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Gottfried Duden's Critique of Alexis de Tocqueville, Michel Chevalier and Himself in 1837

No one was as crucially involved in encouraging German emigration to Missouri as Gottfried Duden (1789–1856). His *Report on a Journey*, first published in 1829, encouraged settlement along the Missouri River with glowing descriptions of what Germans could expect there. It was the fruit of a long involvement with Missouri, beginning with his purchase of land north of the Missouri River in February 1819, and culminating in his residence there from 1824 to 1827. He took an oath in expectation of American citizenship after his arrival in 1824, and he never explicitly gave up his intension of returning to Missouri to live permanently.¹ Despite complaints that commenced almost at once, Duden continued to support his vision of a new Germany beyond the Mississippi Valley as part of a plan to rescue the German middle class from the catastrophic pressures of modernization. Besides two original editions of his book and two further Swiss reprintings,² Duden published what was portrayed as excerpts from his original travel diary, entitled *Europa und Deutschland von Nordamerika aus betrachtet, oder: Die Europäische Entwicklung im 19ten Jahrhundert in Bezug auf die Lage der Deutschen, nach einer Prüfung im innern Nordamerika* (*Europe and Germany Observed from North America, or, European Development in the Nineteenth Century with Reference to the Situation of the Germans, following a Testing in Interior North America*) in two volumes, published in 1833 and 1835. Like the original Elberfeld printing of the *Report on a Journey* and most of his other books, they were produced entirely at his own expense. Although it does provide details on his Missouri residency not found elsewhere, this second book dealt primarily with Duden's peculiar philosophy of politics and the state, and as a result it had little impact.

I have recently worked to draw attention to an early example of criticism of Duden from a German “on the scene” of the much-touted “Missouri Rhineland,” namely a pamphlet published by Gustav Philipp Körner

following a walking tour he made in early winter 1833. He trudged up the Missouri to Jefferson City along the south bank, then back to St. Louis along the northern bank, with Friedrich Engelmann. After encountering many Germans upset over the fact that Missouri was much less hospitable than expected, Körner passed the winter composing a text that he published through his brother, Karl Körner, in Frankfurt am Main in 1834. This had some impact on the second volume of *Europa und Deutschland* Duden published in 1835, where Duden mentioned Körner in his preface.³

Duden's 1829 book was reprinted twice by a Freethinker association in St. Gallen, Switzerland, and his second edition in 1834 included many responses to contemporary criticism on the theoretical as well as practical level. There was even a separate publication of the preface to the second edition responding to his "serious" critics.⁴

Duden has often been treated as a Teutonic crackpot, an enthusiast for a Missouri that existed only in his own mind. It would appear to be high time to look at his last serious attempt to explain his basic motivations for his enthusiasm about the emigration. He turns out to represent a significant strand of American political ideology, if in the parti-colored garb of an utter outsider.

The chorus of disappointment that followed Duden's rosy account of Missouri has tended to obscure the philosophical foundations of this work. Duden was not promoting a scheme that would bring him personal profit, since he consistently eschewed such things; he was man with family wealth who could afford to ignore such pressures. Instead he operated on the basis of his own vision of human motivation that a few theoreticians have since stumbled over largely by accident. In 1900 Charles Edward Merriam remarked that Duden's psychological view of sovereignty expressed in his *Ueber die wesentlichen Verschiedenheiten der Staaten und die Strebungen der menschlichen Natur* (*On the Essential Variety of States and the Strivings of Human Nature*), published in Cologne in 1822, was a novel, pioneering approach. But it was the noted political scientist Harold D. Lasswell who most underlined the significance of Duden's ideas, which had largely been forgotten. From Lasswell's point of view, although Duden's theories fell flat with contemporaries, they had a great deal to say. Duden reacted against the contemporary contract theory. "(Duden) is rigidly objective, and tries to explain the forces at work, rather than to justify the forces he prefers to work." "No one can read Duden's book on the Essential Differences of the States without feeling that here is a mind of more than ordinary penetration." Although never followed up, Lasswell comments, Duden's admittedly fragmentary analysis, "consisting more often of insights than demonstrations" was headed in the right direction, an impetus later taken up by Sir Henry Maine and others.⁵ It is interesting that

the very text translated here includes advertisements not only for Duden's two publications on Missouri (the second edition of the *Bericht* and the two volumes of *Europa und Deutschland*) but also for a reprint of *Ueber die wesentlichen Verschiedenheiten der Staaten*.

Duden's later publications were also treated with respect by some significant writers of the era before the 1848 revolutions (commonly called "Vormärz"). A significant political figure in Hesse, Hans Christoph von Gagern (1766–1852) is known to have read *Europa und Deutschland* with appreciation, although it is not known whether he read the critique of Tocqueville. He often cited both Tocqueville and Duden in his letters, which was one of the few ways politically-engaged writers could communicate critical ideas without confronting censorship.⁶

Duden's final publication on Missouri⁷ has received little attention, although it involves a fascinating confrontation between Duden and the best-known visitor to the United States before the Civil War, Alexis de Tocqueville (1805–59). It also included a brief but extraordinary response to those who had attacked Duden's own notorious enticement to emigration.

After his extensive nine-month tour of North America in 1831 and 1832 along with Gustave de Beaumont (died 1866) to study the prisons of the United States,⁸ Tocqueville had published two slim volumes in Paris in 1835 entitled *De la démocratie en Amérique* (*Democracy in America*). It had instant success, and it led to his election in 1838 to the *Académie des sciences morales et politiques*, joining France's most significant historians and writers. His position was enhanced by the publication of a second set of two volumes in 1840 (usually confusingly termed "Volume II") with a more abstract appreciation of the impact of equality and democracy that won the young French aristocrat a election as an "Immortal" in the *Académie française* in 1842.⁹ His work was hailed in France, in England and in the United States, and translations of the work appeared in most of the literary languages of the world. Despite contemporary negative responses from Jacksonians,¹⁰ his vision has defined America in the early decades of the nineteenth century: It is no accident that it is the only volume in the prestigious Library of America to require translation.

