

Natural Law in Tocqueville's Thought

Marek Tracz-Tryniecki
Faculty of Law and Administration
University of Maria Curie Skłodowska
Lublin, Poland

Although Tocqueville hardly anywhere uses the term *natural law* in his writings, this article attempts to demonstrate not only that he acknowledges the existence of natural law but that the idea of this law plays a crucial role in his thought. In the first part, the article reconstructs the essence of his concept of natural law and its relation to positive law. The conclusion of this part is that Tocqueville's idea of natural law is based mostly on the Catholic rational concept of this law. Moreover, the article focuses also on the relation between natural law and the most fundamental values of Tocqueville's thought: virtue and liberty. In the last part, the article shows the importance of the natural-law concept in Tocqueville's critique of socialism.

Introduction

In Tocqueville's works, it is hard to find a term *natural law*. There is no chapter that is dedicated to this subject. It could lead us to the presumption that Tocqueville denies the existence of natural law or that he more or less consciously omits this issue. We even find this opinion in the works of Tocqueville scholars.¹ What I intend to demonstrate is that such a presumption is false. Not only does Tocqueville acknowledge the existence of natural law, but he also assesses social phenomena on its basis.

Concept of Natural Law

Tocqueville's idea of natural law should be reconstructed from a variety of particular considerations concerning law.

First, we find a clear track of natural law in the definition of justice. We read in *Democracy in America*: "A general law—which bears the name of Justice—has been made and sanctioned, not only by a majority of this or that people, but by a majority of mankind."² The natural-law character in this definition is expressed in the universal scope of this system of norms. In the following part of his consideration, Tocqueville describes justice as the law of the whole human society. He makes a characteristic comparison: "A nation may be considered in the light of a jury which is empowered to represent society at large, and to apply the great and general law of justice."³

Referring to the fact that Tocqueville makes the equation between natural law and justice, it is worthy of our interest to look at the competition between justice and honor. By honor, he understands the aggregate of those rules by the aid of which esteem or glory is obtained.⁴ The acceptance of the existence of a dual system of judgment of human behavior is his point of departure. Tocqueville writes, "at one time they judge them by those simple notions of right and wrong which are diffused all over the world; at another they refer their decision to a few very special notions which belong exclusively to some particular age and country."⁵ Tocqueville therefore indicates that within society there are also norms, specific to the particular regime, that are created by the social and cultural conditions. Such norms are not always in line with the natural law. He states, "It often happens that these two standards differ; they sometimes conflict, but they are never either entirely identified or entirely annulled by each other."⁶ As an example Tocqueville proffers the situation when someone refuses to fight a duel. From a natural-law perspective, it is a virtuous act, but as far as honor is concerned, it is at the same time dishonorable.⁷ Although honor could wield a significant impact upon human behavior, it is unable to completely displace natural law. Tocqueville states, "and even while they yield without hesitation and without a murmur to [honor's] dictates, they feel notwithstanding, by a dim but mighty instinct, the existence of a more general, more ancient, and more holy law, which they sometimes disobey, although they do not cease to acknowledge it."⁸ It is the obvious proof of the natural-law superiority over the other systems of norms. As we could see this is due to the fact that natural law is deeply written down in human nature and for this reason it is not easy to muffle its voice.

According to Tocqueville, one of the most significant differences between honor and justice lies in the fact that as the former refers only to the public,

external area, the latter refers also to sphere of private behavior; “honor acts solely for the public eye, differing in this respect from mere virtue, which lives upon itself, contented with its own approval.”⁹ In this context, it seems to be justified that according to Tocqueville, observance of natural law leads man to virtue. We will come back to this question further in this article because it demands a deeper examination. Furthermore, honor is changeable and local phenomenon is limited by time and territory while natural law has universal, immutable nature. He passes an important remark about natural law: “to the neglect of which [natural moral law] men have ever and in all places attached the notion of censure and shame: to infringe them was to do ill—to do well was to conform to them.”¹⁰ The possibility of predicating on the base of the system of universal norms whether or not some deeds are just and good seems to be a convincing proof that Tocqueville acknowledges the existence of natural law. In addition, it is worth adding that Tocqueville envisages that in the future, when the social conditions will have become more equal, the norms based on honor will have been reduced or will have become very close to the norms based on natural law: “If ever any nations are constituted in which it may even be difficult to find any peculiar classes of society, the notion of honor will be confined to a small number of precepts, which will be more and more in accordance with the moral laws adopted by the mass of mankind.”¹¹ As we can see, this quotation also suggests that Tocqueville makes the equation between natural law and “moral laws adopted by the mass of mankind.”

