English, whose “imagination... have not broken [the] fetter” of inequality associated with aristocracy, at least as of 1835 (Tocqueville, *Journeys*, 72).

Despite this ambiguity, at least one characteristic remained constant: paupers were distinguished by a condition of permanent poverty (or at least, the threat of permanence), from which their present state offered no obvious escape. If such persons were not currently relief recipients, they soon would be, as they could not provide for their own subsistence. A second characteristic concerned the origins of pauperism itself. Nearly all social theorists attributed pauperism, in one way or another, to industrialization. This was especially true of French thinkers who, like Tocqueville, looked upon England's industrial centers and saw poverty in the same places.¹³

Underlying the problem of pauperism was a deep concern about the social consequences of poverty. Nineteenth-century discussions of relief deepened Thomas Malthus's image of the moral and societal degradation—the "drunkenness, carelessness, and dissipation"—spurred by poverty.¹⁴ Eugene Buret warned of a new barbarism among the poor who have "regressed into savage life from exhaustion," and wrote of entire populations living "outside of society, outside of the law, as outlaws."¹⁵ Aldophe Thiers spoke of "the vile mob that overturned every Republic,"¹⁶ and H. A. Frégier identified pauperism as "the social danger... the proper object of fear to society."¹⁷

While these portrayals tied poverty to criminality and revolution, images of the poor as outsiders suggested a still more fundamental fear about the poorest classes relative to society. Paupers seemingly lived beyond the bounds of community, lacking both permanency of place (nomads) and the moral and mental disposition (barbarians) to take part in the larger social order. Their material and moral state became a problem of sociality. As Pierre Rosanvallon writes, paupers "revived the specter of a fourth order driven outside the gates of the city and even excluded from the human community."¹⁸ Pauperism represented a new breaking point between member and stranger, civilization and barbarism. This was truly the *social* question—a concern for how the extremes of poverty could alter the individual soul,

¹³Alban de Villeneuve-Bargemont attributed pauperism to the English model of industrial development and the flawed science of classical political economy that supported that model. Even Say, a proponent of the classical school Villeneuve-Bargemont condemned, saw pauperism as the byproduct of an English industrial (and political) system that created new, artificial needs without supplying the means to meet them. See Villeneuve-Bargemont, *Economie politique chrétienne, ou recherches sur la nature et les causes du paupérisme en France et en Europe*, vol. 1 (Paris: Paulin, 1834), 22.

¹⁴Thomas Malthus, *An Essay on the Principle of Population*, 6th ed. (London: John Murray, 1826), III.VI.6–8.

¹⁵Buret, *De la misère des classes laborieuses*, 2:35.

¹⁶Quoted in Louis Chevalier, *Classes laborieuses et classes dangereuses à Paris pendant la première moitié du XIX^e siècle*, 2nd ed. (Paris: Hachette, 1984), 602.

¹⁷Ibid.

¹⁸Pierre Rosanvallon, *The Society of Equals*, trans. Arthur Goldhammer (Cambridge, MA: Harvard University Press, 2013), 78.

and with it, the boundaries of the human community. Solving the issue of pauperism meant not only providing for the basic, material needs of the lowest classes, but integrating excluded, asocial, “unfit” populations into the social state, all the while avoiding the threat of instability those populations would allegedly introduce.

Whether this could be accomplished materially—via programs or private charity—remained England’s guiding question in the 1830s, a question revived by the Swing Riots and renewed calls for poor-law reform. Tocqueville’s own interest in the poor laws grew out of the tensions he noted in English society: the movement toward an egalitarian, democratic social condition on the one hand, and the emergence of a “cult of money” on the other. Although the power of the aristocracy had weakened in favor of the middle class, the English simply substituted one form of privilege for another. “Money,” he observed, “is the hallmark not of wealth alone, but of power, reputation and glory. Where the Frenchman says: ‘He has 10,000 francs of income, the Englishman says, ‘He is worth 5,000 pounds a year.’ ... Everything worthwhile is somehow tied up with money.”¹⁹ He had seen these processes at work in America only a year before, and worried similarly that the relentless pursuit of wealth might undermine the exercise of democratic freedom.²⁰ England presented a more difficult case for which the aristocratic/democratic binary of *Democracy in America* was ill suited. By the 1830s, England far outpaced America in the growth of industry and manufacturing. Industrialization only seemed to bolster this new inequality of wealth rather than birth, and introduced extremes of poverty still unknown in America, with pauperism the most troubling, most obvious exception to providential equality and the democratic social state.²¹

Nassau Senior, the primary author of England’s 1834 Poor Law Amendment Act, supplied Tocqueville with a copy of the act, the product of a study undertaken by the Royal Commission of Inquiry on the Poor Law into the economic effects of outdoor relief.²² Perhaps because he had read the commission’s full report, or because he was particularly aware of the issues surrounding the poor law, Tocqueville saw the act for what it was: an attempt to discourage the poor from seeking public charity, by

¹⁹Tocqueville, *Journeys*, 91.

²⁰See Roger Boesche, “Tocqueville on the Tension between Commerce and Citizenship,” in *Tocqueville’s Road Map* (Lanham, MD: Lexington Books, 2006), 59–79.

²¹Drescher contends that Tocqueville recognized a new type of aristocracy in England, “an aristocracy of wealth” that represented a transitory condition between birthright aristocracy and a democratic social state (Seymour Drescher, “Tocqueville’s Comparative Perspectives,” in *The Cambridge Companion to Tocqueville*, ed. Cheryl Welch [Cambridge: Cambridge University Press, 2006], 28).

²²On the correspondence between Tocqueville and Senior, see Hugh Brogan, “Pauperism and Democracy: Alexis de Tocqueville and Nassau Senior,” in *Liberty, Equality, Democracy*, ed. Eduardo Nolla (New York: NYU Press, 1992), 129–43.

making its receipt too distasteful and burdensome. The commission aimed to distinguish between laborers and paupers, to make the condition of the able-bodied pauper less "eligible" — less desirable — relative to the laborer; in other words, to excuse poverty while avoiding pauperism.²³ To create this system of "less-eligibility," the commission proposed that relief for the able-bodied be dispensed only in workhouses.

Much of the reform Tocqueville recognized in the 1834 act was nowhere in the written text. "One can easily see," he noted, "that the most important change is by no means in the letter of the law, but in the spirit which caused it to be enacted."²⁴ That spirit concerned the social burden of poverty and the accompanying hope that it could be reduced by decreasing the number of *paupers* while maintaining, even enlarging, the class of *laborers* who lived upon wages rather than relief. Nonetheless, Tocqueville's dissatisfaction with the 1834 act was not immediately clear from his brief comments on the law itself, but emerged over the course of his first *Memoir on Pauperism*. Though the act confined relief to workhouses, it preserved the very notion of a "right" to relief, however limited and constrained. So long as relief remained a "right," and the very notion of rights remained misunderstood, the systemic problems surrounding poverty, Tocqueville believed, would go unresolved.