In contrast to Tocqueville's fame, Duden's critique of Tocqueville has been occasionally cited but seldom really exploited. One of the founding fathers of both the Marxist and the Zionist movements, Moses Hess, appears to have read and carefully noted Duden's critique of Tocqueville shortly after its publication, but these thoughts remained in manuscript.¹¹ The most recent significant effort to gauge Tocqueville's impact, by Françoise Mélonio, mentions Duden as one of the three major critiques published immediately after 1835, but goes no further. The other two are Eugene A. Vail (an American writing

in French) and Guillaume Tel de la Vallée Poussin; of these, Mélonio only grants a specific evaluation to Poussin.¹² Over the years, Duden's criticism of Tocqueville has persisted primarily in bibliographic citations. Of those few who have read it, William G. Bek, the busy but often wayward translator of German Missouriiana, noted that Duden still declared that he intended to return to Missouri, and also that he mentioned the press run of his original Missouri book as 1500 copies.¹³

The gargantuan task of translating and editing Duden's seminal *Report on a Journey* of 1829 and 1834 (chaired by James W. Goodrich and accomplished chiefly by Elsa Nagel in 1980) made references to the 1837 work, although without emphasis.¹⁴ Werner Sollors of Harvard (1998) mentions Duden's critique and a possible response to it by the Bohemian-American Francis J. Grund.¹⁵ Jean Walch mentioned Duden's critique in the context of an intellectual biography of Michel Chevalier in 1975.¹⁶ A number of recent scholarly works have cited and even explored Duden's "Confession."¹⁷ Gerhard Casper in 1989 saw Duden's critique as part of growing criticism of America.¹⁸ Harry Liebersohn has recently (2001) seen Duden as an "upside-down Tocqueville," referring both to his *Europa und Deutschland* as well as specifically to the critique of Tocqueville.¹⁹ Christian Gellinek in 2003 refers to Duden's general lack of understanding of Tocqueville.²⁰

In looking at Duden's treatment of *Democracy in America*, it is crucial to recall that it deals only with what Tocqueville published in 1835 and revised in the first few subsequent editions (Duden refers consistently to the fourth Paris edition, as well as to a major Belgian edition and the standard German translation). Hence when Duden makes a great deal of the differences between the first volume and the second, he is drawing a distinction of emphasis within what is currently regarded as "*Democracy I*"²¹ that is often overlooked because of the more customary contrast between the 1835 *Democracy* (two volumes) and the two added volumes of 1840 (usually called *Democracy II*). Tocqueville considered issuing the first volume independently of the second in 1835, and he was clear that the second volume pursues a distinct approach. As Hugh Brogan states in his biographical treatment, "Tocqueville's scheme, we might say, is to be a political scientist in volume 1 and a sociologist in volume 2, a plan not merely logical but almost inevitable."²²

Duden's Critique

On one level Duden's polemic against Tocqueville begins by pointing out internal inconsistencies in the text. This is easy enough, since Tocqueville's aphoristic style stresses paradoxes, and these often end up contradicting one another, either because the Frenchman discovered a new nuance or because

he had changed his mind in the process of composition. This method of argument placed him in the tradition of his conscious predecessors Montaigne, Montesquieu, Pascal, Rousseau and Voltaire. It was certainly calculated to alienate a German used to more precise and academic argument.

But Duden is promoting his own vision of America as well as of human society in general that helps to explain his own affinity for the American West, a part of America that always made Tocqueville distinctly uncomfortable. Further, just as Tocqueville always wrote of America with the historical and contemporary situation of July-Monarchy France in mind, Duden was always writing for Germans of the 1830s and with German traditions in mind. Particularly, Duden was a German jurist to his core, at home with the legal heritage of the *Old Reich*, which was vanishing at the time but not yet completely gone even in the era of the systematic princely wardship over subject populations.

Most of Duden's study concentrates on the earliest chapters of Tocqueville's work, after skipping the geographic introduction of North America in the first chapter. Hence Part 1 deals with the second chapter and Part 2 with the third chapter before turning to his philosophical differences with *Democracy in America* over the role of the state and its relationship to its population. His penetration to the later chapters of *Democracy* largely serves to provide support for his argument on Tocqueville's internal contradictions or to perfect his own argument against the notion of a higher mission for the state.

He begins with a statement of dismay over the immense praise heaped on Tocqueville's work, which he takes to be a proof of the shallowness of current political theory. Among other things, it shows that Duden's own writings had had little impact on opinion, and he suspected that Frenchmen never would pay any heed to a German's criticisms:

Incidentally, I should be placated by the fact that Frenchmen believe themselves too elevated above Germans in politics to expect any instruction from them. For that reason, I expect that Monsieur de Tocqueville will not hear the tiniest part of my critique. (3)

Duden will repeat this same rather spiteful statement when he later comes to criticize the writings of Michel Chevalier, and he actually accuses Chevalier of copying Duden's own writings about America without giving him credit (74).

Also, Tocqueville's often brilliant arguments persuade in the same way that a lawyer's summation sways a jury to a specific conclusion even when they continue to harbor doubts. It was no secret that Tocqueville is an advocate by training, and he reads like one. Although he consistently touches on important subjects, he has written a "foundationless book," using rhetoric

“not only to attract readers, but also to fix commentaries that would otherwise pass away like a *conversation over tea*.” (2, emphasis in original)

In Part 1, he starts with an argument that must immediately call to mind the *Federalist Papers* in its attack on unicameral legislatures, warning against the centralizing tendency of democratic states, flattening all opposition on behalf of a tyranny of the majority. In the polemics of James Madison before all others, this argument was used to support the creation of the presidency, the federal courts and the senate to counter the demands for majority rule expressed by a democratically-elected House of Representatives. Although Duden did not analyze Tocqueville's American travels and personal contacts, the record shows that Tocqueville and Beaumont preferred to spend their time with remnants of the old Federalists, become Whigs (such as Jared Sparks and John Quincy Adams), and that on his return to France he made extensive use of *The Federalist* to explicate the Constitution.²³ The argument of the despotic destiny of democracy is more obviously suited to France, with its Jacobin and Napoleonic experience, than to the United States in the age of Jackson. By equivocating the Democratic Party of Jackson with American democracy in general, Duden showed that American democrats are more inclined to oppose centralization than to increase it (6–7).

