ISAAC KRAMNICK is the Richard J. Schwartz Professor of Government and the Vice Provost for Undergraduate Education at Cornell University in Ithaca, New York. His writings in political theory include studies of Bolingbroke and Burke, and *Republicanism and Bourgeois Radicalism*. He is the co-author (with Barry Sheerman, MP) of a biography of Harold Laski and a co-author (with R. Laurence Moore) of a book on church and state in America, *The Godless Constitution*. He has also edited *The Federalist Papers* and Thomas Paine's *Common Sense* for Penguin Classics and the *Portable Enlightenment Reader* for Viking.

ALEXIS DE TOCQUEVILLE

Democracy in America

and Two Essays on America

Translated by GERALD E. BEVAN
with an Introduction and Notes by
ISAAC KRAMNICK

PENGUIN BOOKS

PENGUIN BOOKS

Published by the Penguin Group
Penguin Books Ltd, 80 Strand, London WC2R 0RL, England
Penguin Putnam Inc., 375 Hudson Street, New York, New York 10014, USA
Penguin Books Australia Ltd, 250 Camberwell Road, Camberwell, Victoria 3124, Australia
Penguin Books Canada Ltd, 10 Alcorn Avenue, Toronto, Ontario, Canada M4V 3B2
Penguin Books India (P) Ltd, 11, Community Centre, Panchsheel Park, New Delhi – 110 017, India
Penguin Books (NZ) Ltd, Cnr Rosedale and Airborne Roads, Albany, Auckland, New Zealand
Penguin Books (South Africa) (Pty) Ltd, 24 Sturdee Avenue, Rosebank 2196, South Africa

Penguin Books Ltd, Registered Offices: 80 Strand, London WC2R 0RL, England

www.penguin.com

These translations of *Democracy in America*, "Two Weeks in the Wilderness", and "Excursion to Lake Oneida" first published in 2003.
1

Set in 10.25/12.25 pt PostScript Adobe Sabon
Typeset by Rowland Phototypesetting Ltd, Bury St Edmunds, Suffolk
Printed in England by Clays Ltd, St Ives plc

Contents

However, in America the poor create the law and it is their custom to reserve the greatest social advantages for themselves.

The explanation for this state of affairs is to be found in England, for the laws I speak of are English.[43] The Americans have not changed them, even though they offend the main body of their legislation and their ideas.

The thing a nation alters least in its practices is civil legislation. Civil laws are familiar territory only for legal experts who have a direct interest in maintaining them as they are, whether good laws or bad, simply because they know them well. The majority of the nation hardly knows them at all. It sees their implementation only in individual cases, has only a slight grasp of their drift and obeys them without much reflection.

I could have quoted many more than this one example.

The picture of American society is, if I may put it this way, overlaid with a democratic patina beneath which we see from time to time the former colors of the aristocracy showing through.

CHAPTER 3

THE SOCIAL CONDITION OF THE ANGLO-AMERICANS

The condition of society is normally the result of circumstances, sometimes of laws, more often than not a combination of these two causes; but, once it is established, we can consider it as the fundamental source of most of the laws, customs, and ideas which regulate the conduct of nations; whatever it does not produce, it modifies.

In order to become acquainted with the legislation and manners of a nation we must, therefore, start by studying the social condition.

43. See Blackstone and Delolme, bk 1, ch. 10.

THAT THE SALIENT FEATURE OF THE SOCIAL CONDITION OF THE ANGLO-AMERICANS IS ITS ESSENTIAL DEMOCRACY

The first immigrants of New England—The equality that existed between them—The aristocratic laws introduced into the South—Period of Revolution—Change in the laws of inheritance—Effects produced by this change—Equality pushed to its utmost limits in the new states of the West—Equality of minds.

We could offer several important observations on the social condition of the Anglo-Americans but there is one which dominates all the rest. The social condition of the Americans is eminently democratic—a characteristic it has possessed from the birth of the colonies and which it possesses even more today.

I stated in the preceding chapter that great equality was widely spread among the immigrants who settled upon the shores of New England. The seeds of aristocracy were never planted in that part of the Union. The only influence which obtained there was that of the intellect. The people became accustomed to revere certain names as emblems of wisdom and virtue. The voice of a few citizens acquired a power over the others which might rightly have been called aristocratic, if it had been transferable permanently from father to son.

This is what came to pass east of the Hudson; to the south-west of that river, and down as far as the Floridas, the case was different.

In the majority of the states to the south-west of the Hudson, some great English landowners had settled and had imported with them aristocratic principles together with English laws of succession. I have argued the reasons why the institution of a powerful aristocracy in America was impossible. These reasons, existing as they did south-west of the Hudson, had nonetheless less force than to the east of that river. In the South, one single man, with the help of slaves, could cultivate a large tract of land. Therefore in this part of the continent it was common to see wealthy landed proprietors. Yet, their influence was not

altogether aristocratic, as the term is understood in Europe, since they possessed no privileges and slave labor denied them tenant farmers and thus they had no patronage. However, the greater landowners to the south of the Hudson constituted a superior class, having ideas and tastes of its own and, in general, encompassing all political action in its center. It was a sort of aristocracy hardly distinguishable from the mass of the people whose enthusiasms and interests it readily embraced, arousing neither love nor hatred: to sum up, a class which was weak and lacking in vigor. This was the class which headed the revolt in the South and which gave to the American revolution[a] its greatest men.

During that period, society was shaken to its core: the people in whose name the battle had been fought became powerful enough to wish to act independently. Democratic inclinations were awakened; having thrown off the yoke of the mother country, it coveted every kind of independent action. Individual influences gradually ceased to have effect; habits and laws advanced in harmony toward the same goals.

But it was the law of inheritance which was the last step on the way to equality.

I am astonished that commentators old and new have not attributed to the laws of inheritance a greater influence on the progress of human affairs.[1] These laws do belong, true enough, to the civil code but they ought to take their place at the head of every political institution since they have an unbelievable effect upon the social conditions of people, while political laws only mirror what the state actually is. They have, moreover, a reliable and consistent method of operating on society since they take a hold to some degree on all future generations yet unborn. Through the impact of these laws, man exerts an almost

1. I understand by the law of inheritance all the laws whose principal object is to regulate the distribution of property after the death of its owner. The law of entail is thus; it does indeed prevent the owner from disposing of his goods before his death but only with the view of preserving them intact for his heir. The main aim of the law of entail, therefore, is to regulate the final destiny of property after the death of the owner. The rest of it is the means which it employs to accomplish this.

godlike power over the future of his fellow men. The legislator can remain inactive for centuries once he has settled the inheritance laws. Once his work has been set in motion, he can withdraw his hand, for the machine acts under its own steam, moving as if self-directed toward a prescribed goal. When framed in a certain way, this law unites, draws together, and gathers property and, soon, real power into the hands of an individual. It causes the aristocracy, so to speak, to spring out of the ground. If directed, however, by opposite principles and launched along other paths, its effect is even more rapid; it divides, shares out, and disperses both property and power. Sometimes it can happen that people are scared by the speed of its progress so that they at least try, out of desperation at being unable to stem its action, to place difficulties and obstacles in its way. They vainly seek to offset its motion by efforts in the opposite direction. The law crushes and shatters all impediments as it moves forward. It ceaselessly rises and falls upon the ground until all you see is a fine and shifting dust which is the foundation of democracy.

When the law of inheritance allows and even more so when it decrees the equal division of the father's property between all his children, its effects are twofold; we must carefully distinguish these although they tend toward the same end.

By virtue of the law of inheritance, the death of each landowner entails a revolution in property ownership; not only do possessions change hands, but also, so to speak, their very nature changes. There is a fragmentation into ever decreasing parcels.

That is the direct and, to some degree, the physical effect of this law. In countries where legislation institutes equality of inheritance, possessions and landed wealth in particular have a permanent tendency to diminish. However, if the law was allowed to follow its own course, it would take some time for the effects of this legislation to be felt. For supposing that the family consists of not more than two children (and the average in a country like France is only three), these children, on sharing the wealth of both their parents, will not be poorer than their father or mother taken separately.

But the law of equal division exercises its influence not merely

upon property itself, it also affects the minds of the owners, calling their emotions into play. Huge fortunes and above all huge estates are destroyed rapidly by the indirect effects of this law.

Among nations where the law of inheritance is based upon the rights of the eldest child, landed estates mostly pass from generation to generation without division. The result is that family feeling takes its strength from the land. The family represents the land, the land the family, perpetuating its name, history, glory, power, and virtues. It stands as an imperishable witness to the past, a priceless guarantee of its future.

When the law of inheritance institutes equal division, it destroys the close relationship between family feeling and the preservation of the land which ceases to represent the family. For the land must gradually diminish and ends up by disappearing entirely since it cannot avoid being parceled up after one or two generations. The sons of a wealthy landowner, provided they are few in number and fortune favors them, may entertain the hope of being no less wealthy than their father but not possessing the same property that he did. Their wealth will of necessity derive from sources different from his.