II. Pauperism and Industrialization

With his 1835 *Memoir on Pauperism*, Tocqueville joined the chorus of social theorists and political economists addressing pauperism and seeking its remedy. At first glance, his attempt looks unremarkable. At roughly twenty pages long, it contains an extended discussion of the causes of pauperism, before dismissing all current remedies as either dangerous or insufficient. Even scholars who have devoted some attention to the *Memoir* deem it "strangely inconclusive" and "unsatisfactory."²⁵ Tocqueville held the same disappointing opinion of his work, calling it "superficial," in part because his writing was rushed. He had to finish the *Memoir* quickly to deliver to the Cherbourg academy.²⁶

Yet for all of its limitations, the work offers a rich discussion of pauperism as a social problem, not only a material one, and provides a theoretical lens through which to address the relationship between material and social conditions, class and community. Though the term "democracy" never appears in

²³On "less-eligibility" see George Boyer, *An Economic History of the English Poor Law, 1750–1850* (Cambridge: Cambridge University Press, 1990) and Gertrude Himmelfarb, *The Idea of Poverty* (New York: Knopf, 1984), 147–67.

²⁴Tocqueville, "The Poor. Examination of the Law of 14th August 1834," in *Journeys*, 207.

²⁵Welch, "Tocqueville's Resistance to the Social," 96.

²⁶Tocqueville to Duvergier, May 1837, in *OC*, 16:23.

the *Memoir*, the entire work represents Tocqueville's struggle to analyze those elements of the social order that fit uneasily within his schema of equality's inevitable triumph. His question was whether the gulf—material and social—that separated the poor from the wealthy and middle classes could ultimately be overcome, and whether the equalizing force of providential democracy could reach the poorest and most miserable persons. In fact, the shortcomings of the *Memoir* might be attributed to the enormity of Tocqueville's project: to analyze and solve the social question in its entirety.

The *Memoir's* first part captures the tensions within English industrialization. England, Europe's "flourishing kingdom" and the so-called birthplace of pauperism, contrasted sharply with the impoverished nations of Spain and Portugal, their people "ignorant and coarse" but where nonetheless "the number of indigents is insignificant."²⁷ Though Tocqueville called these conditions "striking," he hinted that they were unsurprising given the origin of human society and the historical relationship between prosperity and need. The introduction of private property, he claimed, served as the catalyst for both progress and desire:

From the moment that landed property was recognized and men had converted the vast forests into fertile cropland and rich pasture, from this moment, individuals arose who accumulated more land than they required to feed themselves and so perpetuated property in the hands of their progeny. Henceforth abundance exists; with superfluity comes a taste for pleasures other than the satisfaction of crudest physical needs.²⁸

Tocqueville's causal narrative mirrored Jean-Jacques Rousseau's account of the simultaneous origins of inequality and political society: private property introduced inequalities that were later entrenched in political institutions, themselves created to preserve the interests of the few over the many.²⁹ But Tocqueville extended this image, identifying a causal chain extending from property relations to class divisions, culminating in yet another paradox—this one of human needs and the means required to meet them. "In the Middle Ages," he wrote, when "almost the entire population lived off the soil, great poverty and rude manners could exist, but man's most pressing

²⁷Tocqueville, *Memoir*, 2. Tocqueville compiled these statistics using figures from Villeneuve-Bargemont in his *Economie politique chrétienne* and the Italian geographer Adriano Balbi. Though the accuracy of these statistics has been questioned, they nonetheless illustrate the point of departure for nineteenth-century conversations on pauperism.

²⁸*Ibid.*, 4–5.

²⁹Jean-Jacques Rousseau, *Discourse on the Origin and Foundations of Inequality among Men*, in *The Discourses and Other Early Political Writings*, ed. and trans. Victor Gourevitch (Cambridge: Cambridge University Press, 1997).

needs were satisfied. ... Today the majority is happier but it would always be on the verge of dying of hunger if public support were lacking."³⁰

The paradox of comfort and indigence weighed heaviest on the working class, which contributed to human progress but was left untouched by its benefits. Workers were "exposed to miseries," while fulfilling their "God-given," "dangerous mission" to "provide for the pleasures of the greatest number."³¹ The products of their labor fulfilled the "secondary needs" of modern society, but at the same time tethered workers to those very products. Because luxuries became necessities, the worker's labor aimed only at the satisfaction of these new needs. If laid off or displaced, he had no other means of support.³² The contrast with agricultural labor proves instructive: though agricultural workers could live off the soil, "the [industrial] worker, on the contrary, speculates on secondary needs which a thousand causes can restrict and important events completely eliminate."³³ While the rural peasant was bound to his lord, who took some responsibility for the peasant's subsistence, no equivalent tie existed between worker and industrialist. The agricultural laborer remained tied to land and lord; the industrial worker shared in no such bonds. He was at once dependent and solitary.

The progress of luxury also altered the very definition of poverty. Tocqueville suggested that increasing luxury brought increasing expectations, a revised notion of "subsistence," and most importantly, a growing belief that society should aid those who might fall below this revised standard. These qualities—the untethered, precarious condition of the industrial worker and the fact of rising expectations—explain the distinctiveness of pauperism as a social problem. They also reveal why pauperism as a social ill affected only the most advanced European nations, as it *depended* upon processes of industrialization and the taste for luxury such processes encouraged.

Tocqueville's discussion of industrial progress framed his broader concern, namely, that poverty altered the boundaries of the political community. Industrialization paradoxically situated the worker at both the center of society and outside of it. He was the force behind productive capacity; his labor enabled the fulfillment of secondary needs. He remained, however, subject to the whims of changing tastes and markets, without benefit of social bonds uniting him to other persons and more stable ways of life. A similar argument animated Tocqueville's now well-known worry about democratic atomization. Lacking the social ties of aristocracy, democratic

³⁰Tocqueville, *Memoir*, 8.

³¹*Ibid.*, 9.

³²This line of argument calls to mind the theory of alienated labor Marx and Engels would introduce roughly a decade later. See Marx and Engels, *Economic and Philosophic Manuscripts of 1844*, in *The Marx-Engels Reader*, ed. Robert C. Tucker (New York: Norton, 1978).

³³Tocqueville, *Memoir*, 9.

individuals were equal but isolated, susceptible to new forms of dependency and despotism.