Second, we can perceive a track of natural law in the term *humanity*. The good example of Tocqueville's meaning of the notion of humanity we can find in his “Letters on the Internal Situation in France,” which were published in *Le Siècle* daily in January 1843. The concept of humanity includes inter alia such legal institutions as ownership, inheritance, and marriage.¹² It is implied that the protection of these institutions is necessary to assure the proper development of human society. Tocqueville admits that he could not even conceive of men living outside the law that is based on these principles.¹³ What is more, he also writes about a violation of every right of humanity when he refers to the situation of black slaves in the South.¹⁴ This important comment implies that Tocqueville's idea of humanity also assumes that each man holds certain rights due to the fact of being a human person. The infringement of these rights is an unjust act that violates natural law.¹⁵

According to Tocqueville, natural moral laws have been created to address general and permanent wants that mankind is subject to.¹⁶ This law is ingrained in the general reason and in the universal conscience of mankind.¹⁷ By searching the norms of natural law in reason, Tocqueville refers to the rationalism

concept. He clearly states that God has given us the capacity to recognize good and bad.¹⁸ Hence, it could be easy to find that he also implies that God created natural law. In addition I would also agree with Delba Winthrop, who states that Tocqueville “emphatically, if tacitly, denies that there was a state of nature, or an original position from which rights originated.”¹⁹ Taking into consideration the features of his natural law, we are entitled to say that Tocqueville refers rather to the metaphysical rationalism of Aquinas than to the philosophical rationalism of the Enlightenment.²⁰ We could therefore state that his notion of natural law is in line with the Catholic concept of this law.

As far as the relation between natural and positive law is concerned, Tocqueville underlines the primacy of natural law. Positive law should not contradict natural norms because it begets the situations when moral disorder is sanctioned by state authority. Hence, it could lead to serious social disease. In the long term, it is also impossible to maintain by positive law the state that violates natural moral rules. The social cost of such a situation significantly exceeds the seeming benefits expected by legislators who break the natural law. One of the best confirmations of the opinion mentioned above is Tocqueville’s consideration concerning the question of slavery. He writes that he saw the order of nature overthrown and that he heard the cry of humanity in its vain struggle against the laws. “Whatever may be the efforts of the Americans of the South to maintain slavery, they will not always succeed.”²¹ Worthy of attention is an example of the old man from the South whose children borne by his Negressess were the slaves of their father. This man was terrified that after his death the children would probably be sold to another owner. Tocqueville makes a significant comment to this situation: “When I saw him he was a prey to all the anguish of despair, and he made me feel how awful is the retribution of Nature upon those who have broken her laws.”²²

What we should notice as one of the most important precautions to democracy is the truth, underlined very strongly by Tocqueville, that the will of the majority could not be a justification for positive law contradicting natural rules. It is natural law that defines the scope of the free activity of people, including the creation of positive law. “I hold it to be an impious and an execrable maxim that, politically speaking, a people has a right to do whatsoever it pleases, . . . The rights of every people are consequently confined within the limits of what is just.”²³ Thus, we could also conclude that Tocqueville’s concept of natural law denies the idea of contractualism. Although he acknowledges the principle of the sovereignty of the people, including inter alia a nation’s right to govern itself for itself and to freely choose the form of its government,²⁴ he clearly states that there are objective boundaries, which could not be violated even by the will of the nation.

Natural Law in Tocqueville's Concepts of Virtue and Freedom

In researching the relation between natural law and virtue, first of all it is important to establish what Tocqueville means by virtue. We could find at least two definitions in his works. In his letter to Arthur de Gobineau dated September 5, 1843, he makes the equation between virtue and duty.²⁵ The second and more precise definition he presents in his notes from the journey to Ireland: "Freedom is, in truth, a sacred thing. There is only one thing else that better deserves the name: virtue. But then what is virtue if not the free choice of what is good?"²⁶ It is worthy of our attention to analyze the latter definition. We could conclude two things concerning virtue from this text: first, virtue is a *choice*; second, it is a choice of what is *good*. Hence, virtue demands an effort of reason, which has to recognize good. It must be properly functioning reason that is able to discern the truth. The fact that virtue is a choice follows that it is an act of will. Referring to virtue, we could therefore conclude that it is an effect of the situation where honest reason leads human will.