The instant you remove from a landowner that interest in the preservation of his land which is fueled by his family feeling, memories, pride, ambition, you can take it as certain that sooner or later he will sell up. He has a great incentive to sell up, for movable assets produce greater returns than other assets and more readily satisfy the passions of the moment.

Once shared out, great estates never come together again; for the small landowner earns proportionately a better return from his land than the large landowner does from his and sells it for a higher sum.[2] Thus the financial calculations which persuaded the wealthy owner to sell huge estates will even more so prevent his buying small estates in order to unite them into a large one.

This so-called family feeling is often based upon an illusion of selfishness when a man seeks to perpetuate and immortalize

2. I don't mean that the small landowner is the better farmer but that he farms with more enthusiasm and care and thus, by his hard work, makes up for any skill which he might lack.

himself as it were in his great-grandchildren. Where family feeling ends, self-centeredness directs a man's true inclinations. As the family becomes a vague, featureless, doubtful mental concept, each man focusses on the convenience of the present moment and, to the exclusion of all else besides, thinks only of the prosperity of the succeeding generation and no more. He does not aim to perpetuate his family or, at least, seeks to perpetuate it by other means than that of a landed estate.

Thus, not only does the law of inheritance cause difficulties for families to keep their estates intact but it also removes the incentive to bother and, to some degree, it compels them to cooperate with the law in their own ruin.

The law of equal division proceeds along two paths: by acting upon things, it acts upon persons; by acting upon persons, it affects things. In these two ways, it manages to strike at the root of landed property, achieving the rapid dispersal of both families and fortunes.[3]

It is not for us, Frenchmen of the nineteenth century, who witness daily the political and social changes produced by the law of inheritance, to doubt its power. Each day we see it visiting our lands again and again, overturning the walls of our dwellings as it advances and destroying the boundaries of our fields. But if the law of inheritance has achieved much already in French society, much remains to be done. Our memories, opinions, and customs place powerful obstacles in its path.

3. Land being the most stable kind of property, from time to time we come across rich men who are prepared to make great sacrifices to acquire it and who will willingly forfeit a considerable amount of their income to secure what is left, But those are isolated cases. The love of real estate is, generally, no longer found other than amongst the poor. The small landowner who has less understanding, less imagination, and fewer cravings than the large landowner, is, in general, preoccupied only with the desire to increase his property and it often happens that by inheritance, marriage, or business opportunities he is gradually able to accomplish this. Thus to balance the tendency which leads men to divide up the land, there exists another which urges them to add to it. This tendency, which is sufficient to prevent estates from being continually divided up, is not strong enough to create great territorial wealth and is certainly not strong enough to keep estates in the same family.

Its work of destruction is almost over in the United States where we can best study its results.

The English laws concerning the inheritance of property were abolished in almost all the states at the time of the Revolution. The law of entail was modified in such a way as to leave virtually unaffected the free circulation of possessions. (See Appendix G, p. 840.)

The first generation passed away; the estates began to be parceled up. This process increased in speed as time went by. Nowadays, after a lapse of little more than sixty years, society has already quite an altered appearance: the families of the great landowners have been swallowed up by the masses. In the state of New York, which had a goodly number of these, only two remain, swimming on the brink of the abyss which is poised to engulf them. The sons of these opulent citizens are merchants, lawyers, or doctors. The majority have fallen into complete obscurity. The last traces of hereditary rank and distinction have gone; the law of inheritance has reduced all men to one level.

There are just as many wealthy people in the United States as elsewhere; I am not even aware of a country where the love of money has a larger place in men's hearts or where they express a deeper scorn for the theory of a permanent equality of possessions. But wealth circulates with an astonishing speed and experience shows that rarely do two succeeding generations benefit from its favors.

This portrait, however biased you think it might be, still gives only half an idea of what is taking place in the new states of the West and Southwest.

At the end of the last century, bold pioneers began to penetrate the valleys of the Mississippi, which was akin to a new discovery of America. Soon the bulk of emigrants moved there and unknown societies rose from the desert. States whose names had not even existed a few years before lined up with the states of the American Union and, in the West, democracy reached the extremes of its development.

In these states, founded in a makeshift fashion, the inhabitants occupied the land as of yesterday, hardly knowing each other,

unaware of the background of their neighbors. In this part of the American continent, the population is, therefore, free of the influence of great names and great wealth as well as that natural aristocracy of knowledge and virtue. No one there wields that respectable power which men grant to the memory of a person whose life was spent entirely doing the good deeds which come his way. The new states of the West already have inhabitants but society has no existence among them.

However, not only are fortunes equal in America, equality extends to some degree to intelligence itself.

I do not think that there is a single country in the world where, in proportion to the population, there are so few ignorant and, at the same time, so few educated individuals as in America.

Primary education is available to all; secondary is within the reach of no one, which can be explained quite easily as the inevitable result, so to speak, of my arguments above.

Almost all Americans enjoy a life of comfort and can, therefore, obtain the first elements of human knowledge.

In America there are few rich people; therefore, all Americans have to learn the skills of a profession which demands a period of apprenticeship. Thus America can devote to general learning only the early years of life. At fifteen, they begin a career; their education ends most often when ours begins. If education is pursued beyond that point, it is directed only toward specialist subjects with a profitable return in mind. Science is studied as if it were a job and only those branches are taken up which have a recognized and immediate usefulness.

In America, most wealthy people started from poverty; almost all those who now enjoy leisure were busy in their youth, the consequence of which is that when the taste for study might have existed, time was short, and when they had the time to devote to it, the taste had gone.

There is no class, then, in America which passes to its descendants the love of intellectual pleasures along with its wealth or which holds the labors of the intellect in high esteem.

Therefore, devotion to such work lacks not only the will but also the effort.

There is in America a certain common level of human

knowledge, which all citizens approach, some on their way upwards, some on their way downwards. Therefore a mass of individuals share roughly the same number of ideas in religion, history, science, political economy, legislation, and government.

Variations in intellect come directly from God and men cannot prevent this being so.

But it is at least a consequence of what I have just stated that, although the intelligence of men is different, as the Creator has willed it, there is at its disposal an equal means of development.

In present-day America, therefore, the aristocratic element has always been feeble from the beginning and it has been, if not totally destroyed, at least sufficiently weakened for us not to ascribe to it very much influence in the progress of human affairs.

On the other hand, time, events and laws have given the democratic element not only a dominant but also, so to speak, a unique role. We cannot perceive any corporate or family influence; we cannot even discover the lasting influence of any single individual.

Present-day America exhibits, therefore, in its social state, the strangest phenomenon: men enjoy greater equality of fortune and intelligence or, expressed another way, are as equally strong as in any other country in the world or in any other country in the annals of history.

POLITICAL CONSEQUENCES OF THE SOCIAL CONDITION OF THE ANGLO-AMERICANS

The political consequences of such a social condition are easy to work out.

One has to understand that equality ends up by infiltrating the world of politics as it does everywhere else. It would be impossible to imagine men forever unequal in one respect, yet equal in others; they must, in the end, come to be equal in all.

Now, I am aware of only two means of establishing equality in the world of politics: rights have to be granted to every citizen or to none. For nations who have attained the same social conditions as the Anglo-Americans, it is, therefore, very difficult

to discover a mid-point between the supremacy of all and the absolute power of one.

We need not conceal the fact that the social condition I have just described could as easily support one or other of these two consequences.

In fact, a manly and lawful passion for equality arouses in men the desire to be strong and honored; this passion tends to raise the weak to the ranks of the strong. But also, we encounter in the hearts of men a degenerate taste for equality which inspires the weak to bring the strong down to their own level and reduces men to prefer equality in a state of slavery to inequality in a state of freedom. Not that nations with a democratic system have a natural scorn for freedom—rather they have an instinctive taste for it. But freedom is not the chief and constant aim of their desires; it is for equality that they reserve an everlasting love. With swift advances and sudden bursts of effort, they seek freedom; if they miss their aim, they fall back in resignation. But nothing can bring them satisfaction if they lose equality and they would prefer death to the loss of it.

On the other hand, when the citizens of a state are all almost equal, they find it difficult to defend their independence against the onslaughts of power. Since no one among them is strong enough to struggle alone and win, only the combined strength of all can guarantee freedom. Now such a combination is not always to be found.

Nations can, therefore, draw two great political consequences from an identical social condition; these consequences are amazingly different even though they proceed from the same source.

The Anglo-Americans, the first to be subject to this fearful choice which I have just described, have been lucky enough to escape absolute power. Their circumstances, origins, knowledge, and, above all, their customs, have given them the opportunity to establish and maintain the sovereignty of the people.

CHAPTER 4

THE PRINCIPLE OF THE SOVEREIGNTY OF THE PEOPLE IN AMERICA

It dominates all of American society—Implementation of this principle by the Americans even before their Revolution—Development given to it by the Revolution—Gradual and irresistible diminution of feudal systems.

If we wish to discuss the political laws of the United States, we must start with the doctrine of the sovereignty of the people.