Following a brief review of two directly opposed opinions by Tocqueville on the lack of a prosecutorial officer on Massachusetts county courts, which struck Duden directly due to his experience as a judge, he launched into Tocqueville's faulty image of America as a new society (7–8). Since the point of departure (*point de départ*) of settlement was said to determine much of a society's further development, the metaphor of a human infant fit poorly with a people with a history and extensive development already behind it. He went on to chide Tocqueville for not stating that the legal evolution of New England, far from being unique, closely paralleled that of England under the Puritan Commonwealth.

Here (13–14) Duden touched on the omnibus purpose served in Tocqueville's narrative by the term “*les mœurs*,” which is too easy to translate as “morals” but is more consistently like the Latin “*mores*.” This was routinely translated into American English in the 1830s as one or another version of “morality,” but the meaning of that word has altered over the subsequent generations. Arthur Goldhammer, the dean of American translators from French, opts for “*mores*,” but he still has to use “moral” in the adjectival form. The German term “*Sitten*” rendered *mœurs* fairly accurately. Tocqueville himself compounded the question with a footnote in Part II, chapter 9:

Here I remind the reader of the general sense in which I use the word *mœurs*: I intend by this word all the intellectual and moral dispositions that men bear in the situation of society.²⁴

Duden calls this plastic use of the term "*les mœurs*" "the imp" (German *der Kobold*) that is used to make the causative chain run any way the author desires. The imp makes several returns in the course of Duden's essay. Arthur Goldhammer also seizes on *les mœurs* as a slippery and difficult term that has to be handled with care. It is best rendered "mores," but it still loses its distinction from "morals" when used as an adjective.²⁵

One of the central problems with Tocqueville's narrative at the beginning is that it exploits the image of childhood development, with America being the sole society that can be observed from its very infancy. This is the "starting point" (*point de départ*) from which almost every characteristic of American institutions and life can be interpreted. But Tocqueville himself fudges this image by declaring at another point that American society was actually born not young but old:

The Anglo-Americans arrived on the soil that their posterity now occupy entirely civilized. They needed to learn nothing, they only needed not to forget . . . In the United States society had no childhood. It was born at a mature age.²⁶

Repeatedly Duden underlines the Germanic roots of British, and hence American, institutions, although for a jurist this has the bittersweet undertone of a tradition and continuity since lost in much of German Central Europe. Duden was clearly a partisan of the judicial institutions of the *Old Reich*, which passed definitively from this world in 1806. The era of Napoleon had seen the power of the princes intensified and old restrictions on executive power ended. Representative institutions were promised but largely never brought into operation, since they would have served as platforms for an opposition to the princes. The appeal to the Germanic forests might seem rather silly to us today, but in the nineteenth century it was a standard argument in Germany, Britain and the United States (14–15). To English and Scottish writers, it was obvious that the core of the English constitution had to be sought among the Anglo-Saxon invaders of the British Isles of the fifth century. This latter-day version of the "Ancient Constitution" was still alive in England in those days, with its implied critique of the Norman invaders of 1066. Bishop Stubbs is only the most memorable representative of that tradition.

Tocqueville placed intense stress on the notion that communities in New England and elsewhere in America arose from the bottom, and one of the reasons he spent so much time on the structure of the town meeting and the election of selectmen was that he saw it as more significant than any downward-directed efforts of colonial founders and proprietors. Here it might be remembered that Arthur Goldhammer rethinks the usual rendering of the

French word "*commune*" in *Democracy in America* as "township," which has never been a particularly vital institution in American local government, and takes it to mean "town."²⁷ Duden counters that although communities were established as a matter of course according to English practices, there was always an intense awareness of the overarching potential of the authority of the colonial power (18).

Duden does not hesitate to call Tocqueville's derivation of the "Social Condition" from the earliest phase of colonial settlement "balderdash" (*Galimathias*; 21). Tocqueville then goes on to repeat his dire association of democracy with both its republican and its despotic forms.

In Part 3, Tocqueville is taken to task for establishing the concept that a principle of popular sovereignty is embodied in North American communities from the outset. As will be discovered, this is really Duden's primary target, since the declaration of such a principle leads in his mind to the tutelage of the population by an administrative bureaucracy that controls public life through systematic and prescriptive bullying. This bullying of the people is described as "schoolmastering" (*Schulmeistern*). This is because the principle of popular sovereignty leads to an exaggerated concept of something called the state, which quickly arrogates to itself the power of the people, since it knows the purpose of the state better than do the people.

Hence, to Duden, the American Revolution has to be reinterpreted not as a positive uprising on behalf of popular sovereignty, but rather as a simple rejection of the governance of the king of England (25). He goes on to argue that

(Tocqueville) deals with the products of reflection in the higher classes and is blind to the almost instinctual life of the masses, which is where the true source condition of the present as well as the past is to be glimpsed. Our general political wisdom . . . is still deeply immersed in the error that the essence of popular development is in the higher classes. (26)

Duden then proceeds to illustrate the presence of strong distinctions between classes in the United States, distinctions that are hard for European observers to see because they are expressed very differently from their own lands. "I am writing in the first instance for Germans, so I now choose to use primarily Germany for comparison" (27–28). Leaving aside the profound distinction between white people and "Negroes and Mulattos," there are also genuine distinctions that make possible the political split of Americans into democrats (the Democratic Party) and aristocrats (Whigs), involving distinctions of birth, experience, education and other distinctions. Contrary to European expectations, there is an American "honorable" class that dominates leadership positions as well as political office. He counters Tocqueville's

assertion that there is no learned class in America by enumerating the enormous expenditure for higher education and the large number of college students even when compared with European countries (31–32).

On pages 32–33 Duden tries to develop his concept of the non-ideological mass of the American population by stressing the notion that the chief response of the people is not to obey, and to avoid obeying by appealing to higher authorities. In a world where government is felt to be a necessary evil, but where people do not desire to descend into chaos, politics is a continual and dangerous game between a hostile population and a political class that tries to retain political office at all costs.

This culminates with Duden's definitive remark that "*the democrats there are much more aristocratic than in any country in Europe*" (33, emphasis in original). This leads to a direct denial of Tocqueville's presumption that the poor rule in America, since even the poor vote members of a relatively established elite into office. He will later chide Chevalier for making the same error (78–79).