As we have formerly established, Tocqueville makes the equation between natural law and justice. We should come back to his consideration from *Democracy in America* (vol. 2, pt. 3, chap. 17) concerning justice and honor and to his comment: "honor acts solely for the public eye, differing in this respect from mere virtue, which lives upon itself, contented with its own approval."²⁷ What attracts our attention is the fact that a notion of virtue appears in this consideration that concerns the differences between honor and natural law. Moreover, virtue appears as an opposition to honor, and it seems therefore to stand on the same side as natural law. In my opinion the most reasonable explanation of this fact is that for Tocqueville a constant choice of acts that are in line with natural law leads to virtue. Hence, virtue is a lasting disposition of reason to choose what is in accordance with natural law.²⁸ In this conclusion, we could find an importance of properly functioning reason that is able to discern the norms of natural law. This reason should then lead will to realize what reason shows. Virtue is different from honor, which manifests itself only in the recognition that is given by other people. This recognition could be obtained thanks to the observance of the system of conventional norms that is also called honor by Tocqueville. Taking the foregoing argument into account, it is more comprehensible that "virtue, which lives upon itself [is] contented with its own approval." Virtue is mainly connected with human reason and human will, while honor loses its existence without the relation to the other people.

The linkage between virtue and natural law is also displayed in another Tocqueville statement: “Reason, like virtue, does not bend at all in different climates, and does not vary with temperaments and the nature of places. It is one, it is inflexible.”²⁹ As we have established above, Tocqueville states that natural law also has immutable nature. Reason seems to be inflexible due to the fact that it is strongly connected with natural law. It is properly functioning reason that is able to recognize natural law because natural law is ingrained in human reason by God. Hence, we could say that the immutability of natural law follows the immutability of reason. The close relation between reason and virtue and between natural law and virtue follows also the immutability of virtue.

What is more, it is natural law that settles the hierarchy of particular virtues. Tocqueville recognizes the existence of this hierarchy. We could imply this *inter alia* from his comment concerning charity: “I am certainly far from wanting to put the most natural, the most beautiful, and the most holy of virtues on trial.”³⁰ Referring to the aristocratic system of virtues, Tocqueville makes a characteristic remark: “Such men would not hesitate to invert the natural order of the conscience in order to give these virtues precedence before all others.”³¹ What is clear in this text is the conclusion that the hierarchy of particular virtues is ruled by “the natural order of conscience.” Given our previous consideration, it seems to be obvious that this “natural order of conscience” is the same as natural law. Consequently, it is at variance with natural law to invert this hierarchy of virtues and to put inferior virtue over a superior one.

Tocqueville seems to find in the principle of self-interest rightly understood an antidote to the crisis of great virtues in democracy.³² Before the examination of this question, we must note that in his critique of Machiavelli Tocqueville clearly states that utility and effectiveness could not be a justification for the violation of natural law.³³ Hence, in the case of the conflict between someone’s interest and natural law, the latter should prevail.³⁴ According to Tocqueville, the principle of self-interest rightly understood should aim to induce people to act in accordance with natural law by presenting: “how what is right may be useful.”³⁵ In his letter to Arthur de Gobineau dated September 5, 1843, Tocqueville argues that the principle of self-interest rightly understood shows that even in this world, honest life, which is conducted in line with divine law, is profitable while sin causes misery.³⁶ In this way, this principle could gradually draw people in the direction of virtue.³⁷

The question of natural law is also important as far as Tocqueville’s concept of freedom is concerned. Although he puts his attention mainly on a positive or rather fulfilled aspect of freedom, we could also find a definition of negative freedom in his works. In his article about the social and political state of France