Pauperism also reconfigured the social in another respect, one Tocqueville found even more alarming than atomization alone. Through public relief, society *appeared* to assume responsibility for the pauper, but only in a distorted way. Though relief was “less instinctive, more reasoned, less emotional, and often more powerful” than private charity, it amounted to nothing more than a “beautiful illusion.”³⁴ England revealed the depth of this illusion. Nowhere else was the principle of public welfare so embraced, Tocqueville alleged, and nowhere else had its practice wrought such “fatal consequences.” In all nations with widespread public relief, the result was the same: “the most generous, the most active, the most industrious part of the nation, devotes its resources to furnishing the means of existence for those who do nothing or who make bad use of their labor.”³⁵

This argument would have already been familiar to Tocqueville’s audience. In his *Thoughts and Details on Scarcity* (1795), Edmund Burke argued that the poor laws would only perpetuate poverty by reminding the poor of their own misery. This was especially true, he claimed, when the label “poor” was applied to wage-earners.³⁶ Malthus similarly warned that the poor laws “create the poor which they maintain” at the expense of the “more industrious and more worthy members of society.”³⁷ Tocqueville certainly appropriated and repeated these earlier arguments in his objections to public welfare. But his critique went beyond Malthusian moralizing. The crux of his argument concerned the understanding of relief as a “right,” and the general misconception of rights that followed. On this point, I argue, Tocqueville offered his most original contribution to the social question. In so doing, he revealed his aim to approach the question as just that—a social and political issue, of which the specific debate over material relief was merely a part.

III. The “Idea” of Rights

Tocqueville’s definition of rights is the unifying principle of the *Memoir*, though scholars who have studied the work closely devote relatively little attention to this theme.³⁸ At first glance, this relative neglect seems justified.

³⁴*Ibid.*, 11.

³⁵*Ibid.*, 15.

³⁶Burke, *Thoughts and Details on Scarcity*, in *Select Works of Edmund Burke*, ed. E. J. Payne, vol. 4 (Indianapolis, IN: Liberty Fund, 1990), part 5, section 12.

³⁷Malthus, *Essay on the Principle of Population*, III.5.2.

³⁸Swedberg devotes roughly one paragraph to Tocqueville on rights. The subject receives more attention in Himmelfarb’s work, but is framed only as yet another Tocquevillean paradox. Drolet offers the most extended interpretation of the rights argument, but his claims nonetheless stop well short of those in this paper, as he

Tocqueville's explicit discussion of rights is quite short, totaling only a few pages of the already brief *Memoir*. Still, this discussion is informed by his reflections on the relational character of rights in *Democracy in America* (hereafter *DA*), and underlies his later call to integrate the lower classes into political life.³⁹ When read in isolation, the brief treatment of rights in the *Memoir* appears inconclusive; when considered alongside other elements of his thought, including his observations on American democracy, it frames his thoughts on poverty and the social inclusion of the poor. It also reveals a central yet overlooked element of his vision of democratic society, namely, the role of rights in fostering a "true" society rather than a divided nation.

Tocqueville highlighted the social function of rights in the *Memoir*, for "there is something great and virile in the idea of rights which removes from any request its suppliant character, and places the one who claims it on the same level as the one who grants it."⁴⁰ Properly conceived, the very *idea* of rights entails and extends equality; it "elevates and sustains the human spirit," supplanting arbitrary distinctions with mutual, acknowledged equality.⁴¹ Rights also originate within social relationships, freely granted from one individual to another. Absent from the idea of a right is any mention of legislation or state involvement, a notable contrast with the system of centralized administration enacted by the 1834 poor-law amendment.

The so-called "right to relief," however, begins from the opposite principle and has a contrary effect: "the right of the poor to obtain society's help is unique in that instead of elevating the heart of the man who exercises it, it lowers him."⁴² The name of the relief recipient was inscribed on the poor list of his local parish, an act Tocqueville likened to "a notarized manifestation

claims only that rights are wedded to responsibilities and obligations (Drolet, *Tocqueville, Democracy, and Social Reform*, 142–43). Sheldon Wolin briefly framed Tocqueville's thought on rights as evidence of a "philanthropic politics" (Wolin, *Tocqueville between Two Worlds: The Making of a Political and Theoretical Life* [Princeton: Princeton University Press, 2001], 423). Delba Winthrop distinguished Tocqueville's theory of rights from those of natural rights theorists (Hobbes and Locke) and Kantians (Winthrop, "Rights, Interest, and Honor," in *Tocqueville's Defense of Human Liberty*, ed. Joseph Alulis and Peter Lawler [New York: Garland, 1993], 215–19).

³⁹Tocqueville, "On the Middle Class and the People," in *Tocqueville and Beaumont on Social Reform*, 174–79.

⁴⁰Tocqueville, *Memoir*, 17.

⁴¹Tocqueville noted that rights are typically conferred on the basis of superiority of one person over another, a claim that seems to move beyond equality toward something, as Michael Drolet has claimed, more akin to privilege. Nonetheless, what may begin from acknowledged superiority culminates in equality, placing individuals "on the same level" with one another. See Drolet, *Tocqueville, Democracy, and Social Reform*, 142–43.

⁴²Tocqueville, *Memoir*, 17.

of misery, of weakness," a publicized statement of inferiority. The right to relief disrupted the equality inherent in right itself, all the while forcing the individual to internalize his alleged inferiority. Private charity, too, originates in inequality and subordination, but its recipient adopts that label only "secretly and temporarily." Public relief, by contrast, publicizes and perpetuates inequality. It originates in difference, and justifies itself in terms of the distance between rich and poor.

Tocqueville identified the injurious influence of relief on the recipient, who "looks to the future as an animal does. Absorbed in the present and the ignoble and transient pleasures it affords, his brutalized nature is unaware of the determinants of its destiny."⁴³ Lacking material comforts and adopting a position of inferiority relative to the rest of society, the pauper cares only to satisfy his immediate, daily needs. In this respect, he is more animal than human, since his thoughts do not extend beyond his present moment. Worse still, the pauper lacks the agency to understand the depth of his dependency, a cause and a consequence of his present condition, from which there is no immediate or obvious escape.

These arguments call to mind earlier, well-known critiques of public relief, like those of Burke and Malthus. But by articulating similar anxieties through the language of rights, Tocqueville departed from his predecessors and contemporaries on the social question.⁴⁴ Public relief not only produced dangerous outcomes for the material and moral condition of the individual poor, as other theorists had alleged, but also had profound social consequences, as it entrenched the concept of inferiority for entire classes. More importantly for Tocqueville, relief undermined the *idea* of right, which he interpreted as a mechanism for affirming social equality. In undermining this ideal, it created yet another obstacle to integrating the poor classes into society, tying rights only to inequality, division, and humiliation. If the possibilities of rights—socializing and equalizing—remain misunderstood, even undone by the principle of public relief, they could not serve as remedies to problems of poverty and exclusion.

This misrepresentation of right, Tocqueville suggested, had ongoing implications for the liberty of the pauper, and here the problem of exclusion re-entered his discussion. Once again, England served as his example. Because relief was administered locally, parishes aided those who resided in their jurisdictions, and other localities were wary of accepting new residents onto their relief rosters. When an individual attempted to relocate,

⁴³Ibid, 19.