The principle of the sovereignty of the people which we find more or less at the heart of almost all human institutions, generally stays, as it were, buried deep. It is obeyed without being recognized or, if for a moment it be brought to light, we hastily thrust it back down into the darkness of its sanctuary.

The will of the nation is one of those phrases most widely abused by schemers and tyrants of all ages. Some have seen it appear in votes bought by agents of power, others in the votes of a frightened or self-seeking minority. Some have even discovered it in the silence of a nation and have supposed that, from this apparent submission, they had a right to control.

In America the sovereignty of the people is not, as with certain nations, a hidden or barren notion; it is acknowledged in custom, celebrated by law. It expands with freedom and reaches its final aims without impediment. If there is a single country in the world where the doctrine of the sovereignty of the people can be properly appreciated, where it can be studied as it applies to the affairs of society and its advantages and risks be estimated, that country is undoubtedly America.

I have observed that, from the outset, the principle of the sovereignty of the people had been the driving force of the English colonies in America although its domination over the government of society was far less then than it is these days.

Two impediments, one external, one internal, checked its

pervasive progress. It could not disclose itself openly in the laws of the colonies since they still had to obey the mother country; it had to restrict itself to concealing its influence in the provincial assemblies and especially the townships where it expanded in secret.

American society was not yet prepared to accept it with all its consequences. The educated of New England and the wealthy south of the Hudson exerted for a long time, as I have shown in the last chapter, a kind of aristocratic influence which tended to retain the exercise of social power in the hands of a few.

The officers of state were far from being elected, nor was there universal suffrage. Everywhere the right to vote was restricted within specified limits and was dependent upon a property qualification which was low in the North and higher in the South.

The American Revolution broke out. The doctrine of the sovereignty of the people came out from the townships and took over the government. All classes of society committed themselves to its cause. Battles were fought and victories won in its name until it became the law of laws.

A transformation almost as rapid was completed in the heart of society: the law of inheritance finally broke down all local influences.

At the moment when everyone was beginning to perceive this result of the laws and the Revolution, victory had already pronounced for the democratic cause with no turning back. All power was, in fact, in its hands; no struggle against it was permitted. The upper classes surrendered without uttering a word, without raising a fist to an evil which was henceforth inevitable. What usually happens to fading powers happened to them: self-centeredness gripped their ranks. Since they could not wrench power from the hands of the people and since their hatred of the masses was not enough to derive any pleasure from confronting them, their only thought was to win their favors at any cost. The most obviously democratic laws were therefore supported by those very men whose interests were bruised by them. In this manner, the upper classes did not arouse the animosity of the people but did accelerate the triumph of the new order of things. Thus something very strange happened:

the thrust of democracy proved all the more irresistible in those states where aristocracy had been most deeply rooted.

The state of Maryland, which had been founded by men from the nobility, was the first to declare universal suffrage[1] and introduced the most democratic systems into the whole of its government.

When a nation starts to tamper with electoral qualifications, we can anticipate, sooner or later, their complete abolition. That is one of the most unchanging rules governing society: the further the limits of electoral rights are pushed back, the more we feel the need to push them back. For after each concession, the strength of democracy increases and its demands grow with every new power it gains. The ambition of those left below the level of qualification is frustrated in proportion to the great number of those above it. The exception in the end becomes the rule; concessions follow each other without respite and the process can be stopped only when universal suffrage is achieved.

At the present time, the principle of the sovereignty of the people has taken all the practical steps the imagination can possibly think of. It has released itself from all those fictions which surround it in other countries and it makes its appearance in all shapes and forms according to the demands of the circumstances. Sometimes the people make laws corporately, as in Athens; sometimes deputies, elected by the votes of all, act as the people's representatives under their watchful eye. There are countries where a power which, though to some degree foreign to the body of society, influences it and forces it to advance in a certain direction. There are others where power is divided, being both inside and outside the ranks of society.

Nothing like that can be seen in the United States where society acts independently for its own advantage. All power rests in its hands; almost no one would venture to imagine or, still less, voice the idea of seeking power elsewhere. The people share in the making of its laws through their choice of legislators and in the implementation of those laws by the election of the members of the executive. It may almost be said that the people

1. Amendments made to the constitution of Maryland in 1801 and 1809.

are self-governing in so far as the share left to the administrators is so weak and so restricted and the latter feel such close ties with their popular origin and the power from which it emanates. The people reign in the American political world like God over the universe. It is the cause and aim of all things, everything comes from them and everything is absorbed in them. (See Appendix H, p. 842.)

CHAPTER 5

THE NECESSITY OF EXAMINING WHAT HAPPENS IN INDIVIDUAL STATES BEFORE CONSIDERING THE UNION AS A WHOLE

In the following chaper, I propose to examine the form of government in America which is founded on the principle of the sovereignty of the people, the ways in which it proceeds, the obstacles it meets, and its advantages and risks.

The first difficulty stems from the complexity of the United States' constitution, where two distinct social groups are locked and, as it were, fitted into each other. We observe two completely separate and almost independent governments, one which answers the ordinary daily needs of society without clear limitations, the other which acts in exceptional circumstances to meet certain general concerns with very clear limitations. In a word, there exist twenty-four small sovereign nation states which link together to form the body of the Union.

To examine the Union before the state is to follow a road strewn with obstacles. The federal government in the United States was the last to take shape, being a variation or summary of the political principles of the republic which was widespread in society and had an existence of its own before the federal government came into being. Moreover the federal government, as I have just said, is the exception whereas that of the state is the rule. The writer who would display the whole of such a

to have created a federal constitution which allows them to withstand serious wars but to profit from such a geographical position that they have none to fear.

No one can appreciate more than myself the advantages of the federal system which I hold to be one of the most powerful devices to promote human prosperity and freedom. I envy the lot of nations which have been allowed to adopt it. But I am reluctant to believe that confederated nations could fight for a long time on equal footing against a nation with a centralized government.

The nation which, faced by the great military monarchies of Europe, divided its sovereignty, would appear, in my opinion, to be forsaking by this very act its power and possibly its life and reputation.

What an admirable position the New World enjoys that man has yet no other enemies than himself. To be happy and free, he has only to will it so.

PART 2

So far I have examined the institutions, perused the written laws, and described the present-day form of the political society of the United States.

Yet above all the institutions and beyond all the forms, there exists the sovereign power of the people which destroys or modifies them at will.

It remains for me to show along which paths this power which regulates the laws proceeds; what inner feelings and passions it possesses; what hidden springs drive it on or hold it back or direct its irresistible progress; what are the results of its unbounded force; and what destiny lies in store for it.

CHAPTER 1

WHY IT CAN BE FIRMLY STATED THAT IN THE UNITED STATES IT IS THE PEOPLE WHO GOVERN

In America the people appoint the lawmakers and the executive; they form the jury which punishes breaches of the law. Not only are institutions democratic in principle but also in their consequences; thus the people *directly* nominate their representatives and, as a general rule, choose them *annually* so as to hold them more completely dependent. Therefore, in reality it is the people who rule. Although they have a representative government, it is quite clear that the opinions, bias, concerns,

and even the passions of the people can encounter no lasting obstacles preventing them from exercising a day-to-day influence upon the conduct of society.

In the United States, as in any country ruled by the people, the majority governs in the name of the people.

The majority is chiefly made up of peaceable citizens who, out of inclination or self-interest, sincerely seek the good of the country. They are surrounded by the constant agitation of those parties which attempt to draw them in and enlist their support.

CHAPTER 2

PARTIES IN THE UNITED STATES

An important distinction to be made between parties—Parties which behave to each other like rival nations—Parties properly so-called—Difference between large and small parties—Their origins—Their diverse characteristics—America has had great parties—It no longer has any—Federalists[a]—Republicans[b]—Defeat of the Federalists—Difficulty of forming parties in the United States—How they manage to do so—Aristocratic or democratic features found in all parties—Struggle of General Jackson[c] against the bank.

I should first establish an important division between parties.

Some countries are so large that the different populations living there have conflicting interests although they unite under the same sovereign government. This produces a perpetual state of opposition. The several sections of the nation therefore constitute, strictly speaking, distinct nations rather than political parties and, if civil war were to break out, the conflict is between rival nations rather than a struggle between sections of the community.

But whenever citizens have conflicting opinions on issues which interest all areas of the country alike, such as, for instance, the general principles of government, then you will see the appearance of what I may correctly term parties.

Parties are a fundamental defect of free governments but they do not at all times share the same character or the same instincts.

At certain periods, nations may feel oppressed by such intolerable evils that the idea of totally altering their political constitution comes into their minds. At other periods the disease is deeper still and the whole social fabric itself is endangered. Such is a period of widespread revolution and of great parties.

Between the centuries of misery and disorder there are others when societies come to rest and the human race seems to draw breath. In actual fact, such times are more apparent than real. Time does not arrest its course for nations any more than for men; both move forward daily toward an unknown future. When we think things are stationary, it is because we fail to see their movements. Men who move at a walking pace appear stationary to those who are running.

However that may be, some periods occur when the changes taking place in the political constitution and the social structure of nations appear so slow and imperceptible that men think they have reached a final state. The human mind, believing itself to be firmly based upon sure foundations, does not seek to look beyond its set horizon.