before 1789 published in the *London and Westminster Review* in 1836 he states, "According to the modern and democratic notion, and I dare to say the just notion of freedom, each person, being presumed to have received from nature reason, which is necessary to conduct himself, holds from his birth an equal right to live independently of his fellowmen, in all that is referred only to himself and to regulate his own destiny as he intends."³⁸ This quotation suggests that negative freedom ought to be respected due to the fact that each person has obtained reason from nature and possesses therefore the ability to govern his behavior. It is important to remember that according to Tocqueville human reason is capable of recognizing natural law—to discern the difference between good and evil. It enables us to comprehend the essence of the above-mentioned definition. Negative freedom is honored because the human person is able to conduct his life in such a way that enables him to consciously and voluntarily choose what is good. Negative freedom is therefore connected with confidence in the human person and respect for his dignity, which leads us to the core of Tocqueville's concept of liberty. The main subject of his consideration as far as freedom is concerned is a rightly filled area that belongs to free human will—the area that is guaranteed by negative freedom. According to Tocqueville, it is self-government that is the quintessence of freedom.³⁹ To the essence of rightly fulfilled freedom belongs also its aim that should be focused on the achievement of objective good. Tocqueville seems to confirm this thesis when he writes on the conditions that are necessary for people to be free. "Change your laws, vary your customs, alter your beliefs, adjust your conduct: If you bring this about so that man has full freedom to do anything that is not bad in itself, and is sure to reap in peace where he sows, you have attained your end."⁴⁰ Taking this into consideration, we could conclude that in Tocqueville's thought rightly fulfilled freedom means self-government that at least does not contradict natural law.

Responsibility for our own deeds is an indispensable condition to realize our freedom. Tocqueville writes that the human will "must be free in its gait and responsible for its acts, or (such is the constitution of man) the citizen had rather remain a passive spectator than a dependent actor in schemes with which he is unacquainted."⁴¹ The above-mentioned quotation confirms the strict relation between freedom and responsibility, which is necessary to realize freedom. Individual responsibility is also a natural consequence of liberty.⁴² Tocqueville also describes how the principle of responsibility functions in the United States: "If he [an American] be a subject in all that concerns the mutual relations of citizens; he is free and responsible to God alone for all that concerns himself."⁴³ What is more, the awareness of responsibility for our own acts stimulates to proper fulfillment of our freedom. It becomes a spur to further human development. In

addition, it helps to refrain from making bad use of freedom. When Tocqueville writes that the American “is responsible to God” it is not a meaningless statement. It reveals his conviction that natural law—based on divine law—is a measure of human action.

It is also important to notice a strong bilateral relation between freedom and virtue. As we could find in Tocqueville’s definition of virtue—it is “a free choice of what is good.”⁴⁴ It implies that virtue demands a lack of coercion, which could be treated as an equivalent to negative freedom. Virtue could be obtained only by voluntary decision to act in accordance with natural law. On the other hand man needs also virtue to be free. Tocqueville clearly states this in his critique of French society in 1848: “I tell you that this people whom you so naively admire has just proved that it is incapable and unworthy of living in freedom. Show me what it has learned from experience? What new virtues it has discovered and what old vices it has discovered?”⁴⁵ In this comment, Tocqueville refers to fulfilled freedom that means self-government. Then it is virtue that enables man or society to be free—to govern his or its life in line with natural law.

Natural Law and Socialism

Tocqueville’s reflection on socialism constitutes an important area where natural law plays a crucial role. He forecasts that after overthrowing a feudal regime of unequal rights and conditions the next step of the revolution of equality would be an attempt to introduce real, absolute equality. It will demand the abolition of private property⁴⁶ and the other legal institutions such as marriage, family, or inheritance—the institutions that safeguard the deepest sense of humanity.⁴⁷ The overthrow of these institutions means de facto to violate natural law. The consequence of this fact will be an infringement of human dignity. It shows that according to Tocqueville the desire to introduce actual equality is contrary to natural law. He therefore perceives a great danger in socialism, which he does not treat as a consistent doctrine but rather as a complex of theories that are combined by their common desire to establish utopian, real equality:

One was going to abolish inequality of fortunes; another that of education; while a third attacked the oldest inequality of all, that between men and women. There were remedies against poverty, and against the disease called work which has afflicted man since the beginning of his existence. There was great variety in these theories, sometimes they were contradictory and sometimes hostile to one another. But all of them, aiming lower than the government and attempting to reach society itself, on which government stands, adopted the common name of socialism.⁴⁸

The other essential feature of socialism, which is inconsistent with natural law, is its lack of confidence in human reason and freedom: "We come to the third and last trait, the one which most clearly characterizes socialists of every stripe, of every school. It is a deep distrust of liberty, of human reason, a profound scorn for the individual in his own right, for the human condition."⁴⁹ This feature of socialism contradicts first of all human freedom, because freedom, as we have mentioned above, is based on the confidence that the human person by his reason and free will is able to discern the difference between good and evil and to choose what is good. Socialism denies this ability and therefore it claims that it is the state that is responsible for teaching, sustaining, and guiding each inhabitant.⁵⁰ In this way, socialism negates that natural law could be perceived by individual human reason.