⁴⁴While Drolet argues that Tocqueville's "rhetoric, the thesis he advanced and the arguments he deployed were strikingly similar to those of [Malthus]," the Tocquevillean critique of public welfare, I argue, must be read in light of the "idea of rights," a theoretical departure from the Malthusian approach to the social question. See Drolet, "Democracy and Political Economy: Tocqueville's Thoughts on J.-B. Say and T. R. Malthus," *History of European Ideas* 29 (2003): 159–81.

"the authorities immediately ask him to post bond against possible indigence, and if he cannot furnish this security, he must leave."⁴⁵ A standard of economic self-sufficiency preceded communal inclusion, the outcome of both a relief program that burdened local parishes and the mark of inferiority triggered by a misplaced "right" to relief. Paupers were limited to residing in the communities of their birth; even then, they were only reluctantly accepted by those communities, their status as inferiors well known. This exclusion applied not only to the pauper seeking relief, but to any person who appeared to be "threatened by poverty"—"whose clothes do not clearly indicate wealth" and who therefore failed to meet the implicit economic threshold for social inclusion. This phenomenon had a notable influence on the excluded, Tocqueville lamented, binding them to land like the "medieval peasantry" and perpetuating backwardness against a general condition of human progress.⁴⁶

Tocqueville's concern for mobility and liberty clarified the grounds for his dissatisfaction with the 1834 English reform. Although the act avoided this particular problem of communal exclusion—of *turning away*—it did so by confining paupers to the workhouse, constituting a near-total deprivation of liberty by literally separating the poor from the community. The act created a second "society" for the impoverished, governed by unique laws designed to address idleness and criminality.⁴⁷ In seeking to alleviate the "cost" of pauperism for the community, the 1834 act imposed a new kind of cost in the form of social division, initially unrecognized but no less detrimental to the social state and the preservation of liberty within it.⁴⁸

Such exclusion was not limited to circumstances of "less-eligibility," like those established by the 1834 reform. If the system of relief rendered the pauper stationary, it also separated him from the given community in which he was forced to reside. Far from closing the gap between rich and poor, the right to relief undermined any hope of uniting "two rival nations," wealthy and indigent.⁴⁹ As soon as the law intervened to alleviate poverty, the rich man would view the poor man as simply a "greedy stranger

⁴⁵Tocqueville, *Memoir*, 20.

⁴⁶*Ibid.*

⁴⁷He also questioned whether the act could succeed, even by its own standards (*ibid.*, 23–24).

⁴⁸Tocqueville grew ambivalent about a "less-eligibility" poor law after the Revolution of 1848. In his conversations with Senior in 1851, he declared that France "must have a Poor Law," and considered a system of less-eligibility. But while he offered this as a possible future for France, he never abandoned the ideal of "real charity" that would "make it a bond between the poor and the rich." See *Correspondence and Conversations of Alexis de Tocqueville with Nassau William Senior*, ed. M. C. M. Simpson (London: King, 1872), 1:204–5.

⁴⁹Tocqueville, *Memoir*, 18.

invited by the legislator to share in his wealth.”⁵⁰ State welfare shattered any potential bond between rich and poor that could be established by private alms, an arrangement that inevitably “involved” the giver in the fate of the poor man. Public relief reduced this potential relationship to a burden, marking the pauper as inferior and alienating him from the wider community. And just as the rich looked upon the poor as strangers, the latter recognized no connection or personal gratitude to the former.

Poor relief deepened existing divisions among rich and poor, reinforcing the material and social distinctions that separated the two classes. The language of “rival nations” is telling, as it revealed Tocqueville’s anxiety regarding the profound social outcomes of poverty and poor relief.⁵¹ Public relief would destroy any hope of remaking the social order—of uniting rival classes characterized by wealth at one extreme and material dependency at the other. On a grander scale, the outcomes of public relief, debasing and dividing, served as countervailing forces against the tendencies of the democratic age, imposing barriers against the mobility characteristic of a changed social world. The very condition of pauperism remained a startling exception to the progress of civilization Tocqueville witnessed, a point of “backwardness” set against modernity’s progress.⁵²

The image of “rival nations” also suggests a relationship between the social and the economic, between the sentiments of shared political life and the economic standards for accepting or excluding certain persons and classes from membership. If the contours of the political community may be so shaped by expectations about the economic and material standing of its members, then the question becomes whether economic proposals may provide a solution. Tocqueville praised private charity as a means of rebuilding social bonds between rich and poor, but notably acknowledged its limits. The great virtue of private charity consisted in its personal character: it emanated from goodwill and fostered a sense of duty. It involved giver and recipient in a voluntary exchange, where material aid was met with gratitude. But it remained arbitrary, limited, and local. For all of its dangers, public relief was systematic, more powerful, and in a sense, *democratic*: the same sentiments of mutuality that underlie democracy also compel society *as a whole*

⁵⁰Ibid.

⁵¹Tocqueville was neither the first nor the last to use this image to describe the social divide between classes. In his *Lettre aux prolétaires* (Hamburg, 1833), Albert Laponneraye observed the division of France into two nations, “a nation of the privileged and a nation of the unprivileged, or proletarians” (1). Buret warned that the two classes, industrialists and workers, were so divided as to “resemble preparation for civil war” (*De la misère des classes laborieuses*, 2:50). Benjamin Disraeli invoked this image in the title of the 1845 novel *Sybil, or the Two Nations*.

⁵²These extremes were evident in Manchester, where “humanity attains its most complete development and its most brutish; here civilisation works its miracles, and civilised man is turned back almost into a savage” (Tocqueville, *Journeys*, 108).

to aid its most suffering members.⁵³ But as Tocqueville declared in various ways throughout his writings, good intentions do not always translate to good outcomes.⁵⁴ In the case of pauperism, the challenge was twofold. Any worthwhile solution must retain the personal dimensions of private charity and the systematic reach of public welfare, all the while avoiding the social costs of legislated relief.

The social question had also grown beyond a problem of material distinctions to be overcome by material solutions. A complete remedy must, above all, rebuild the social state by uniting rival nations of rich and poor. It must erase the mark of inferiority stamped upon the pauper by the corrupted "right" to relief. If the corruption of rights constituted the heart of the problem, only their reclamation—an idea of rights as elevating rather than degrading—could solve it. Tocqueville's remedy thus originated not with specific policies, but with the restoration of right itself.