This is a time of intrigues and small parties.

What I term great political parties are those committed to principles rather than their consequences, to general considerations rather than to individual cases, to ideas and not to men. These parties generally have more noble characteristics, more generous enthusiasms, more genuine convictions, a more open and bold approach than the others. In such parties, private interest, which always plays the most significant part in political passions, is concealed more skillfully beneath the veil of public interest. It sometimes manages to remain unobserved by those very people it inspires into action.

On the other hand, small parties generally lack any political credo. Since they do not feel elevated or sustained by lofty purposes, their character is imbued with a selfishness which obviously colors each of their actions. They always flare up

CHAPTER 5

GOVERNMENT BY DEMOCRACY IN AMERICA

I realize that I am treading on live cinders. Every single word in this chapter is bound to bruise at some point the different parties which divide my country. Nonetheless I shall speak my thoughts.

In Europe we find it difficult to assess the true character and the permanent instincts of democracy because in Europe two opposed principles are in conflict; it is not precisely known how far this is due to the principles themselves or to the passions aroused by the conflict.

This is not the case in America where the people are in an unimpeded dominance with no dangers to fear nor wrongs to avenge.

Therefore, in America, democracy follows its own inclinations. Its behavior is natural and its movements are free. That is where it must be judged. And who would find such a study more useful and interesting than ourselves since we are daily carried along by an irresistible movement, walking like blind men toward what may prove to be a tyranny perhaps or a republic, but surely toward a democratic social state?

UNIVERSAL SUFFRAGE

I have previously mentioned that all the states of the Union had adopted universal suffrage. It is found in populations at different stages on the social ladder. I have had the chance to observe its effects in various places and among races of men whom language, religion, or customs turn into virtual strangers to each other, in Louisiana as well as in New England, in Georgia as in Canada. I have noted that universal suffrage was far from producing in America all the benefits or all the ills expected from it in Europe and that its results were in general other than is supposed.

THE PEOPLE'S CHOICE AND THE INSTINCTS OF AMERICAN DEMOCRACY IN ITS CHOICES

In the United States the most outstanding men are rarely called upon to direct public affairs—Reasons for this—The envy which, in France, drives the lower classes against the upper classes is not a French instinct but a democratic one—Why, in America, eminent men often keep away from a political career of their own volition.

Many people in Europe believe without saying so, or say so without believing it, that one of the great advantages of universal suffrage is to summon men worthy of public trust to the direction of public affairs. The people could not possibly govern on their own, so it is said, but they do always sincerely support the welfare of the state and their instinct unfailingly tells them which men are fired by a similar desire and thus are the most competent to wield power.

For my part, I am bound to say, what I have seen in America does not give me any reason to think that this is the case. When I stepped ashore in the United States, I discovered with amazement to what extent merit was common among the governed but rare among the rulers. It is a permanent feature of the present day that the most outstanding men in the United States are rarely summoned to public office and one is forced to acknowledge that things have been like that as democracy has gone beyond its previous limits. The race of American statesmen has strangely shrunk in size over the last half-century.

One can point out several reasons for this phenomenon.

Whatever one does, it is impossible to raise the intelligence of a nation above a certain level. It will be quite useless to ease the access to human knowledge, improve teaching methods, or reduce the cost of education, for men will never become educated nor develop their intelligence without devoting time to the matter.

Therefore the inevitable limitations upon a nation's intellectual progress are governed by how great or small is the ease with which it can live without working. This limitation is further

off in certain countries and nearer in others; for it not to exist at all, however, the people would need to be free of the physical cares of life. It would have to cease to be the people. Thus it is as difficult to imagine a society where all men are enlightened as a state where all the citizens are wealthy; those are two related difficulties. I willingly accept that the bulk of the population very sincerely supports the welfare of the country; I might go even further to state that in general the lower social classes seem to be less likely to confuse their personal interests with this support than the upper classes. But what they always lack, more or less, is the skill to judge the means to achieve this sincerely desired end. A long study and many different ideas indeed are needed to reach a precise picture of the character of one single individual! Would the masses succeed where greatest geniuses go astray? The people never find the time or the means to devote to this work. They have always to come to hasty judgments and to latch on to the most obvious of features. As a result, charlatans of all kinds know full well the secret of pleasing the people whereas more often than not their real friends fail to do so.

Moreover, it is not always the ability to choose men of merit which democracy lacks but the desire and inclination to do so.

One must not blind oneself to the fact that democratic institutions promote to a very high degree the feeling of envy in the human heart, not so much because they offer each citizen ways of being equal to each other but because these ways continuously prove inadequate for those who use them. Democratic institutions awaken and flatter the passion of equality without ever being able to satisfy it entirely. This complete equality every day slips through the people's fingers at the moment when they think they have a hold on it; it flees, as Pascal says, in an eternal flight. The people become excited by the pursuit of this blessing, all the more priceless because it is near enough to be recognized but too far away to be tasted. The chance of success enthuses them; the uncertainty of success frustrates them. Their excitement is followed by weariness and bitterness. So anything which exceeds their limitations in any way appears to them as an

obstacle to their desires and all superiority, however legitimate, is irksome to their eyes.

Many people suppose that this secret instinct which persuades the lower classes to remove the upper classes as far as they can from the direction of affairs is found only in France; that is wrong. The instinct I am mentioning is not French, it is democratic; political circumstances may have given it a particularly bitter taste, but they do not bring it into being.

In the United States, the people have no especial hatred for the upper classes of society; but they feel little goodwill for them and exclude them from power; they do not fear great talents but have little liking for them. Generally speaking, it is noticeable that anything which thrives without their support has trouble in winning their favor.

While the natural instincts of democracy persuade the people to remove distinguished men from power, the latter are guided by no less an instinct to distance themselves from a political career, where it is so difficult for them to retain their complete autonomy or to make any progress without cheapening themselves. This thought is very naively expressed by Chancellor Kent.[a] This celebrated author I speak of, having sung the praises of that part of the constitution which grants the appointment of judges to the executive power, adds: "It is probable, in fact, that the most appropriate men to fill these places would have too much reserve in their manners and too much severity in their principles ever to be able to gather the majority of votes at an election that rested on universal suffrage." (Kent's *Commentaries on American Law*, vol. 1, p. 273.)

That was what was being printed without contradiction in America in the year 1830.

I hold it proved that those who consider universal suffrage as a guarantee of the excellence of the choice made are under a complete delusion. Universal suffrage has other advantages but not that one.

have heard their success attributed to underhand intrigues or criminal practices.

If, therefore, the rulers in aristocracies sometimes seek to corrupt, democratic leaders prove to be corrupt. In the former case, the morality of the people is under direct attack; in the latter, the influence upon the public conscience is indirect, which is even more fearsome.

The state leaders of democratic nations are almost always subject to unfortunate suspicions and therefore to some extent they lend government support to the crimes of which they are accused. Thus they provide dangerous examples of the valiant struggles of virtue and afford glorious parallels for the hidden tricks of vice.

It is useless to say that dishonest passions reside in every rank of society, that they often ascend the throne by hereditary right, or that as a result one can encounter despicable men at the head of aristocratic nations as well as in democracies.

This answer does not satisfy me. At the heart of the corruption of those who acquire power by accident, there is something coarse and vulgar which makes it contagious to the crowd; on the other hand at the very center of the depravity of the nobility there prevails a certain aristocratic refinement and an air of grandeur which often prevents it from spreading elsewhere.

The people will never penetrate the hidden labyrinth of court life and will always have difficulty in discerning the corruption lurking beneath elegant manners, refined tastes, and graceful language. But stealing the public purse or selling the favors of the state for money are matters well understood by the first wretch who comes along and who is able to hope that his turn will arrive to do the same.

Moreover, it is much less frightening to witness the immorality of the great than to witness that immorality which leads to greatness. In democracies, ordinary citizens see a man emerging from their ranks and possessing, after a few years, wealth and power; the sight of this arouses their astonishment and envy; they wonder how their equal of yesterday is today invested with the right to be their ruler. It is inconvenient to attribute his rise to his talents or to his virtues because that would mean the admission to themselves that they are less virtuous or less capable than he was. Therefore, they ascribe, often rightly, the principal reason for his success to some of his vices. Thus, there is at work some odious muddle in our ideas of corruption and power, unworthiness and success, usefulness and dishonor.

THE EFFORTS OF WHICH DEMOCRACY IS CAPABLE

The Union has fought only once for its existence—The enthusiasm at the beginning of the war—Coolness at the end—Difficulty of establishing conscription or impressment of seamen in America—Why a democratic nation is less capable of sustained effort than any other.

I warn the reader that I am talking at this point about a government which pursues the actual wishes of the people and not one which merely rules in the name of the people.

There is nothing more irresistible than a tyranny which rules in the name of the people because, although it is invested with the moral power which belongs to the will of the majority, at the same time it acts with the decisiveness, alacrity, and persistence of a single man.