The implementation of actual equality within society violates nature and can be therefore performed only by force and permanent control of people. Consequently, socialism in order to realize its dream on real equality needs omnipotent power in an entirely centralized state. Tocqueville, therefore, finds a close bond between socialism and centralization that causes a threat to freedom.⁵¹

Hence, it is not a surprise that Tocqueville treats socialism as a perilous and false idea. What enabled him to personally observe the effects of socialism was the unsuccessful revolution in Paris in June 1848. In this context, it is worthwhile to examine his two comments about this event. The first one comes from his letter to Eugène Stoffels:

In the insurrection of June there was something other than bad propensities: there were false ideas. Many of these men, who were marching toward the overthrow of the most sacred rights, were led by a sort of erroneous notion of right. They sincerely believed that society was founded on injustice, and they wanted to give it another basis.⁵²

The second important remark on this revolution comes from his *Recollection*:

It was this mixture of greedy desires and false theories that engendered the insurrection and made it so formidable. These poor people had been assured that the goods of the wealthy were in some way the result of a theft committed against themselves. They had been assured that inequalities of fortune were as much opposed to morality and the interests of society as to nature. This obscure and mistaken concept of right, combined with brute force, imparted to it an energy, tenacity, and strength it would never have had on its own.⁵³

These comments demonstrate that Tocqueville perceives in the heart of socialism a false concept of justice. The mistake of socialism is therefore rooted in a

false idea of natural law. According to socialism, natural law demands absolute equality regarding a serious misinterpretation of this law. Tocqueville's comment about the relation between the will of God and democracy implies that natural law demands not real equality but equality of conditions or more precisely equality of chances.⁵⁴ His observation about an aristocratic system suggests that it is permanent inequality of chances that is contradictory to human dignity and natural law.⁵⁵ Tocqueville seems rather to consider real inequality as a natural state because people possess different talents.⁵⁶

What is more, Tocqueville observes that socialism, which wants to overthrow natural law based on divine law, aims at creating itself a knowledge that would become a substitute of religion: "Men aimed at establishing a social science philosophy, and I might almost say a common religion to be taught to all men and followed by them."⁵⁷ The experience of the twentieth century seems to sufficiently confirm his predictions about socialism.

Conclusion

Although Tocqueville does not create a new original concept of natural law, it plays an important role in his thought. His idea of natural law is based mostly on the Catholic rational concept of this law. Natural law constitutes a steady point that enables him to assess social phenomena—inter alia positive law. The importance of natural law is more obvious when we take into consideration the role of freedom and virtue in his thought. The article demonstrates that it is hard to correctly understand those two values without a reference to natural law. What is also important is the fact that natural law stands in the heart of Tocqueville's critique of socialism. Taking all these arguments into consideration, we could conclude that the concept of natural law constitutes one of the most important keys to the proper interpretation of Tocqueville's thought.

Notes

1. For example, Ken Masugi not only states that Tocqueville's politics "does not call for a natural rights basis," but he also argues, "he tries instead to lead his readers to reconsider the rejection of natural standards." He presents also an interesting suggestion that the absence of a natural-law perspective in Tocqueville is caused by "the French Revolution's prominence in his primary audience's minds." Ken Masugi, "Citizens and Races: Natural Rights Versus History," in *Tocqueville's Defense of Human Liberty: Current Essays*, ed. Peter Augustine Lawler and Joseph Alulis (New York and London: Garland Publishing, 1993) [hereafter *TDHL*], 326.