This political class is also used by Duden to explain why there are periodic threats of secession from the federation by individual states, despite the fact that the federal government provides protection for American ships all over the world and creates a vast territory within which all citizens may move. He interprets this as arising from the many "aristocrats" who find their proper niche in the states, as contrasted with the few such places in the federal government. So, unlike Tocqueville, who saw the Union as a temporary and evanescent institution with little going for it,²⁸ Duden declared that the Union would persist and prevail in the long run despite aristocratic hostility. One of his reasons was the general popularity of the Union in the territories, where it ruled directly as over provinces (34).

On page 38 Duden engages in one of his vast footnotes that take his argument off on a tangent. In each case with all of the longer notes, it deals with an issue of strong interest to Duden himself. In this first long note, he argues for the destructive impact of what he calls "school-theories and dreams of the purpose of the state," what we would call "ideologies," on society as a whole. He sees this as the natural result of abolishing communal liberty and other restrictions on governmental action, clearing the way for the monstrosities associated with the French Revolution.

To be sure this has proceeded in the worst way in France, insofar as they have not only obliterated communal liberty, but also bound individual life with fetters that could not have been done by the most officious theocracy, and all of that at a time when it said it was accomplishing the most perfect freedom by beheading the most philanthropic of kings and promulgating the rule of the people. The phantom of the common good seduced them

to the worst atrocities against the individual, and this phantom is to be declared unthinkingly guilty in part for the dreadful events of the French Revolution. (39, note)

In modern state life, the true profession of the jurist, with which Duden obviously identifies, has become subordinate to those of the administrator and the financier. "One . . . only needs to look at the ordinary maneuvers of the financiers with state credit to show to the simplest observer the inadequacy of purely mercantile arts for the care of countries and peoples" (40–41, note). A dramatic abomination is the proliferation of paper money, most recently expressed in the economic crisis that followed on the destruction of the Bank of the United States by President Andrew Jackson. Since this was the great question of the moment, Duden will return to this in his critique of Michel Chevalier.

Duden's adoration of the healthy will of the people takes him far beyond what today would be regarded as politically correct. He even has a kind word to use for lynching as a an instrument of communal control:

Particularly the procedures of what is called lynch law should not be taken as a naked atrocity of a raw mob. There certainly are acts of lawlessness. But one should not believe for that reason that it strikes those not guilty. In most cases lawful institutions do not provide effective protection against criminals, and the peril of threatened families compels them to self-help, which they practice with as much care and formality as the conditions permit, and certainly more conscientiously than many European military tribunals are seen to proceed. (42)

Duden goes on to criticize Tocqueville's automatic equation of democracy with the Democratic Party as then constituted. He stresses the fluidity of American political life, "producing frequent movement from one party to another" (43). While Tocqueville argues that the Democratic Party consistently opposed the concentration of state power into the hands of the federal government, Duden holds that

Those citizens who are interested in strengthening state powers at the cost of federal power are primarily those who hold the highest state offices, hence a class that no one would include among democrats in terms of their convictions. (40)

In Part Six, Duden deals with the role of religion, which is always the part of American life that most confounds the European observer. Here he briefly recapitulates what he holds to be a confused statement on religion and politics in both parts of Tocqueville's account of America (recalling always that this is the *Democracy* of 1835, before the "second volume" of 1840). Then

he states his own position on religion and politics, which is that religion is normatively Christian, with only a nod to Judaism; no provision is made for Islam, particularly for multiple wives (a concept soon to be challenged by the Mormon movement). So far as Christianity went, the sects were largely those found in Europe. The difference comes with the absence of political pressure, which leads to a larger role for religion in ordinary life (49).

Duden then returns to his primary theme, which is that the instincts of the American masses provide resistance to efforts to control them and render most leadership of the political classes null and void. These upper classes mistake the principles they think they represent for the essence of the laws. His dictum is "wherever a purpose of states is chosen by the school, everything must necessarily be subordinated to it . . ." (hence 50). "Absolutely nothing is said by the phrases about happiness or wellbeing of the people if one cannot get *closer* information about what the happiness or wellbeing of an *individual* person involves." Once the leading classes have conceived of a higher purpose for the state, then they will bully the rest of society into achieving it, whether they desire it or not (51). The result is despotism. Further, the education process is perverted to suppress individuality in the same way that formal gardeners once tormented trees and bushes into straight lines. The replacement of true jurists by social engineers has obliterated the rights of individuals for the benefit of higher purposes. The tyranny that results is more intense even than the theocratic rulers of earlier times could have desired (55).

In the end, the restoration of juridical modesty would replace the absolutist effort to achieve the absolute good with an effort simply to make things better for individuals by doing justice to them. Leading a state is much harder than leading an individual life, and understanding human life requires the sophisticated knowledge of human history. What is called natural law, in contrast, is an empty construction alien to human life (59–61 and notes).

At this point, with Part Seven, Duden's treatment of Tocqueville takes a sudden, jolting turn from a critique of high theory to a direct consideration of a burning contemporary issue, slavery, ominously beginning, "Now about slavery." Here Duden is talking directly about Missouri and his experience there in the late 1820s.

In my travel report I portrayed slavery as an evil that could not be extirpated immediately without the knife of a revolution, and I expressed the desire for its *gradual* extirpation. For that I received the reputation that I defend slavery. What will the same critics say about my present statement! (61)

The argument over the desirability of slavery or the possibility of abolishing it had greatly intensified in the United States in the interim since 1829, partly as a result of the English campaign to curtail the international slave trade, and

partly as a result of most European states emancipating the slaves working in tropical colonies. In the American South, there was a shift from the older argument that the Peculiar Institution was an unfortunate heritage to one that held it to be a positive good.

Duden himself had promoted Missouri in preference to Illinois and other free states while conceding that conditions in the fertile bottom lands were often so unhealthy that a farmer was wise to buy a few slaves for this labor rather than to expose himself and his family to death by disease. Already at the time of publication, there were those who saw this counsel as an encouragement to sin. On page 88 of the "Confession," Duden would remark that many readers regarded his suggestions that those not used to hard physical labor or afraid of the diseases in the bottoms should buy slaves, damning his "advice to use slaves (as) a devilish invitation to Hell." Gustav Körner would respond in 1834 by saying that no one could live in a slave state without being involved directly or indirectly in slavery, and sons of immigrants would become as coarsened as the natives in future years.²⁹ This argument would be reproduced almost line by line by Friedrich Münch in his address to Missouri Germans in March 1862, after his son's death for the Union at the Battle of Wilson's Creek.³⁰

Duden's feeling had shifted to the notion that masters must see their position as patrons of slaves, not simply as exploiters. This rested in part on simple racism that held that Black people were incapable of looking after themselves and would deteriorate if left on their own. It also relied on the notion that a family always had subordinate members unable to act on their own behalf: the very young, the elderly, the disabled, the insane and the female. Physical as well as intellectual abilities sometimes leave whole peoples permanently in a subordinate position.