Perhaps this is why scholars have been so divided in their attempts to appropriate Tocqueville as advocate for one policy over another, or to locate his proposals along a spectrum from purely private charity to public welfare, or from civil society to state-regulated reform.⁵⁵ They have been searching for the wrong kind of answers, for a concrete policy in response to a problem whose solution had to be found *prior to* policy, in the theory of rights and their misrepresentation. Insofar as Tocqueville offered explicit policy proposals regarding charity in the first *Memoir* and property ownership in the second, they must be framed as practical attempts to reclaim the idea of rights. His remedy, then, cannot be captured by reference to a purely economic solution alone—by private charity, social welfare, or something in between. As Richard Swedberg has argued, Tocqueville articulated an understanding of political economy interwoven with social phenomena, with "ideas and moral feelings."⁵⁶ His political economy proposals must

⁵³Keslassy has seized on this point in situating Tocqueville's thought somewhere between economic liberalism and state socialism. According to Keslassy, Tocqueville rejected public relief but offered a new conception of the state that would overcome the limitations of private charity and harness the beneficial motivations that underlie public relief. See Keslassy, *Le libéralisme de Tocqueville*.

⁵⁴He was more explicit about this failure in the *Memoir*: "I think that there is no principle, however good, whose every consequence can be regarded as good" (24).

⁵⁵Keslassy locates Tocqueville closer to the "public" side, but short of state socialism. Himmelfarb interprets Tocqueville as a proponent of private charity, but one who is nonetheless well aware of its limitations. Castel presents Tocqueville as an exemplar of nineteenth-century "politics without a state" that avoided state intervention in favor of private, contractual solutions. Reconstructing Tocqueville's arguments with an eye toward the present-day, Chad Alan Goldberg argues that a welfare state is not inimical to Tocquevillean principles. See Goldberg, "Social Citizenship and a Reconstructed Tocqueville," *American Sociological Review* 66, no. 2 (2001): 289–315.

⁵⁶Swedberg, *Tocqueville's Political Economy*, 2–4.

thus be interpreted in light of the moral and social concerns that animated them, in particular, the role of rights in overcoming class conflict.

A more complete picture of the social function of rights emerges in *Democracy in America*. If English poor relief represented the worst, the distortion of rights, America offered Tocqueville a vision of the best. Its democratic social state provided a clearer picture of the “idea of rights” only mentioned in the *Memoir*, and offered a model under which both duty and benevolence prove self-perpetuating, grounded in equality and mutual recognition. What appeared as mere possibility in the *Memoir*—the equalizing promise of rights—Tocqueville saw actualized in the American way of life:

the political rights of which they make so much use recall to each citizen constantly and in a thousand ways that he lives in society. At every moment they bring his mind back toward the idea that the duty as well as the interest of men is to render themselves useful to those like them; and as he does not see any particular reason to hate them, since he is never either their slave or their master, his heart readily leans to the side of benevolence.⁵⁷

Just as rights begin socially with the extension of equality, they also serve as continual reminders of the same. The idea of rights is self-reinforcing: the individual, himself elevated by their exercise, extends that same respect to his fellow citizens and also recognizes his duty toward them. Rights not only equalize; at their best, they create ties between individuals based initially on self-interest, then “general interest,” and finally respect. Recall that this ideal of respect was altogether absent in a schema of public relief, in which rich and poor look upon one another as strangers rather than citizens.⁵⁸

But the distance between America and Europe posed a challenge. The former, Tocqueville contended, had thus far survived its democratic revolution, embracing equality while maintaining liberty at least for the present. Yet he compiled his reflections on America under the impulse of a “religious terror,” anxious for what this same revolution would hold for Europe’s future.⁵⁹ America’s modest democratic success, though reason for optimism, was far from guaranteed—for Europe and for America itself. The progress of industrialization complicated this picture further. England’s social condition forced Tocqueville to adopt a new point of departure when considering the fate of democratic societies. Pauperism represented this very problem, a challenge to the cautious optimism he placed in the American model. The question was how rights—so beneficial to the Americans who possessed

⁵⁷Tocqueville, *Democracy in America*, trans. Harvey C. Mansfield and Delba Winthrop (Chicago: University of Chicago Press, 2000), 488.

⁵⁸Tocqueville contrasted a true “society,” bound by a shared respect for rights, with a “union of rational and intelligent beings among whom force is the sole bond” (*DA*, 227).

⁵⁹*Ibid.*, 6.

them—might extend to those who lack them entirely, especially those whose material poverty confined them to membership in the “barbarous” classes. Could the exercise of rights serve a similar socializing, equalizing function in a society so divided along class lines as to constitute “two rival nations”? Under such conditions, what would it take to integrate the lowest classes into the social order?

Tocqueville addressed such concerns in his second report on pauperism. While the first *Memoir* outlined the effects of relief in England, the second aimed to avoid the same outcomes in France. He looked to France’s agricultural past for solutions to problems posed by its industrializing present. Again, the image of American democracy provided the unseen lens through which he examined the “best” of these solutions, an ideal to be contrasted with the realities of his present-day Europe.

Property Rights

The first *Memoir* began with an abstract reflection on human needs and historical progress; the second framed pauperism as a more concrete, immediate problem, and contrasted England and France in search of a remedy. It opened with a restatement of the somewhat unsatisfying conclusions of the first: despite good intentions, neither public relief nor private charity can cure the ills of the impoverished. But in the *Second Memoir*, Tocqueville classified the “impoverished” in terms of France’s history: he separated the poor “who belong to the agricultural classes” from those “dependent on the industrial classes,” clarifying the subject of his concern and reinforcing the image of pauperism as a modern social problem.⁶⁰ The terms of this distinction are evident from Europe’s history. While property in England remained concentrated in the hands of the few, in France “equal shares” were established in law and then diffused into manners.⁶¹ The distinction in matters of property ownership led the two nations down different economic paths, and though France lagged behind England in innovation, it avoided many of the social costs of rapid growth. This system of dispersed, decentralized property ownership stalled, perhaps even prevented, the development of pauperism among the agricultural classes. And as he suggested in volume 2 of *DA* in 1840, it had effectively immunized France from the threat of a second “great revolution,” since property owners were less inclined toward turmoil and violence.⁶²

⁶⁰Tocqueville, *Second Memoir on Pauperism*, in *OC*, 16:140. All translations from this text are my own.

⁶¹*Ibid.*, 141.

⁶²See *DA*, vol. 2, part 3, chap. 21 (p. 606), “Why Great Revolutions Will Become Rare.”

Tocqueville drew a grand lesson from these two trajectories, English and French. The most effective way to prevent poverty among the agricultural classes, he concluded, was to grant members of those classes a *share* in property ownership. This conclusion calls to mind his theory of pauperism's origins: it was not poverty per se that causes pauperism, but the absence of property among the lower classes.⁶³ While the English model spurred industry and innovation, it also made individuals dependent upon large estates for their well-being. Worse still, it forced dependency without attachment: it bound the worker to land that was not and would never be his own. Wide distribution of land had the opposite effect, cultivating individual habits of industry and ownership while avoiding dependency and guarding against the dictates of chance.