2. Alexis de Tocqueville, *Democracy in America*, trans. Henry Reeve (New York: D. Appleton and Company, 1904) [hereafter *DA*], vol. 1, chap. 15, 276.
3. *Ibid.*
4. *Ibid.*, vol. 2, pt. 3, chap. 17, 740.
5. *Ibid.*, vol. 2, pt. 3, chap. 17, 717.
6. *Ibid.*
7. *Ibid.*
8. *Ibid.*
9. *Ibid.*, vol. 2, pt. 3, chap. 17, 730.
10. *Ibid.*, vol. 2, pt. 3, chap. 17, 718.
11. *Ibid.*, vol. 2, pt. 3, chap. 17, 727. See also *Ibid.*, vol. 2, pt. 3, chap. 17, 731. "Lastly, if it were allowable to suppose that all the races of mankind should be commingled and that all the peoples of earth should ultimately come to have the same interests, the same wants, undistinguished from each other by any characteristic peculiarities, no conventional value whatever would then be attached to men's action; they would all be regarded by all in the same light; the general necessities of mankind, revealed by conscience to every man, would become the common standard. The simple and general notions of right and wrong only would then be recognized in the world, to which, by a natural and necessary tie, the idea of censure or approbation would be attached."
12. See Alexis de Tocqueville, "Listy o sytuacji wewnřznej Francji." *Res Publica* 8 (1988) [hereafter *LF*]: 147.
13. See Alexis de Tocqueville, "Letter to Harriet Grote July 24, 1850," in *Selected Letters on Politics and Society*, ed. Roger Boesche, trans. James Toupin and Roger Boesche (Berkeley: University of California Press, 1985) [hereafter *SLPS*], 250–51. "You defend the constituting principles on which our old European society rest, liberty and individual responsibility that is its consequence, above all property. You are quite correct, you could not conceive of men living outside these primordial laws, nor could I."
14. It is significant that Tocqueville describes the situation of slaves inter alia as a violation of the right of humanity. "Whenever they have had to do with Negroes, their conduct has been dictated either by their interest and their pride or by their compassion. They first violated every right of humanity by their treatment of the Negro, and they afterwards informed him that those rights were precious and inviolable." *DA*, vol. 1, chap. 18, 407–8.

15. Ibid. “Desiring slavery, they have allowed themselves unconsciously to be swayed in spite of themselves towards liberty, without having the courage to be either completely iniquitous or completely just.”
16. *DA*, vol. 2, pt. 3, chap. 17, 718.
17. Ibid., vol. 2, pt. 3, chap. 17, 724.
18. Alexis de Tocqueville, “List do Sofii Swieczyny z 26 lutego 1857,” in *Listy*, ed. Irena Grudzińska-Gross (Kraków: Znak, 1999) [hereafter *Lt*], 328.
19. Delba Winthrop also rightly states that “Tocqueville’s rights can be neither the natural rights of Hobbes and Locke nor the rational construct of Kantians and contemporary rights theorists.” Delba Winthrop, “Rights, Interest, and Honor,” in *TDHL*, 215.
20. See Alberto M. Piedra, *Natural Law* (Lanham: Lexington Books, 2004), 25. “It is important to reemphasize that the philosophical rationalism (*le pouvoir de la raison*) of the seventeenth and eighteenth centuries was distinctly different from the metaphysical rationalism of St. Thomas Aquinas. Aquinas and the scholastics, recognizing and stressing the power of reason, never maintained that human reason was the only admissible source of knowledge, particularly in matters of theology.”
21. *DA*, vol. 1, chap. 18, 408.
22. Ibid., vol. 1, chap. 18, 406–7.
23. Ibid., vol. 1, chap. 15, 276.
24. See *ibid.*, vol. 1, chap. 4, 43–46.
25. See Alexis de Tocqueville, “List do Arthura de Gobineau z 5 września 1843 roku.” *Przełom Polityczny* 72 (2005) [hereafter *LAG*]: 110.
26. Alexis de Tocqueville, *Journeys to England and Ireland*, trans. George Lawrence and K. P. Mayer (New Brunswick and London: Transaction Publishers, 2003) [hereafter *JEI*], 117.
27. *DA*, vol. 2, pt. 3, chap. 17, 730.
28. Tocqueville’s concept of virtue seems to be deeply rooted in the ancient tradition of Aristotle and Plutarch. We should remember that Tocqueville was inter alia a reader of Plutarch’s *Lives of the Noble Greeks and Romans*. See, for example, Alexis de Tocqueville, “Letter to Gustave de Beaumont, April 22, 1838,” in *SLPS*, 129–30.
29. Alexis de Tocqueville, *Journey to America*, trans. George Lawrence (Westport: Greenwood Press Publishers, 1981), 163.
30. Alexis de Tocqueville, *Memoir on Pauperism*, trans. Seymour Drescher (London: Civitas, 1997), 36.