Just as the Americans, as healthy offspring of Germanic potency, are obligated in the first instance to develop their better adaptation for the higher light more and more, so are they obligated in the second case to make a usage of their superiority over colored people as a brother does for his siblings. (66)

He deeply resented the tone and the arguments of abolitionists, who did not feel responsible for the chaos that would result from emancipation. There was always the bloody example of the slave rebellion on Haïti. His goal was the improvement of masters as well as slaves by giving the masters a nobler path than mere exploitation of labor.

Should masters become nobler, then slavery will lose its raw character by itself. But whoever pursues dreams of equalization has a spirit that needs healing more than does the good sense of slave owners. (66)

The last thing America needed was the creation of the shapeless mob that would result from sudden, total emancipation. Tocqueville finally makes his appearance at the end of this section of the book, stamped with being "certainly not one of the most severe opponents of slavery" (69), and dismissed once again for having declared himself on both sides of the question.

The final Part Eight of the critique adds a couple extra points that had not found expression as clearly before. Duden was particularly upset about the decline of jurists as central participants in state activity. As a conservative force, the jurists act hand in hand with "The masses (that) often hand on far more what is old than the minority of those with higher cultivation." (70). Tocqueville's central idea of communal liberty as the heart of American democracy was good, but it is not enough, since it can exist in form and be absent in spirit, as was the case in Germany today. The Constitution of the United States could not be easily altered by any one authority, so that it is a genuine brake on precipitate action. This was dramatically different from France or England, where the legislative assembly can alter the constitution as well as legislate. Finally, Duden argued that the federal constitution of the country shared important aspects with the old Imperial Circles, which were autonomous and independent of the principalities in their regions (72).

Having disposed of Tocqueville to his satisfaction, Duden now turned his attention to a collection of reports on North America made by Michel Chevalier, which offered Duden the opportunity to speak positively of a French author. Well, somewhat positively: "His book is full of the most interesting information on the political activities of the Americans in recent years, even if *reflections* on them remain too much on the surface" (73). Chevalier was a European idealist and elitist, and "it is no surprise that his judgment on the slavery of Negroes shares nothing with my thoughts" (74). Yet his ideas came so closely to Duden's own that he darkly suggested that Chevalier had been cribbing from him, directly or indirectly. In a long footnote beginning on page 74, Duden pointed out that Chevalier agreed with him that the reason for the high wages for servants and workers in America was the superior productivity of nature there. Finally, he expended pages worth of text comparing his own views on Jackson's attack on the Bank of the United States with Chevalier's. Both of them saw it as an attack by military and civil authorities on the nascent power of financiers (or "wealth," as Chevalier puts it).

Specifically, the struggle against the Bank is for the people (that is, other than the officers and president of the Union) actually a struggle of those living from agriculture against the rapid enrichment of merchants and manufacturers. (76, note)

The upshot of the destruction of the Bank of the United States was what one could expect when the central bank of a country is demolished: there is a credit crisis followed by depression. At the conclusion of this note, Duden states his central argument against both his French observers of America:

Both authors agree that in North America it is simply the *lower* classes that rule. This is, however, thoroughly false, since the lower classes only elect *persons from the upper classes* as the chief officials of the government. One complains about the power of impulse that these persons must obey in governing, but the story of the Bank shows that the impulses of the masses only become harmful when certain directions that can only develop in what is called higher life takes them over. The people would never have come to the most recent experiments through that antipathy against the trading community on its own without Jackson's influence and will. (78–79, note)

The masses in America are not inclined to revolution, unlike those in Europe. The people can be led into perverse politics when led by men who are respected, such as Jackson. As a convinced devotee of Saint-Simon, Chevalier cannot be expected to have much respect or sympathy for the common people and its instincts. He is a forthright champion of the higher classes, called by him the bourgeoisie (80–81). The last word in this critique was given in a final long footnote that tried to give greater detail about the economic recession that followed the destruction of the Bank (83–84). Here again, the blame was put squarely on President Jackson, who was not necessarily against a central bank, but only against one that he could not control.

Throughout this text, Duden showed blanket sympathy for the “instinctual” life, and the mass of the population that expresses it, and excoriated the ruling classes and their lives of “reflection.” His denial of a higher purpose for the state was an effort to prevent the higher classes from abusing the populace on behalf of fantastic plans made to support this higher purpose. A more thorough anti-Tocqueville would be hard to imagine.

Duden's “Confession”

The last twenty pages of the 1837 book deal directly with the reactions to Duden's argument on behalf of Germans settling in the Missouri countryside in preference to other parts of America and other ways of life. One particular part of the critique on Tocqueville, that dealing with slavery, had already covered a part of this ground. As he said there, he wondered how much trouble his “moderate” position on slavery would cause him. He now set out to confess his errors in making too strong an argument for Missouri, but his “confession” is simply a rhetorical device to depict his critics as overlooking what he actually wrote. To cover his bets to some extent, he based his argument

throughout on the second edition of the *Report on a Journey* (1834) that had already responded to earlier attacks and critiques in detail.

He began by declaring that it was his error to have written his book in a readable German rather than in some secret code, since those who could barely read presumed that everything there was open to their judgment (84). The many cautions he had included were ignored, or interpreted as leaving room for harebrained alternative plans (85). No one should emigrate without adequate money or sufficient planning. The cheapness of food and the bounty of nature led some to think they will have no problem supporting themselves without capital, but this was a delusion. His book did not promote emigration to America as a whole, but specifically to the region to the west of the Alleghenies (Appalachians), and especially to Missouri. Despite the high wages for workers, Duden had discouraged depending on anything other than agriculture, since it would provide secure support even when economic conditions are poor. Those who were gentlemen or not seasoned to hard physical labor would need to bring much more money than others, since they will have to hire (or buy) additional labor (86–87).