Small land ownership, Tocqueville argued, fostered habits, ideas, and attachments that would serve the individual in the long-term:

To the extent that [workers] come to own a parcel of land, however small, do you not perceive that their ideas are altered and their habits change? Is it not obvious that with land ownership the thought of the future occurs to them? They become farsighted the moment they feel they have something valuable to lose. As soon as they think they have the means to put themselves and their children out of the reach of misery, they take active measures to escape it. ... These people are still not rich, but they have the qualities to create wealth.⁶⁴

Experiences of ownership could grant a degree of independence unavailable to the laborer of a large estate. They had the potential to draw individuals out of the narrow circle of necessity, beginning with sentiments. A *feeling* of attachment directs one's mind to a future without poverty and channels one's actions toward fulfilling that end. Through the sentiments fostered by ownership, the worker could escape his current, animalistic existence, replacing idleness with activity and misery with the prospect of wealth.

Tocqueville recognized the causal reach of property and its distribution. Patterns of landholding influenced individual psychology, as in the case of the worker, all the while shaping the very structure of society. Just as the concentration of large estates established a rigid inequality of conditions, characterized by class division, dependency, and eventually pauperism, so small-scale holdings could encourage democratic habits of independence. And the organization of land promoted certain individual beliefs about inequality and its extent. In England, where "the thought of even a gradual sharing of land has not in the least occurred to the public imagination" even as late as 1833, the public remained convinced that "extreme inequality

⁶³Tocqueville, *Second Memoir*, 142. See also Tocqueville's 1833 impressions of England: "in my view the first and permanent cause of evil is the way landed property is not divided up" (*Journeys*, 72).

⁶⁴Tocqueville, *Second Memoir*, 142.

of wealth is the natural order of things."⁶⁵ Tocqueville's goal, of course, was to overturn such beliefs, and with them, the cycle of material inequality and social division underlying pauperism.

Though the explicit language of rights is absent from the *Second Memoir*, Tocqueville's prescriptions regarding ownership call to mind similar passages in *DA* on the exercise of property rights. Drawing an analogy between child and citizen, he outlined a specific process by which the individual may arrive at an understanding of rights and eventually duties. The exercise of property rights must constitute the first step:

When a child begins to move in the midst of external objects... he has no idea of the property of others, not even of its existence; but as he is made aware of the price of things and discovers that he can be stripped of his in his turn, he becomes more circumspect and ends by respecting in those like him what he wants to be respected in himself. What happens to the infant with his playthings happens later to the man with all the objects that belong to him.⁶⁶

The best way to educate the individual about the idea of rights and corresponding duties is to grant him rights of his own for actual use. Landholding fosters forward-looking ideals and habits of independence, while instructing individuals in the social dimension of rights. It provides an experiential lesson in the social virtues of respect and duty, the very qualities lost to systems of public relief.⁶⁷ While the "idea of rights" alone proves elevating, both the *extension* and *exercise* of that right have important social consequences—and in turn, reinforce the elevating and socializing consequences of rights. Through the exercise of property rights, experiences of ownership transform individual into citizen; they draw his sights outward to apprehend notions of respect and exchange. Just as the individual's own horizons expand from present-day cares to future hopes, so his vision turns outward from individual to family to community. These dispositions were characteristic of the democratic age, but they were also necessary to preserving liberty within it. Independence without isolation could serve a role analogous to the social links of aristocracy, cultivating individuals aware of their place in the social whole—persons both attached to their freedom and capable of maintaining it.

⁶⁵Tocqueville, *Journeys*, 72.

⁶⁶*DA*, 227–28.

⁶⁷The educative dimensions of Tocqueville's rights argument have been neglected even among scholars who acknowledge the role of rights and duties in the memoirs on pauperism. Michael Drolet acknowledges that Tocquevillean rights are, or ought to be, wedded to responsibilities and obligations, but ignores the mechanism by which the exercise of rights educates the individual toward such obligations. See Drolet, *Tocqueville, Democracy and Social Reform*, 145.

The idea of rights, properly conceived, was at the foundation of a stable social order, so much so, Tocqueville asserted, that “without respect for rights, there is no great people: one can almost say there is no society.”⁶⁸ The tenuous bonds of European communities, predicated on implicit standards of economic and class membership as outlined in the first *Memoir*, hardly constitute the robust model of “society” Tocqueville believed could remain both democratic and free. And when rights have been so misrepresented under a system of relief, the so-called communities that emerge can hardly be deserving of the title “societies” at all—only of “rival nations,” defined by class antagonism and the subordination of one people to another.

The challenge, however, was to approximate the practice of rights and “feelings and habits of property” for the modern industrial worker. Finding an analogous experience and corresponding right, in the Tocquevillean sense, was no easy task. Nor was it easy to promote habits of ownership among those who owned nothing. Tocqueville explored the idea of worker-owned corporations and industrial associations before settling on savings banks as the most promising option. He distinguished his design from those of his contemporaries, and proposed to make savings banks independent of the state and locally organized, so as to counteract the centralizing tendencies of an industrial economy. He suggested combining the functions of savings banks with that of *monts-de-piété*, charitable pawnshops that made small loans to the poor.⁶⁹ Such a combined institution, he argued, would help workers accumulate savings, understand the value of saving, and arrive at an understanding of ownership.

While saving banks were perhaps more stable than solutions based on private charity alone, they were similarly ill suited to alleviate poverty on a large scale. Tocqueville knew this, and concluded his *Second Memoir* with a tone of defeat. “It is not enough...,” he admitted, “one does not arrive at results that are both great and safe.”⁷⁰ Neither of his reports on pauperism offers a definitive policy. In this respect, they are equally unsatisfying.

Still, the *Second Memoir* is less interesting for the specific proposals it contains than for the theoretical insights it offers on the social question. There remains something of value in Tocqueville’s suggestions for integrating the impoverished into society. Extending rights, an ideal based on recognized equality, proves the best means, perhaps the only means, of constituting a social whole. The right to property was primary, as it alone could overcome material divisions by fostering psychological feelings of attachment, which

⁶⁸DA, 227.

⁶⁹This kind of institution appeared in various forms in France throughout the nineteenth century and earlier. Napoleon granted the *mont-de-piété* of Paris a monopoly on pawnbroking to meet the needs of a growing population in the city. For a more complete history, see Eric Deschodt, *Histoire du Mont-de-Piété* (Paris: Le Cherche Midi éditeur, 1993).

⁷⁰OC, 16:142.

at once granted the worker a sense of his own well-being, a vision of the future, and an understanding of mutual respect. Rights thus had a unique social and socializing function: they entrenched the concept of equality in practice, forming social bonds via reciprocity.

Following his two reports on pauperism, the question remained whether these social bonds could be remade by *political* means. If Tocqueville's suggested material solutions—savings banks, charitable pawnshops—proved too limited and local to remedy pauperism or revive the idea of rights, could politics reach where economics fell short? Could the extension of *political* rights accomplish a similar goal, influencing individual psychology and transforming the isolated pauper into a member of the community?