31. *DA*, vol. 2, pt. 3, chap. 18, 720.
32. Wilfred M. McClay argues that Tocqueville was trying to answer the question whether self-interest, rightly understood, could be made to take the place of virtue. McClay also states that Tocqueville believed that the habit of virtuous behavior, even initiated for entirely self-interested reasons, could take effect very similar to the original virtue itself. See Wilfred M. McClay, "The Soul of Man Under Federalism." *First Things* 64 (June/July 1996): 23–24.
33. Alexis de Tocqueville, "List do Pierre-Paula Royer-Collarda z 25 sierpnia 1836," in *Lt*, 119.
34. We could observe that Tocqueville was not always consequent in the practical implementation of this idea. Inter alia he suggested the deprivation of some Arab tribes of their property in conquered Algeria. He honestly stated that it would be a violation of justice but the interest of France had demanded such a deed: "In general I am hostile to violent measures which usually seem to me as ineffective as they are unjust. But we must recognize that we shall never manage to possess the land around Algiers without the aid of a series of such measures. As a result, we must resolve to make use of them." Alexis de Tocqueville, "Essay on Algeria," in *Writings on Empire and Slavery*, trans. and ed. Jennifer Pitts (Baltimore and London: Johns Hopkins University Press, 2001), 87.
35. *DA*, vol. 2, pt. 1, chap. 8, 611.
36. See *LAG*, 110.
37. See *DA*, vol. 2, pt. 1, chap. 8, 610.
38. Alexis de Tocqueville, "Etat social et politique de la France avant et depuis 1789," in *Œuvres complètes, tome II* (Paris, Gallimard, 1952), 1:62. "D'après la notion moderne, la notion démocratique, et, j'ose le dire, la notion juste de la liberté, chaque homme, étant présumé avoir reçu de la nature les lumières nécessaires pour se conduire, apporte en naissant un droit égal à vivre indépendant de ses semblables, en tout ce qui n'a rapport qu'à lui-même, et à régler comme il l'entend sa destinée proper."
39. In my opinion, the most accurate explanation of the essence of Tocqueville's concept of freedom is given by Dr. Ossewaarde. He states that according to Tocqueville liberty is self-government toward good and political liberty is self-government to actualize the will of God. See M. R. R. Ossewaarde, *Tocqueville's Moral and Political Thought* (London and New York: Routledge Taylor & Francis Group, 2004), 16–17, 20–21.
40. *JEI*, 117.
41. *DA*, vol. 1, chap. 5, 78.

42. See Alexis de Tocqueville, "Letter to Harriet Grote July 24, 1850," in *SLPS*, 250–51.
43. *Ibid.*, vol. 1, chap. 5, 53.
44. *JEI*, 117.
45. Alexis de Tocqueville, *Recollections: The French Revolution of 1848*, trans. George Lawrence (New Brunswick and London: Transaction Publishers, 1995) [hereafter *Rec.*], 68.
46. *Ibid.*, *Rec.*, 12–13, 75–76.
47. See *LF*, 147.
48. *Rec.*, 74.
49. Alexis de Tocqueville, "The Speech on the Right to Work," in *Tocqueville and Beaumont on Social Reform*, ed. and trans. Seymour Drescher (New York: Harper, 1968), 183.
50. *Ibid.*
51. See Alexis de Tocqueville, *L'Ancien Régime et la Révolution*, sec. 3, chap. 3.
52. Alexis de Tocqueville, "Letter to Eugène Stoffels, July 21, 1848," in *SLPS*, 216.
53. *Rec.*, 136–37.
54. See *DA*, vol. 1, preface, xxxiv. "To attempt to check democracy would be in that case to resist the will of God; and the nations would then be constrained to make the best of the social lot awarded to them by Providence."
55. See *ibid.*, vol. 1, chap. 1, 7. "In those places where the rich and powerful are assembled together, the weak and the indigent feel themselves oppressed by their inferior condition. Unable to perceive a single chance of regaining their equality, they give up to despair and allow themselves to fall below the dignity of human nature."
56. See *ibid.*, vol. 2, pt. 1, chap. 9, 520, 521. "Natural inequality will soon make way for itself, and wealth will spontaneously pass into the hands of the most capable."
57. *Rec.*, 71.