It is quite hard to say what degree of effort a democratic government can sustain in times of national crisis.

Until now, a great democratic republic has never existed. It would be insulting to republics to call the oligarchy which ruled in France in 1793 by that name. The United States is the first example of such a phenomenon.

Now, in the half century since the formation of the Union, its existence has been challenged only once, during the War of Independence. At the start of that long war, there were extraordinary signs of enthusiasm for the country's service.[15] But as the struggle was prolonged, the usual selfishness reappeared:

15. One of the most unusual, in my opinion, was the resolution that the Americans took for temporarily abandoning the use of tea. Those who know that men usually cling more to their habits than to their life will doubtless be surprised at this great and modest sacrifice from a whole nation.

money no longer reached the public treasury; men stopped volunteering for the army; the people pressed for independence but stepped back from the means of obtaining it. "Tax laws," says Hamilton, in *The Federalist* (no. 12), "have in vain been multiplied; new methods to enforce the collection have in vain been tried; the public expectation has been uniformly disappointed; and the treasuries of the States have remained empty. The popular system of administration inherent in the nature of popular government, coinciding with the real scarcity of money incident to a languid and mutilated state of trade, has hitherto defeated every experiment for extensive collections, and has at length taught the different legislatures the folly of attempting them."

Since that period, the United States has not had to sustain a single serious war.

To assess what sacrifices democracies are capable of imposing upon themselves, we must await the time when the American nation is forced to place in the hands of its government half of its income, as England has done, or has to throw a twentieth of its population on to the battlefield, as France has done.

In America, conscription is unknown; men are enlisted for payment. Compulsory recruitment is so alien to the ideas and so foreign to the customs of the people of the United States that I doubt whether they would ever dare to introduce it into their law. What we call conscription in France certainly constitutes the most burdensome of our taxes but, without conscription, how could we maintain a great continental war?

The Americans have not adopted the English system of pressing seamen. They have nothing corresponding to the French registration of seamen. The state navy, like the merchant service, is recruited from volunteers.

Now it is not easy to imagine a nation sustaining a great sea war without recourse to one of the measures mentioned above; thus the Union, although it has fought at sea with success, has never had many ships and the equipment of its small number of vessels has always cost it very dear.

I have heard American statesmen confess that the Union will scarcely maintain its rank on the seas unless it adopts

impressment or registration of seamen but the difficulty is to force the people, who exercise the supreme authority, to tolerate either system.

It is beyond argument that, in times of danger, nations which are free generally display infinitely more energy than nations which are not but I am inclined to think that this is especially true of free nations where the aristocratic element is dominant. Democracy appears to me much more suitable for governing a society in times of peace, or for making a sudden, vigorous effort when such is needed than for braving the greats storms of political life over a long period. The reason for this is simple: enthusiasm induces men to expose themselves to danger and privations but only reflection will keep them there exposed for long periods. There is more calculation than one supposes in what we call impulsive courage and, although passion alone generally instigates the initial efforts, the sight of the end result allows them to continue. One risks a part of what one holds dear in order to save the rest. Now, it is this clear perception of the future based on enlightened experience which is bound to be absent in democracies. The people feel much more than they reason; and if current evils are great, it is to be feared that they might forget the greater evils which await perhaps a possible defeat.

Not only do the people see less clearly than the upper classes what they can hope or fear for the future, but also they suffer in a quite different manner the evils of the present. The noble who risks his life has an equal chance of attracting either glory or harm. When he hands over to the state the greater part of his income, he makes a brief sacrifice of some of the pleasures of wealth, whereas the poor man gains no prestige from death and the taxes which inconvenience the rich man often attack, in his case, the very source of his livelihood.

This relative weakness of democratic republics in times of crisis is perhaps the greatest obstacle to the foundation of a similar republic in Europe. For a democratic republic to survive without pitfalls in Europe, similar republics would have to be established simultaneously in all the other countries of that continent.

I believe that a democratic government should, in the long run, increase the real strength of society, but it cannot gather at one point and in a given time as many forces as an aristocratic government or an absolute monarchy. If a democratic country remained subject to a century of republican government, it is likely that at the end of the century it would be richer, more populated and more prosperous than neighboring despotic states. But in the course of that century, it would, on several occasions, run the risk of being conquered by them.

THE POWER WHICH AMERICAN DEMOCRACY EXERCISES OVER ITSELF

The American people take time to accept what is useful to their wellbeing, sometimes even refusing to do so— The American capacity for making mistakes which can be repaired.

The difficulty experienced by democracy in conquering the passions and silencing the desires of the passing moment in the interest of the future can be observed in the United States in the most trivial of things.

The people, surrounded by flatterers, find it difficult to master themselves. Every time they are asked to impose some privation or discomfort even for an aim their reason approves, they almost always start by refusing. The obedience of Americans to the laws has been justly praised. One must add that American legislation is made by and for the people. Therefore, the law in the United States patently favors those who, everywhere else, have the greatest interest in violating it. Thus, it is fair to think that an irksome law, whose real value was not observed by the majority, would neither be passed nor obeyed.

In the United States, no legislation relating to fraudulent bankruptcies exists. Would that be because there are none? No, it is because, on the contrary, there are many. The fear of prosecution as a bankrupt exceeds, in the minds of the majority, the fear of being ruined by other bankrupts. A kind of guilty

tolerance exists, in the conscience of the public, toward an offense which is condemned by everyone.

In the new states of the Southwest,[d] the citizens almost always take justice into their own hands and an endless series of murders ensues. That is the result of the excessively rough habits of the people and the poor spread of education in those wild areas. Thus, they do not feel the advantage of giving strength to the law; duels are still preferred to lawsuits.

One day, in Philadelphia, someone was telling me that almost all the crimes in America were caused by the abuse of strong drink which the lowest classes could consume when they liked because they were sold it cheaply. "How is it," I asked, "that you do not place a duty on brandy?" "Our legislators," he replied, "have often considered it but it is a difficult undertaking. There is fear of revolt and besides, the members who voted for such a law would be certain to lose their seats." "So, therefore," I continued, "in your country drunkards are in the majority and temperance is unpopular."

When such things are brought to the notice of politicians, they merely reply: "Let time take care of that; the sense of evil will enlighten people and show them what they need." Often that is true. If democracy has more opportunities for making mistakes than a king or an oligarchy, it also has a better chance of returning to the truth when the light dawns because, in general, it harbors no interests which oppose the majority or challenge reason. But democracy cannot lay hold upon the truth except by experience and many nations might perish while they are waiting to discover their mistakes.

The great privilege enjoyed by Americans is, therefore, not only to be more enlightened than other peoples but also to have the capacity to repair their mistakes.

It must be added that, in order to profit from past experiences, democracy must already have reached a certain level of civilization and knowledge.

There are nations whose early education has been so defective and whose character displays such a weird confusion of passions, of ignorance, and of all kinds of false ideas that they could

not by themselves perceive the reason for their sufferings; they sink beneath unrecognized evils.

I have traveled vast lands formerly inhabited by powerful Indian nations who now no longer exist; I have lived with tribes already disabled who watch their number decline and the luster of their primitive glories disappear; I have heard Indians themselves predict the final destiny of their race. However, every European can see what would be necessary to save these luckless peoples from inevitable collapse. They, of course, cannot see it and experience, year in year out, the woes which heap upon their heads; they will perish to the last man as they reject the remedy. Force would have to be used to compel them to live.

We see in astonishment the new nations of South America being torn asunder for a quarter of a century by an endless succession of revolutions and we expect to see their return to what may be called their natural state. But who can say for sure that revolutions are not these days the most natural state for the Spanish of South America? In that country, society is struggling in the depths of an abyss from which its own efforts cannot extricate it.

The people dwelling in this beautiful half of the Western hemisphere appear stubbornly determined to tear out each other's entrails; nothing can divert them from such an end. Exhaustion drives them to take a moment's rest which becomes the impetus for a fresh bout of frenzy. When I turn to consider them in this state, alternating between misery and crime, I am tempted to think that despotism would be a blessing for them.

But these two words will never be linked in my mind.

THE MANNER IN WHICH AMERICAN DEMOCRACY CONDUCTS FOREIGN AFFAIRS

Direction given to American foreign policy by Washington and Jefferson—Almost all the natural shortcomings of democracy are revealed in its conduct of foreign affairs while its good qualities are almost imperceptible.

We have seen that the federal constitution placed the control of the nation's foreign interests permanently in the hands of the

President and Senate,[16] which to a certain extent puts the general policy of the Union outside the direct daily influence of the people. One is not able to say, therefore, without qualification, that American democracy controls the state's external affairs.

Two men have set a direction for American policy which is still followed today; the first is Washington and Jefferson is the second.

Washington said in that admirable letter addressed to his fellow citizens and which was that great man's political testament:

> The Great rule of conduct for us, in regard to foreign Nations, is in extending our commercial relations to have with them as little political connection as possible. So far as we have already formed engagements let them be fulfilled, with perfect good faith. Here let us stop.
>
> Europe has a set of primary interests, which to us have none, or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence therefore it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities:
>
> Our detachment and distant situation invites and enables us to pursue a different course. If we remain one People, under an efficient government, the period is not far off, when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interests guided by our justice shall Counsel.