Duden spent some time dealing with a misunderstanding of his statement that cooperative associations could assist mass emigration to America, leading to the founding of towns and whole regions. He believed that this had led to groups of emigrants banding together to settle as a group in Missouri, while what he had supported was a governmental or charitable agency in Germany to act as a continuing support for groups of emigrants. Gustav Körner remarked that settlement societies tended to splinter as soon as they set foot on American soil, unless held together by religious bonds:

Not one of these societies has survived in America! Normally, the participants, although they had corresponded often for years with the heralds of the Promised Land, were surprised by a mass of new situations and unexpected phenomena, so that they no longer knew what they were to keep or not. Under the new light of liberty and equality, with the complete cessation of ranking and duties of service, earlier obligations appeared unjust and were torn up. Most found the measures taken to be achievable in general, but now inadequate to the present circumstance. They doubted the capacity or honesty of their contractors, shippers, or directors, and in most cases they dissolved their associations as soon as possible, in the midst of dispute and ill-will, the source of ever-newer discomforts and disputes they thought they had left behind them. The interests that had moved the emigrants to their decision were too varied, the members of the societies too varied in terms of education and character, to expect that they would persist in a solid association for the common good. Only religious fanatics, or those who took on the cloak of religion for their intentions, have succeeded until now in gathering a horde of passive faithful about themselves

and chained them together through faith rather than through just and reasonable principles.³¹

The Giessen Emigration Society, led by Friedrich Münch and Paul Follenius, was an example of the tendency of such groups to break apart, although many members of the Society actually did settle in the area of Marthasville, Missouri. The relative toughness of religious associations was demonstrated by the experience of the followers of Rapp in Pennsylvania, and later in the decade by Martin Stephan and his Old Lutheran followers in Perry County, Missouri. One of the few successful creations of a whole town by a cooperative society would be Hermann, Missouri, founded by the German Settlement Society of Philadelphia.

Duden had little patience for those who intended to become farmers in America, but who had no real experience of country life in the homeland. Although he did not treat the health threats in the interior of Missouri with the same seriousness as Körner, Duden declared that he had warned against the perils of disease among emigrants to the American heartland (90–91). The same care extends to the preservation of wealth, since an emigrant should bring with them the wherewithal to survive for two years without significant income from farming (92).

Duden then began to deal with attacks from individuals disappointed by their experiences in Missouri and elsewhere in America. Some took the opportunity to launch *ad hominem* attacks on Duden as a money-grubber or a fraud during his own residence in Missouri in the late 1820s. In response, Duden reminds his readers that the *Report on a Journey* was printed at his own expense, and that the sales barely recouped the costs. Before, during and after his residence in Missouri, Duden lived on his inherited wealth (95). Although he used his medical knowledge to help neighbors, he did not enrich himself doing so. In Germany, he had had to defend himself against often-immoderate men in taverns, at “meetings” that assumed riotous scale. The critics who appeared at these gatherings had often never even read his book, and those who had only found there what was already in their own heads (97).

At the end of his defense, Duden declares that he still intended to return to America to resume his residence near Dutzow, Missouri, although he began to fear for his life if he should do so. He continued to feel that for Germans America could be a way to prosperity, but only if they took on the American way of life. Americans survive with less than Germans, and hence they need less capital to prosper (98).

The last pages of his “Confession” are taken up with specific complain-ers who have returned disappointed to Germany. Gentlemen (*Honoratioren*) were particularly inclined to complain in the press on their return. One of the

odder writings was by one Heinrich Friedrich Franke, writing under the pen-name of J. H. Rausse. Duden portrays "Rausse" as a Teutonic Romantic little impressed by America. He repeated the arguments then being retailed by the so-called "*Amerikamüde*" ("those tired of America"). Along the way, Duden defended the fact that cattle are wintered in the open in Missouri rather than penned up, pointing out that he still owned cattle there and was being kept abreast of developments (103).

In the end, Duden declares that life as a whole was dangerous, whether in Germany or America, and there are no guarantees to be had against nature or fate on either continent. Rather than blame him for this, they should blame God Himself.

Conclusion

Duden's critique of Tocqueville turns out to be a serious consideration of the first stage of *Democracy in America*, and despite the baroque nature of the book, swathed in overlong footnotes, it hits home. It attacks Tocqueville as self-contradictory, vague and aphoristic, but most of all as a man who promoted a statist view that would lead ultimately to governmental meddling in the proper life of the people. He stated at length that Tocqueville, and other writers on America, missed the fact that the people as a whole knew better how to live their lives than the leaders they were forced to choose. He attacked the governmental habits of those who lived by "reflection" and promoted the instincts of the broad population. Tocqueville had described the triumph of democracy as a regrettable but inevitable wave of the future. Duden, in contrast, gloried in it. While Tocqueville feared the rise of the West within the American republic, Duden saw greater chances for a truer democracy there than elsewhere. He was a genuine democrat, warts and all. If one wished to paint it in strictly American terms, Tocqueville was a Hamiltonian Federalist and Duden was a Jeffersonian and to a lesser degree a Jacksonian.

Duden's critique is related in an interesting way with his other writings, both to his famous *Report on a Journey* as well as his *Europe and Germany*, and both of these books arise from his experience as a German-American in Missouri. In his attitudes to slavery, Duden differed from many German-Americans, although those who settled in the Missouri countryside had clearly made their own peace with the presence of slavery. It is often forgotten that some wealthy Europeans saw the purchase of a plantation in the American South as a good investment.

Things would develop along different lines in St. Louis and heavily German urban communities "outstate," but in the secession crisis of 1860-61, terror would force many isolated German farmers off their land. Germans

would be regarded as automatic abolitionists by their non-German neighbors. They fled as refugees to St. Louis and other safe towns. Duden's Missouri became a relic in 1861.

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Notes

¹ Dorris Keeven-Franke of Washington, Missouri, has documented the parameters of Duden's involvement in Missouri even before his arrival in 1824 in a series of articles in *Der Maibaum* and papers to historical associations. The dates here are taken from personal correspondence with Keeven-Franke on 24 September 2009.