IV. Political Rights and Remaking the Social State

Looking to his work on American democracy, the answer to these questions initially appears a resounding yes. In *DA*, he suggested that political rights could accomplish an end similar to that he associated with property rights in the *Second Memoir*. Political participation was the means by which the individual could grasp his place in society. Just as property ownership introduces ideas of respect and commonality, "in the political world it is the same. In America, the man of the people has conceived a lofty idea of political rights because he has political rights."⁷¹ The township was the space in which local participation could serve as an "incubator" for democracy, educating individuals in democratic practice at the same moments they engaged in it for themselves.

Yet it remained to be seen whether that civic spirit he observed in America could be fostered in France—and by what means. Tocqueville undoubtedly acknowledged the potential benefits of political participation in theory, but would widespread suffrage in France confer those same benefits on his own nation as they had in America? Was his apparent enthusiasm for the democratic experiment of the American township tempered—even undone—by the unique circumstances of France? These questions have divided scholars, who wrangle with Tocqueville's own shifting claims on French suffrage, as well as his status as a theorist of democracy. Sheldon Wolin offered the most extreme interpretation of Tocqueville as an ardent antidemocrat in France, whose "deepest and most abiding concern [was]... to obstruct the expansion of democracy."⁷² Tocqueville's own argument against expanding French suffrage in 1842 initially seems to confirm Wolin's thesis. Speaking before the Chamber, he appeared as a pragmatic liberal and very reluctant democrat (if much of one at all), urging France to "give enough, but not too much to democracy" in matters of electoral law.⁷³

⁷¹*DA*, 228.

⁷²Wolin, *Tocqueville between Two Worlds*, 489.

Robert Gannett attempts to account for this shift in Tocqueville's thought, from his admiration of the New England township in 1835 to his reservations about "too much" democracy in France only seven years later. Gannett frames Tocqueville's apparent change of heart in terms of the stability he wished to preserve and the revolutionary violence he aimed to avoid.⁷⁴ Even in America, Gannett argues, this was the motivation behind Tocqueville's praise of democratic practice in the township, where he recognized how the "extreme" elements of democracy—the exercise of a widespread suffrage—could dampen the democratic excesses of instability and despotism.⁷⁵ By 1842, occupied by the same prudential concerns, now amplified in his own nation, Tocqueville recognized that the ends of stability would be best served by avoiding in France those same democratic practices that proved so vital for America. In Gannett's interpretation, suffrage was a *tool* for Tocqueville, to be deployed in service of the wider cause to resist social revolution and political corruption.⁷⁶

Tocqueville worried about the coming revolutions, and his calls for electoral reform in 1848 reveal the necessity, in his mind, of accommodating working-class demands in order to avoid unrest.⁷⁷ At the conclusion of his famous speech of January 27, 1848, he declared that electoral reform was both useful and urgent; the preservation of society depended upon a change in the law and in the public spirit.⁷⁸ This urgency arose, in part, from political developments that undermined his earlier faith in France's guaranteed stability. He articulated that faith in volume 2 of *DA*, "Why Great Revolutions Would Become Rare," where he maintained that any nation with dispersed property—like France and America—would prevent revolution by instilling a taste for order. But Drescher describes the political developments that unraveled Tocqueville's earlier optimism: "what property should have joined together, political privilege tore asunder. ... [Events of]

⁷³Tocqueville, "Discussion de l'adresse, séance du 18 janvier 1842," in *Œuvres complètes*, vol. 3, part 2, *Écrits et discours politiques*, ed. André Jardin (Paris: Gallimard, 1985), 205.

⁷⁴Robert Gannett, "Tocqueville and the Politics of Suffrage," *Tocqueville Review* 27 (2006): 209–26.

⁷⁵*Ibid.*, 216.

⁷⁶Gannett uses the image of "calibration" when discussing Tocqueville's shifting justifications, and argues that his overarching concern was to balance countervailing forces in society to achieve the most stable, peaceful outcomes. See *ibid.*, 222.

⁷⁷Tocqueville, speech to the Chamber of Deputies, January 27, 1848, in *Democracy in America*, trans. George Lawrence, ed. J. P. Mayer (New York: Harper & Row, 1988), 751. Tocqueville noted in his *Recollections* that he was not in fact as alarmed about revolution as he seemed to be in 1848 (Tocqueville, *Recollections*, trans. Alexander Teixeira de Mattos [New York: Macmillan, 1986], 18).

⁷⁸Tocqueville, speech of January 27, 1848, in *DA*, 758.

1848 shattered the vision of 1840."⁷⁹ Indeed, by 1848, Tocqueville believed that political reform was required to undo what politics had caused.

The language of Tocqueville's 1848 speech also reflected the anxieties Gannett recognizes, as he spoke of the "passionate feelings" of the lower classes that would overturn "society itself, shaking the very foundations upon which it now rests."⁸⁰ But his justification for these reforms ran deeper than the problem of "stabilizing democracy" Gannett presents. One need only look to his reflections a year earlier, in his unpublished manifesto for the "New Left," for a fuller explanation of his reasoning in favor of reform. Disenchanted with the policies of the July Monarchy, Tocqueville wrote in 1847 of "a morbid torpor" prevailing in politics, and warned that "a muffled restiveness is beginning to appear among the lower classes, who are supposed to remain *strangers* to public life according to our laws."⁸¹ Much of his analysis hinged on a broader critique of bourgeois society and of the preeminence of the bourgeoisie under the July regime.⁸² In the conclusion to the 1847 manifesto, he called on France to "slowly extend the circle of political rights, so as to go beyond the limits of the middle class... involve the lower classes in politics," a solution that would not only quiet social unrest, but make public life "more diversified, more fruitful."⁸³ His final recommendation went still further, and disclosed the extent of his attitude toward the lowest classes and their role in a changing society. He urged:

Make the intellectual and material fate of these classes the principal object of legislative concern; direct the whole thrust of the law toward the alleviation, and above all the perfect equalization of public charges, in order to abolish all the remaining inequalities in our fiscal legislation; in a word, assure to the poor all the *legal* equality and all the well-being compatible with the existence of the right of individual property, and with the inequality of conditions which flow from that right.⁸⁴

In this passage, Tocqueville revealed his intent neither to abolish the individual right to property nor to create a comprehensive system of public relief, but to create a politics in conformity with the equality of the democratic social

⁷⁹Drescher, "'Why Great Revolutions Will Become Rare': Tocqueville's Most Neglected Prognosis," *Journal of Modern History* 64 (1992): 449.

⁸⁰In *DA*, 752.

⁸¹Tocqueville, "On the Middle Class and the People" (1847), in Drescher, *Tocqueville and Beaumont on Social Reform*, 174–75, emphasis mine. Tocqueville included selections from this previously unpublished work in his *Recollections*.