16. "The President," says the Constitution, article 2, section 2, no. 2, "shall have power, by and with the advice and consent of the Senate, to make treaties." The reader should remember that Senators are returned for a term of six years and that, being chosen by the legislature of each state, they are the result of a two-stage election.

> Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor or caprice?
>
> 'Tis our true policy to steer clear of permanent alliances, with any portion of the foreign world. So far, I mean, as we are now at liberty to do it, for let me not be understood as capable of patronizing infidelity to existing engagements (I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy). I repeat it therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary and would be unwise to extend them.
>
> Taking care always to keep ourselves, by suitable establishments, on a respectably defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Earlier, Washington had expressed this fine and apposite idea: "The nation that delivers itself to habitual sentiments of love or of hatred toward another becomes a sort of slave to them. It is a slave to its hatred or to its love."

Washington's political career was always guided by these maxims. He succeeded in maintaining his country in peace when the rest of the globe was at war and he laid down as a point of doctrine that the true interest of the Americans lay in never participating in the internal dissensions of Europe.

Jefferson went even further and introduced this other maxim into the policy of the Union: "that Americans ought never to demand privileges from foreign nations in order not to be obliged to accord them themselves."

These two principles, whose evident truth brought them within the grasp of popular understanding, have greatly simplified the foreign policy of the United States.

Since the Union does not meddle in the affairs of Europe, it has, so to speak, virtually no external concerns at stake, for, as yet, it has no powerful neighbors in America. Being beyond the passions of the Old World by geography as much as by preference, it has no need to protect itself from them any more than to espouse them. As far as the passions of the New World are concerned, they are still hidden in the future.

The Union is free from pre-existing commitment and can take advantage of the experience of the old European nations without being obliged, as they are, to take the past into account and to adapt it to the present. The Union is not forced, as they are, to accept a mighty inheritance of mixed glory and wretchedness, national friendships and hatreds bequeathed by their ancestors. The foreign policy of the United States is to wait and see; it consists in keeping away from things much more than in interfering.

At the moment, therefore, it is very difficult to know what skills American democracy will develop in conducting the state's foreign affairs. Both its enemies and its friends must suspend judgment on this point.

For my part, I am not loath to express the view that it is in the conduct of foreign affairs that democratic governments appear to be decidedly inferior to others. Experience, customs, and education in the end almost always engender, in a democracy, that sort of everyday practical wisdom and that knowledge of the small business of life which we call common sense. Common sense is enough for society's normal dealings and in a nation whose education is complete, democratic freedom, when applied to the state's internal affairs, produces more than enough benefits to offset the disasters resulting from the mistakes of the government. Such is not always the case in the external relations of nation to nation.

Foreign policy demands the use of scarcely any of the qualities characteristic of a democracy and requires, on the contrary, the cultivation of almost all those it lacks. Democracy supports the increase of the state's internal resources, furthers comfort, develops public spirit, and strengthens respect for the law in the different social classes, all of which have only an indirect effect upon the standing of one nation in relation to another. But democracy cannot, without difficulty, coordinate the details of a great enterprise, fix on one plan and follow it through with persistence, whatever the obstacles. It is not capable of devising secret measures or waiting patiently for the result. Those are

qualities which characterize more especially one single man or an aristocracy. Now these are the precise qualities which ensure that in the end a nation, like a single individual, wins through.

If, on the other hand, you concentrate on the natural failings of aristocracies, you will discover that their possible effects are hardly discernible in the management of the state's foreign affairs. The principal defect leveled at aristocracies is that of working for themselves alone and not for the population as a whole. In foreign policy, it is rare for aristocracies to have an interest distinct from that of the people.

The tendency of a democracy to obey, in politics, feelings rather than rational arguments and to abandon a mature plan for the enjoyment of a momentary passion, was clearly displayed in America at the time of the outbreak of the French Revolution. The most obvious insights of reason were sufficient as much then as they are today to convince Americans that their self-interest dissuaded them from becoming embroiled in a European conflict which would shed so much blood but from which the United States could not suffer any damage.

However, the people's sympathies for France declared themselves so violently that nothing less than the unbending character of Washington and his immense popularity were needed to prevent a declaration of war against England. Moreover, this great man's austere arguments directed against the generous but ill-considered passions of his fellow citizens almost deprived him of the only reward he had ever sought, namely, the love of his country. The majority pronounced itself against his policy; now the whole nation gives it approval.[17]

17. See the fifth volume of Marshall's *Life of Washington*. "In a government constituted like that of the United States," he says, page 314, "the first magistrate cannot, whatever his firmness may be, long hold a dike against the torrent of popular opinion; and the one that prevailed then seemed to lead to war." In fact, in the session of Congress held at that time it was frequently evident that Washington had lost his majority in the House of Representatives. The violence of the language used against him outside the house was extreme and in a political meeting they did not scruple to compare him indirectly with the traitor Arnold (page 265). "Those who held the party of the opposition," says Marshall (page 355), "claimed that the partisans of the administration composed an aristocratic faction that had submitted to England and that, wanting to establish a monarchy, was consequently the enemy of France; a faction whose members constituted a sort of nobility that had the stock of the Bank as securities and that so feared every measure that could influence its funds that it was insensitive to the affronts that the honor and the interest of the nation commanded it equally to repel."

If the constitution and public support had not given to Washington the control of the state's foreign affairs, the nation would certainly have done at that time precisely what it condemns today.

Almost all the nations which have had a strong effect upon the world by conceiving, pursuing, and carrying out great designs, from the Romans to the English, were ruled by aristocracies. How is that surprising?

Nothing is so fixed in its views as an aristocracy. The population at large may be led astray by its ignorance or its passions; a king's mind can be taken off its guard and persuaded to waver in its plans; besides, a king is not immortal. But an aristocratic body is too numerous to be caught, too small to yield facilely to the intoxication of ill-considered passions. An aristocratic body is a firm and enlightened individual who never dies.

CHAPTER 6

WHAT ARE THE REAL ADVANTAGES DERIVED BY AMERICAN SOCIETY FROM DEMOCRATIC GOVERNMENT

Before beginning the present chapter, I need to remind the reader of what I have already mentioned several times in the course of this work.

The political constitution of the United States seems to me to be one of the forms of government which a democracy can assume but it is not my view that American institutions are either the only or the best ones that a democratic nation might adopt.

So, by pointing out the benefits derived by Americans from

democratic government, I am far from claiming or thinking that similar advantages can be obtained only from the same laws.

THE GENERAL TENDENCY OF LAWS UNDER THE CONTROL OF AMERICAN DEMOCRACY AND THE INSTINCTS OF THOSE WHO APPLY THEM

The vices of democracy are immediately obvious—Its advantages become clear only in the long term—American democracy is often clumsy but the general tendency of its laws is beneficial—Under American democracy public officials have no entrenched interests which conflict with those of the majority—Results of this.

The vices and weaknesses of democratic government are easy to see; they can be proved by obvious facts whereas its beneficial influence works in an imperceptible and almost hidden way. A single glance allows us to detect its faults whereas its qualities are revealed only in the long term.

The laws of American democracy are often defective or incomplete; they sometimes violate acquired rights or give a sanction to others which are dangerous. Even if they were good, their frequent changes would still be a great evil. All this becomes clear at a first glance.

So how is it that American republics sustain themselves and prosper?

In laws, one should make a careful distinction between their aim and the means adopted to achieve that aim, as between their absolute and their relative excellence.

I am supposing that the legislator must aim to support the interests of the few at the expense of the many; his measures are executed so as to achieve his proposed aim in the shortest time and with the least effort. The law will be well drafted but its aim bad; its very effectiveness will make it the more dangerous.

Democratic laws generally tend toward the good of the greatest possible number for they stem from the majority of all the citizens, a majority which may be in error but which could not follow a path contrary to its own interests.

Aristocratic laws tend, by contrast, toward concentrating wealth and power solely in the hands of a small number, because aristocracy consists of a minority by its very nature.

So, in general terms, it may be stated that the purpose of a democracy, in its legislation, is beneficial to a greater number of people than that of an aristocracy. But that is the sum total of its advantages.

Aristocracy is infinitely more skillful in the science of legislation than democracy could ever be. Being master of itself, passing impulses do not affect it; its plans ripen over the long term until favorable conditions occur. Aristocracy moves forward cannily, knowing the art of bringing together the collective force of all its laws at the same time to the same point.

Democracy is not like that; its laws are almost always defective or untimely.

The means adopted by a democracy are therefore more imperfect than those used by an aristocracy; often it works, unintentionally, against itself but its aim is more beneficial.

If you imagine a society so organized by nature or its constitution that it can bear the passing effects of bad laws or can avoid disaster as it awaits the consequences of the general tendency of those laws, you will appreciate that democratic government, despite its defects, is still the best suited to the prosperity of that society.