² Gottfried Duden, *Bericht über eine Reise nach den westlichen Staaten Nordamerikas und einen mehrjährigen Aufenthalt am Missouri (in den Jahren 1824, 1825, 1826 und 1827) in Bezug auf Auswanderung und Uebervölkerung, oder: Das Leben im innern der Vereinigten Staaten und dessen Bedeutung für die häusliche und politische Lage der Europäer*, 1st ed. (Elberfeld: S. Lucas, 1829); 2nd ed. (Bonn: Edouard Weber, 1834). The two Swiss printings were in St. Gallen, "Im Kommission im Bureau des Freimüthigen," 1832 and 1835. English edition Gottfried Duden, *Report on a Journey to the Western States of North America and a Stay of Several Years Along the Missouri (During the Years 1824, '25, '26, 1827)*, James W. Goodrich, ed., George H. Kellner, Elsa Nagel, Adolf E. Schroeder, W. M. Senner, eds. and trans. (Columbia, MO; London: The State Historical Society of Missouri and the University of Missouri Press, 1980).

³ This pamphlet is transcribed and translated by me in an attachment to the Gustave Koerner House website, www.gustavekoerner.org/, together with essays by Michael W. Beatty, currently a graduate student at Texas A&M University, and Steven Rowan. A preliminary appreciation of this pamphlet was published in *Der Maibaum*, the newsletter of the Deutschheim Verein of Hermann, Missouri: "Don't Believe Everything You Read about Missouri!" Gustav Körner attacks Gottfried Duden in 1834," *Der Maibaum* 16, no. 2 (Fall, 2008): 10–13. Also by me on Körner: "Gustav Körner's Illinois *Gesetzbuch*: A Legal Handbook for Illinois Germans in 1838," *Der Maibaum* 16, no. 1 (Spring, 2009): 1, 5–7, also to be found at www.gustavekoerner.org.

⁴ Gottfried Duden, *Kampf gegen einen literarischen Löwen und andere Unholden oder: die Vorrede zur zweiten Auflage des Berichtes über eine Reise nach den westlichen Staaten Nordamerikas* (Bonn: E. Weber, 1834). The "Literary Lion" was an H. Leo, identified as Heinrich Leo (1799–1878), a reactionary historian at Göttingen (Duden, *Report on a Journey*, 362, n. 5) who included a lengthy comparison of ideal state types in mainland Greece and its colonies in the West, from the *Berliner Jahrbuch für Kritik* (1830, p. 907 ff.), to p. vii. There was an equally theoretical response by Barthold Georg Niebuhr (1776–1831) of Bonn University, also in 1830 (identification in Duden, *Report on a Journey*, 362–63, n. 12). Other criticisms from scholarly journals are dealt with *seriatim*. The preface to the second edition as well as all emendations from the first edition are translated in *ibid.*, Appendix I, 262–328.

⁵ Harold D. Lasswell, "Two Forgotten Studies in Political Psychology," *American Political Science Review* 19, no. 4 (November 1925): 707–17, esp. 712–17. Lasswell was also aware of Duden's critique of Tocqueville and Chevalier, and he had read the "Confession."

⁶ Hermann Wellenreuther, "Die USA. Ein politisches Vorbild der bürgerlichen-liberalen Kräfte des Vormärz?" in Jürgen Elvert, Michael Salewski, eds., *Deutschland und der Westen im 19. und 20. Jahrhundert*, part 1: *Transatlantische Beziehungen* (Wiesbaden: Franz Steiner Verlag, 1993), 23–42, esp. 37, n. 48.

⁷ The German original from the Special Collections of the University of Illinois (Urbana-Champaign) is currently posted at <http://www.archive.org/details/dienordamerikani00dude>. Special thanks are due to Alvan Bregman of the University of Illinois Library Special Collections for recovering this volume from the stacks, placing it in Special Collections and, finally, posting the text on line for scholarly use.

⁸ Published as Gustave de Beaumont, Alexis de Tocqueville, *Du système pénitentiaire aux États-Unis et de son application en France, suivi d'un appendice sur les colonies pénales et des notes* (Paris: H. Fournier jeune, 1833).

⁹ Goldhammer edition, "Chronology," 394, 896.

¹⁰ A severe critic of Tocqueville was the Missouri Jacksonian Democratic Senator Thomas Hart Benton, who attacked Tocqueville in his *Thirty Years View; or, A History of the Working of the American Government for Thirty Years, from 1820 to 1850* . . . vol. 1 (New York: D. Appleton and Company, 1854), chapter xv, p. 37, citing errors on the Constitution by Tocqueville and Adolphe Thiers; chapter xxxviii: "Presidential Election of 1828 and Further Errors of Mons. de Tocqueville," 111–14; chapter lvii, "Error of de Tocqueville in Relation to the House of Representatives," pp. 205–8; chapter lxi, "Error of Mons. de Tocqueville in Relation to the Bank of the United States, the President and the People," 224–29.

¹¹ On-line catalogue of the archives of the International Institute of Social History, Amsterdam, Moses Hess papers, describes a manuscript B108 "Notes on the USA" including notes on Duden's critique of Tocqueville accessed 6/2009: <http://www.iisg.nl/archives/en/files/h/10751002full.php>

¹² Françoise Mélonio, *Tocqueville and the French*, Beth G. Raps, tr. (Charlottesville: University of Virginia Press, 1998), 29–30; Eugène A. Vail, *Réponse à quelques imputations contre les États-Unis, énoncées dans des écrits et journaux récents* (Paris: Delaunay, 1837); Guillaume Tel de la Vallée Poussin (1793–1876), especially *Considérations sur le principe démocratique qui régit l'union américaine et de la possibilité de son application à d'autres états* (Paris: Gosselin, 1841). Mélonio sees Poussin's writings on Tocqueville as tantamount to plagiarism, since it quoted Tocqueville *in extenso* together with supporting documentation. On Poussin, who was French minister to the United States and was involved in a diplomatic standoff with Americans over a maritime dispute during Tocqueville's tenure as French foreign minister, see Olivier Zunz, "Tocqueville and the Americans: *Democracy in America* as read in Nineteenth-Century America," in Cheryl B. Welch, ed., *The Cambridge Companion to Tocqueville* (Cambridge University Press, 2006), 359–96, esp. 372. Tocqueville regarded Poussin as too rosy in his depiction of American race relations.