⁸²In his *Recollections*, Tocqueville condemned the bourgeois class under the July Monarchy as "a selfish and grasping plutocracy" which treated government "like a private business" (5).

⁸³Tocqueville, "On the Middle Class and the People," 178.

⁸⁴*Ibid.*

state.⁸⁵ Material inequality will ever remain, but so long as social equality prevails, politics must acknowledge and reinforce it. His statement certainly anticipates the Revolution of 1848, but beyond that, it stands as an expression of the potential function of political rights. For Tocqueville, the extension of rights was the final means of integrating the lowest classes at once into the social order and the political one. This integration serves politics itself, for it introduces newfound energy and life into what was previously a privileged yet weakened sphere of human action.

Preservation of stability was certainly at the front of Tocqueville's mind when weighing matters of electoral reform, but his 1847 manifesto reveals that it was not his only concern. His turn "back" to the social in 1847, undertaken certainly out of anxiety about the coming unrest, eventually moved him beyond the political problem of instability. Tocqueville implicitly acknowledged the distance between *le pays légal* and *le pays réel* in France—emerging as "two rival nations"⁸⁶—and the reality of a political order that excluded entire classes. The forces of industrialization and social change forced him to wrestle with the problem of pauperism as a social question, and those same changes necessitated a reconsideration of politics. Electoral reform was not simply a "safety valve" that might relieve working-class pressures from below, the suggestion of a reluctant democrat whose aim, as Wolin claimed, to "obstruct democracy" was thwarted by the threat of violence. It was, rather, a way of creating a legal France that mirrored the ideal social one. The result would be a more stable nation, to be sure, but also one in which there were no longer "strangers to public life," and where each class could take an interest in the affairs of the nation through political participation.

Though Tocqueville advocated extending political rights around 1848, he cautioned against the idea of "social rights," specifically a "right to work," which would guarantee employment to every able-bodied member of society. At the beginning of the Second Republic, he argued forcefully against a proposal to include the "right to work" in the constitution's preamble. The right to work was built upon similar foundations as the right to relief: both required the state to assume responsibility for the individual. But both "rights," he suggested, would actually counteract what they aimed to achieve. Just as the right to relief would further alienate rich and poor, so too a recognized right to work would set the working class against the rest of society. The "socialist" principle behind the right to work would have

⁸⁵For more on Tocqueville's use of "social state" and its relationship to politics, see Michael P. Zuckert, "On Social State," in *Tocqueville's Defense of Human Liberty*, ed. Alulis and Lawler, 3–21; Larry Siedentop, "Two Liberal Traditions," in *French Liberalism from Montesquieu to the Present-Day*, ed. Raf Geneens and Helena Rosenblatt (Cambridge: Cambridge University Press, 2011), 12–20.

⁸⁶"Soon, it can hardly be doubted, the struggle of political parties will begin between those who possess and those who have nothing. The great field of battle will be property" (Tocqueville, "On the Middle Class and the People," 177).

ongoing, divisive consequences for the relations between classes, as it depended on maintaining "proletarians" as a class apart from the social order. Moreover, it would demoralize and degrade the individual who claimed it, creating a "regimented, regulated, formalized society where the State takes responsibility for everything and where the individual is nothing... where the goal assigned to man is well-being alone." Society, too, would suffer—a living organism "without air, almost without light."⁸⁷

Tocqueville's rejection of the social right to work reflected his larger stance toward the events of 1848, a revolution he saw as social *and* political, aiming toward equality in both society and government. The socialists, he contended, had mistakenly declared that the revolution was purely social. For Tocqueville, the most necessary—indeed the most democratic—transformations in society, in the relations between individuals and classes, would come not through social unrest, but through political reform.⁸⁸

Tocqueville did in fact come "full circle" on political rights in 1848, as Gannett writes, "reiterating his belief first expressed . . . years previously in *Democracy in America*."⁸⁹ And this return did reflect "what he believed best for France at each given moment."⁹⁰ But this was not a belief solely in the stabilizing power of political democracy, as a force that could at times temper its own excesses and moderate competing claims to rule. It was also a belief that democratic participation could repair social divisions, and by incorporating once-excluded persons into public life, grant new vitality to the public sphere. The American model was not a one-size-fits-all solution for France or the whole of Europe; the lessons it offered had to be weighed against the particular circumstances of a given place and time. The issue of suffrage was no exception. But by 1848, Tocqueville seemed to have recognized that those lessons, though adapted, might now suit his own country, leading it forward in the evolution of democracy. He again placed great faith in the educative potential of democratic experience. The social question could find a solution in both property and political rights, which exercised together could alleviate the many ills, material and social, associated with pauperism.

V. Conclusion

Looking at once to England's failures and America's qualified successes, Tocqueville sought to remedy the problem of pauperism for nineteenth-

⁸⁷Tocqueville, "Speech on the Right to Work," in *Tocqueville and Beaumont on Social Reform*, 185–86.

⁸⁸For more on Tocqueville, the socialists, and the "right to work" in the constitution of the Second Republic, see Sharon B. Watkins, *Alexis de Tocqueville and the Second Republic, 1848–1852* (Lanham, MD: University Press of America, 2003), 207–21.

⁸⁹Gannett, "Tocqueville and the Politics of Suffrage," 220.

⁹⁰*Ibid.*

century France. He shared in his generation's diagnosis of the problem: pauperism as the consequence of industrialization, and as a "fourth order" that defined the boundary between civilization and barbarism. Yet his overarching thesis on the providential character of democracy framed his particular take on the social question, granting his project a unique depth. He was not preoccupied with Malthus's concern for prosperity and population, nor only with the issue of "pauperizing" the poor. For him, the social question posed a problem for the ideal of French nationhood following the Revolution, and for the larger historical emergence of democratic equality. The existence of a pauper class challenged the great optimism he found in the American model of democratic progress, and threatened the potential administration of a similar model of political practice within Europe.

His unique point of departure on the social question led him to advocate a novel solution: reclaiming the idea of right as that which equalizes rather than degrades, with the exercise of property rights emerging as the most fruitful remedy for widespread poverty. Within this solution, as I have argued, we might uncover Tocqueville's broader position regarding both the lowest classes and the character of political society. For it was his return to "the social"—to the concerns for class division and exclusion that dominated his work on pauperism—that in part prompted Tocqueville to advocate for extending political rights in France by 1848, in the hope that public life would be made more robust, and society itself less divided.

Tocqueville's concerns about divided society, poverty, social and material inequality, exclusion, and the shared bonds of community are still very much with us. Of course, his theory of rights remains *prior to* any concrete policy, and in this respect, we might conclude (as others have done) that the writings on pauperism are unsatisfactory for contemporary politics. But his writings on poverty return us to the theme that motivated his political thought, and that continues to inform political life: how do we realize the promise of equality? On this question, his writings remind us that in creating policy to address still-persistent inequalities under democracy, we would do well to remember the relationship between our economic and social lives.