That is exactly what happens in the United States. I repeat here what I have described elsewhere: the great privilege enjoyed by Americans is to be able to retrieve the mistakes they make.

I shall say something similar about public officials.

It is easy to see that American democracy often makes mistakes in the choice of its politicians but it is not so simple to say why the state prospers in their hands.

Notice, first of all, that although the rulers of a democracy are less honest and competent, the electorate is more enlightened and more alert.

The people in democracies, constantly busy as they are with their affairs and jealous of their rights, stop their representatives straying from a certain general line prescribed by their self-interest.

Notice too, that, although a democratic magistrate may abuse his power more than another, in general he holds office for less time.

But there is another more general and more satisfactory reason than any of these.

No doubt it is important to the welfare of nations that their rulers possess virtues and talents but what possibly matters even more is that their rulers do not have interests in opposition to the mass of constituents for, in such a case, those virtues could become almost useless and those talents harmful.

I have underlined that it is important for governments not to have interests opposed to or different from the mass of their constituents; I have not said that they should have interests in line with those of all their constituents for I do not know whether such a thing has ever happened.

Up to the present time, no one has discovered a political system which equally favors the development and prosperity of all classes in society. These classes have continued to form something like distinct nations within the same nation and experience has shown that it was almost as dangerous to place the fate of all these classes in the hands of any one of them as it is to make one nation the judge of any other nation's destiny. When the rich alone rule, the interests of the poor are always in danger; and when the poor make laws, the rich see their interests in great jeopardy. What, then, is the advantage offered by democracy? The real advantage is not, as is claimed, to favor the prosperity of all, but only to serve the wellbeing of the greatest number.

In the United States, those responsible for public affairs are often inferior in capability and in moral standards to those men aristocracy would bring to power, but their interests are mingled and identified with those of the majority of their fellow citizens. They may, therefore, frequently commit faithless acts and serious errors but they will never systematically pursue a line of conduct antagonistic to that majority; and they could not ever impose an exclusive or dangerous character on the government.

The bad administration of one magistrate in a democracy is, moreover, an isolated fact which has an influence for only the

short period of his administration. Corruption and incompetence are not common interests capable of connecting men in any permanent fashion.

A corrupt or incompetent magistrate will not join his efforts to another magistrate's, simply because the latter is as incompetent or corrupt as he is, nor will these two men ever work together to promote corruption or incompetence in their distant descendants. The ambition and intrigues of the one will help, on the contrary, to unmask the other. The vices of a democratic magistrate are, generally speaking, altogether personal.

In aristocratic governments, men in public positions have class interests which occasionally coincide with those of the majority but more often than not remain quite separate. These interests form a shared and lasting bond between them which invites them to unite and combine their efforts toward an end which does not always promote the happiness of the greatest number. Not only do they tie the rulers to each other but also unite the latter to a large proportion of the governed, for many citizens make up part of the aristocracy even if they have no official office.

The aristocratic magistrate, therefore, finds a reliable support within society just as he finds the same within the government.

This common objective which unites the magistrates of aristocracies to the interests of one section of their contemporaries, also identifies them with those of future generations, in, so to speak, an act of submission. They work for the future as much as for the present. The aristocratic magistrate is, therefore, propelled in the same direction both by the passions of those governed and by his own, as well as, I may almost add, by those of posterity.

How can we be surprised, if he puts up no resistance? So we often see, in aristocracies, class spirit influencing even those who are not corrupted by it; and they shape society unconsciously to their own ends and prepare it for their own descendants.

I cannot say whether another aristocracy as liberal as that of England has ever existed or one which has, uninterruptibly, furnished the government of a country with men so worthy and intelligent.

Yet, it is easy to observe that in the legislation of England, the welfare of the poor has often ended up by being sacrificed to that of the wealthy and the rights of the greatest number to the privileges of the few. Thus, the England of the present time combines at its center all the extremes of human fate and you encounter sufferings there almost as great as its power and glory.

In the United States, where public officials promote no class interests, the general and continuous course of government is beneficial even though the rulers are often incompetent and sometimes despicable.

There is a hidden tendency at the heart of democratic institutions which often makes men support the prosperity of all, in spite of their mistakes or vices, whereas in aristocratic institutions a secret bias sometimes emerges, in spite of talents and virtues, to lead men to contribute to the sufferings of their fellows. In this way, it can happen that, in aristocratic governments, public officers commit evil acts without wishing to do so and in democracies bring about good results without having intended them.

PUBLIC SPIRIT IN THE UNITED STATES

Instinctive patriotism—Well-considered patriotism—Their different characters—Nations should strive toward the second when the first disappears—The efforts of Americans to achieve this—The interests of the individual closely linked to those of the country.

There exists a patriotism which springs mainly from that instinctive, disinterested, and indefinable feeling which binds a man's heart to his birthplace. This unreflecting love blends with the liking for ancient customs, respect for ancestors, and the memories of the past. Those who experience it cherish their homeland as they love their father's house. They love the peace they find there; they are attached to the quiet habits they have formed there; they are tied to the memories it recalls, even feel a tenderness in their life of obedience. Often this patriotism is

also intensified by religious fervor which then works wonders. It is itself a sort of religion; it does not reason, it believes, feels, and acts. Some nations have in a sense personified their country and have seen this personification in the prince himself. They have thus transferred to him some of the feelings which compose patriotism; they feel pride in his triumphs and have boasted of his power. Time was, under the old monarchy, when the French experienced a kind of joy in surrendering themselves irrevocably to the arbitrary will of the monarch and were wont to say proudly: "We live under the most powerful king in the world."

Like all instinctive passions, patriotism drives men to temporary efforts rather than sustained endeavors. Having saved the state in time of crisis, it often allows it to languish in peace time.

When nations are still simple in their manners and fervent in their beliefs, when society rests gently upon an ancient order of things whose legitimacy goes uncontested, this instinctive love for one's country reigns supreme.

There exists yet another patriotism more rational than that: it is less generous, less passionate perhaps but more creative and lasting; it springs from education, develops with the help of laws, increases with the exercise of rights and in the end blends in a sense with personal interest. A man understands the influence which the wellbeing of his country has upon his own; he knows that the law allows him to contribute to the production of his own wellbeing and he is involved in the prosperity of his country, in the first place as something useful to him and then as work he should do.

But sometimes in the life of nations there occurs a moment when ancient customs are changed, behavior patterns destroyed, beliefs upturned, the value of memories has vanished and where, nonetheless, education has remained in an imperfect state and political rights are ill-founded and restricted. At such a time, men no longer perceive their native land except in a feeble and ambiguous light; their patriotism is centered neither on the land which they see as just inanimate earth nor on the customs of their ancestors which they have been taught to view as a yoke, nor on religion which they doubt, nor on laws which they do not enact, nor on the legislator whom they fear and despise. So,

they can no longer see their country portrayed either under its own or borrowed features and men retreat into a narrow and unenlightened egoism. These men escape from prejudices without recognizing the power of reason; they have neither the instinctive patriotism of a monarchy nor the reflective patriotism of a republic; but they have come to a halt between the two in the midst of confusion and wretchedness.

What's to be done in such a predicament? Retreat. But nations do not return to youthful opinions any more than men return to the first tastes of their infancy; they may regret them but not rekindle them. So one must move forward and hurry to unite, in people's eyes, the interest of the individual with that of the country, for disinterested patriotism escapes never to return.

Certainly, I am far from claiming that to achieve this result the exercise of political rights should be granted all at once to every man; but I do say that the most potent, and possibly the only remaining weapon to involve men in the destiny of their country is to make them take a share in its government. In our day, civic spirit seems to me inseparable from the exercise of political rights and I believe that henceforth the increase or decrease of the number of citizens will be in proportion to the extension of those rights.

How is it that in the United States, where the inhabitants arrived but yesterday on the land they occupy, where they have brought with them neither customs nor memories, where they have met each other for the first time without prior acquaintance or where, to sum up, the feeling for one's country can hardly exist, each person gets as involved in the affairs of his township, canton, and the whole state as he does in his own business? It is because each person in his own sphere takes an active part in the government of society.

The common man in the United States perceives the influence of public prosperity upon his own happiness, an idea so simple and yet so little understood by the people. Moreover, he has grown used to regarding this prosperity as his own work. Thus he sees in public fortune his own and he works for the welfare of the state, not simply from duty or from pride, but, I would venture to say, from greed.

There is no need to study the institutions or history of the Americans to recognize the truth of the above, for their customs are sufficient evidence. Since an American takes part in everything that goes on in this country, he believes it his duty to defend it against any criticism for not merely is his country being attacked but he himself: thus, we see that the pride he has in his nation exploits every trick and stoops to all the childishness of personal vanity.

There is nothing more irksome in the conduct of life than the irritable patriotism Americans have. The foreigner would be very willing to praise much in their country but would like to be allowed a few criticisms; that is exactly what he is refused.

So, America is a land of freedom where the foreigner, to avoid offending anyone, must not speak freely about either individuals, or the state, or the governed, or the government, or public and private undertakings, indeed about anything he encounters except perhaps climate and the soil both of which, however, some Americans are ready to defend as if they had helped to create them.