¹³ William G. Bek, "Gottfried Duden's 'Report,' 1824–1827," *Missouri Historical Review*, vol. 12, no. 1 (1917), 1–21, esp. 8, 9. See my own critique of Bek as a translator in Henry Boernstein, *Memoirs of a Nobody: The Missouri years of an Austrian Radical, 1849–1866*, Steven Rowan, tr. (St. Louis: Missouri Historical Society Press, 1997), xvii–xviii.

¹⁴ Duden, *Report on a Journey*, as in note 2 above.

¹⁵ Werner Sollors, ed., *Multilingual America: Transnational Ethnicity and the Languages of American Literature* (New York University Press, 1998), 22. Francis J. Grund (1805–63), published a book entitled *Aristocracy in America from the Sketch-Book of a German Nobleman*, vol. 2 (London: Richard Bently, 1838), there is also a 1959 reprint.

¹⁶ Jean Walch, *Michel Chevalier, économiste saint-simonien, 1806–1879* (Paris: Vrin, 1975), p. 179, n. 163 on Duden's criticism of both Tocqueville and Chevalier for seeing the lower classes electing "democrats" rather than members of the upper classes.

¹⁷ Jeffrey L. Sammons, *Ideology, Mimesis, Fantasy: Charles Sealsfield, Friedrich Gerstäcker, Karl May* (Chapel Hill: University of North Carolina Press, 1998), 288, n. 37.

¹⁸ Gerhard Casper, "Changing Concepts of Constitutionalism, 18th to 20th Century," *Supreme Court Law Review*, vol. 1989, 311–22, specifically p. 313, n. 5.

¹⁹ Harry Liebersohn, *Aristocratic Encounters: European Travelers and North American Indians* (Cambridge University Press, 2001), 119–20, quoting 99–100 of Duden's critique of Tocqueville.

²⁰ Christian Gellinek, *Going Dutch—Gone American* (Münster i. W.: Aschendorf, 2003), 40–42.

²¹ The last editions of *De la démocratie en Amérique* published in Tocqueville's lifetime (see the thirteenth edition published by Paguerre in Paris, 1850) changed the designation of the chapters in the second volume of what became "Volume I" (still in 2 volumes) after "Volume II" (a further two volumes) was published in 1840, renumbering the chapters so that they were continuous within "Volume I." Hence any chapter in volume 2 of the original edition has to have 8 added to it to find it in a later edition. The Library of America edition of *Democracy in America* translated by Arthur Goldhammer (2004) restores the original numeration, as does the Penguin Classics edition and the Nolla edition. The usual homogenization of the "second volume" of the original edition has tended to cause readers to overlook the differences between the original two volumes. The introduction to vol. 2, 1 (1st edition) served as a bridge (Nolla edition, vol. 2, 277; Gallimard, vol. 1, 264; for edition bibliography see note 30 below; SR translation):

Up to now, I have examined institutions, I have reviewed written laws and described the current forms of political society in the United States.

But, beneath all the institutions and outside all the forms there resides a sovereign power, that of the people, which demolishes or modifies these at its will.

It remains to me to discover the ways in which this power, dominating the laws, proceeds. What are its instincts, its passions, what secret sources push it, retard it or direct it in its irresistible progress? What effects are produced by its omnipotence, and what future awaits it?

²² Hugh Brogan, *Alexis de Tocqueville: A Life* (New Haven, CT: Yale University Press, 2006), 259.

²³ Note by Eduardo Nolla in the Nolla edition, 186, n. a: "The Federalist is, without any doubt, the work that Tocqueville cites most often. Its decisive influence on this chapter (*Democracy* I, Part II, chapter 8, "Of the Federal Constitution") must be recognized, even if such an influence on the whole book is difficult to define and remains to be determined. When Tocqueville reads the *Federalist*, he certainly has in mind, and at hand, Montesquieu and Rousseau." Specific citations by Tocqueville are from James Madison's anonymous contributions to *The Federalist*.

²⁴ Nolla edition, vol. 2, 495, n. 8; Gallimard, vol. 1, 451, note 8: "Je rappelle ici au lecteur le sens général dans lequel je prends le mot *mœurs*: j'entends par ce mot l'ensemble des dispositions intellectuelles et morales que les hommes apportent dans l'état de société (emphasis in the original)."

²⁵ Arthur Goldhammer, "Translator's Note," in Alexis de Tocqueville, *Democracy in America* (New York: Library of America, 2004), 875.

²⁶ Nolla edition, vol. 2, 491; Gallimard, vol. 1, 447.

²⁷ Arthur Goldhammer, "Translator's Note," 874–75, beginning "In one instance it was necessary to take issue with Tocqueville himself," referring to Part I, Chapter 5, where Tocqueville directly identified "*commune*" with "township."

²⁸ See, for example, Nolla edition, vol. 1, 269; Gallimard, vol. 1, 256–57 (SR translation):

They (the states) give the Union money and soldiers, but they preserve to themselves the love and prejudices of the peoples.

The sovereignty of the Union is an abstract entity that is attached to only a small number of exterior objects. The sovereignty of the states impinges on all senses; one

Gottfried Duden's Critique of Tocqueville, Chevalier and Himself in 1837

may comprehend it without difficulty; one sees it acting at every moment. The one is novel, the other was born with the people itself.

The sovereignty of the Union is a work of artifice. The sovereignty of states is natural; it exists by itself, without efforts, in the same way as the authority of the father of a family.

²⁹ Gustav Körner, *An Illumination of Duden's Report on the Western States of North America From the American Side* (Frankfurt am Main: Karl Körner, 1834), Steven Rowan, trans., 42–43. Posted at <http://www.gustavekoerner.org>.

³⁰ Friedrich Münch, "To the Germans of the State of Missouri," dated Missouri, 31 March 1862, *Anzeiger des Westens*, 22 April 1862, copied from the *St. Charles Demokrat*, in Steven Rowan, *Germans for a Free Missouri: Translations from the St. Louis Radical Press, 1857–1862* (Columbia, MO: University of Missouri Press, 1983), 315–18.

³¹ Körner, *An Illumination*, 38–39.