In our day, we must make up our minds and dare to choose between the patriotism of all and the government of the few, for the social strength and the involvement of the first cannot be combined at the same time with the guarantees of peace sometimes provided by the second.

THE IDEA OF RIGHTS IN THE UNITED STATES

No great nation is without some idea of rights—How such an idea can be imparted to a nation—Respect for rights in the United States—Source of that respect.

Next to the general conception of virtue, I know of none finer than that of rights, or rather these two ideas are inseparable. The idea of rights is no more than the concept of virtue applied to the world of politics.

Men clarified the definition of license and tyranny by means of the idea of rights. By the light of this idea, each man has achieved an independence without arrogance and an obedience

which avoids humiliation. The man who submits to violence bends beneath the degradation; but when he obeys the right to give orders which he acknowledges in his fellow man, to some degree he rises above the very person giving him commands. No great man can exist without virtue; no great nation can exist without respect for rights; one might almost say that there is no society without such respect. For what sort of gathering of rational and intelligent beings have you got where force is the sole bond between them?

I am wondering how, in our time, the idea of rights can be taught to men in order to insert it, so to speak, into their sensual experience. I see only one way and that is to give them the peaceful use of certain rights. That indeed happens with children who are men except in strength and experience. When the child begins to move in the world of external objects, instinct leads him to make use of everything which falls into his grasp. He has no idea of other people's property nor of existence itself; but as he grows aware of the value of things and realizes that he too can be deprived of them, he becomes more circumspect and in the end respects in his fellows what he wants them to respect in him.

What a child does with his toys, later a man does with his belongings. Why in America, this land of democracy par excellence, does no one raise that outcry against property in general which often echoes throughout Europe? Do I need to explain? In America, the proletariat does not exist. Since each man has some private possessions to protect, he acknowledges the right, in principle, to own property.

It is the same in the world of politics. In America, the common man has a lofty conception of political rights because he has such rights himself; he does not attack those of others so as to avoid having his own violated. And whereas in Europe this same man would be reluctant to obey even a sovereign authority, the American obeys without a murmur the authority of the lowest magistrate.

This truth is displayed right down to the smallest details of a nation's life. In France, there are few pleasures exclusively reserved for the upper classes of society; the poor man is admitted almost everywhere the rich are; thus he behaves in a seemly way and respects everything which contributes to the enjoyment he is sharing. In England, where the wealthy have the privilege of enjoying themselves as well as the monopoly of power, the complaint is that when the poor man manages to steal furtively into the exclusive haunts of the rich, he likes to cause pointless damage there. Why be surprised at that? Trouble has been taken to see that he has nothing to lose.

Democratic government allows the idea of political rights to filter down to the least of its citizens, just as the division of possessions places the idea of the right to property within the general grasp of all men. That, in my view, is one of its greatest merits.

I am not saying that teaching all men to avail themselves of their political rights is an easy task; I simply say that, when that aim is achieved, the results are great.

And I would add that if ever there was a century when such an undertaking might be attempted, that century is ours.

Do you not see the decline of religions and the disappearance of the divine conception of rights? Do you not realize that morals are changing and with them the moral notion of rights is being removed?

Do you not notice how, on all sides, beliefs are ceding place to rationality and feelings to calculations? If, amid this general upheaval, you fail to link the idea of rights to individual self-interest, which is the only fixed point in the human heart, what else have you got to rule the world except fear?

So, when I am told that laws are weak and the governed are in revolt, that passions are strong, that virtue is powerless and that in this situation one must not even contemplate increasing democratic rights, my reply is that these are the very things one must contemplate. And, in truth, I think that governments have an even greater incentive to do so than society, for governments perish but society cannot die. However, I have no wish to exploit the example of America too far.

In America, the people have been endowed with political rights at a time when it was difficult for them to abuse them because citizens were few and their customs simple. As they

have grown, Americans have not really increased democratic powers, merely extended their domain.

There can be no doubt that the moment of granting political rights to a nation hitherto deprived of them is a time of crisis, one that is often necessary but always perilous.

The child kills when unaware of the value of life; he carries off another's property before realizing that his own may be snatched away. The common man, from the moment that he is granted political rights, stands, in relation to those rights, in the same position as a child faced with the whole of nature. It is then that the famous phrase can be applied to him: *Homo puer robustus.*[a]

The truth is evident in America itself. Those states where citizens have enjoyed their rights for the longest time are the ones who still know how best to use them.

It cannot be repeated too often: nothing is more fertile in wondrous effects than the art of being free but nothing is harder than freedom's apprenticeship. The same is not true of tyranny, which often advertises itself as the cure of all sufferings, the supporter of just rights, the upholder of the oppressed and the founder of order. Nations are lulled to sleep amid the brief period of prosperity it produces and when they do wake up, wretched they are indeed. On the other hand, freedom is usually born in stormy weather, growing with great difficulty amid civil disturbances. Only when it is already old can one recognize its advantages.

RESPECT FOR THE LAW IN THE UNITED STATES

Americans' respect for the law—Paternal affection they feel for it—Individual interest everyone has in increasing the power of the law.

It is not always feasible to summon an entire nation either directly or indirectly to make laws but it is undeniable that, when that is a practical possibility, the law acquires a greater authority thereby. This popular beginning confers an unusual strength upon the legislation even though it often damages its wisdom and quality.

An exceptional strength follows the expression of will of a

whole nation. Once it emerges into the light of day, even the imagination of those contesting it is somehow overwhelmed.

Political parties know this well enough.

Therefore, they challenge the validity of the majority whenever possible. When they fail to gain a majority of those who voted, they claim it among those who abstained from voting; when that fails, they seek a majority among those who have no right to vote.

In the United States, except for slaves, servants, and the destitute fed by the townships, everyone has the vote and this is an indirect contributor to law-making. Anyone wishing to attack the law is thus reduced to adopting one of two obvious courses: they must either change the nation's opinion or trample its wishes under foot.

To this first reason may be added one more directly powerful, namely that every American discovers a kind of personal interest in obeying the laws because the man who today does not belong to the majority may tomorrow be among its ranks. That respect for the will of the lawgiver which he now has, he will soon require the same for his own laws. However vexing the law, the American has no difficulty submitting to it, not simply as the work of the majority but as his very own. He regards it as a contract to which he is one of the parties.

Therefore, you never see in the United States an ever-increasing and agitated crowd which regards the law as hostile or which looks upon it with fear and suspicion. On the other hand, one cannot fail to observe that all classes of society demonstrate a great trust in the legislation of the country and feel a sort of paternal affection for it.

I am wrong in saying all classes. Since the European ladder of power has been overturned in America, the wealthy hold a position parallel to that of the poor in Europe; they are the ones who distrust the law. I have said elsewhere that the real advantage of democratic government is not to guarantee the interests of all, as has sometimes been the claim, but simply to protect those of the greatest number. In the United States, where the poor man rules, the wealthy must always be apprehensive that he may abuse his power against them.

This attitude of mind among the wealthy may produce a muffled discontent which, however, does not violently disturb society, since that very reason which stops the rich from trusting the lawmaker also prevents him defying his orders. He does not make the law because he is rich and because of his wealth he does not violate it. In civilized nations, it is generally only those with nothing to lose who revolt. Hence, though democratic laws are not always worthy of respect, they are almost always given respect. For those who generally break laws cannot fail to obey those they have made themselves and from which they profit and citizens who might be tempted to infringe them are inclined by disposition and circumstance to obey the lawgiver's will. Moreover, in America, people obey the law not merely because they made it but also because they can alter it, if it ever happens to harm them. They obey what they see firstly as a self-imposed evil and secondly as an evil which is always temporary.

ACTIVITY REIGNING IN EVERY PART OF THE BODY POLITIC IN THE UNITED STATES AND ITS INFLUENCE ON SOCIETY

It is harder to imagine the political activity reigning in the United States than the freedom or equality prevailing there—The continuous feverish activity of the legislatures is only one episode and an extension of this general activity—The difficulty the American has of minding only his own business—Political agitation spreads to civil society—American industrial activity stems in part from this cause—Indirect advantages derived by society from democratic government.

When one moves from a free country into one that is not so, one is struck by a most extraordinary sight: there all is activity and bustle, here all is calm and stillness. In the former, improvement and progress are all that matter; in the latter, society appears to have obtained every blessing and simply longs for the leisure to enjoy them. However, the country which suffers so much turmoil to be happy is usually wealthier and more

prosperous than the one that appears satisfied with its lot. And considering them one by one, it is hard to imagine how so many fresh needs are daily discovered in the one, while so few are experienced in the other.

If this observation applies to free countries which have preserved a monarchy or an aristocratic dominance, it is even more true of democratic republics, where no longer a section of the people undertakes to improve the state of society but the whole nation. Not only is it a matter of satisfying the needs and comforts of one class but of all classes simultaneously.

It is not impossible to imagine the great freedom enjoyed by Americans and one can also form an idea of their extreme equality but it would not be possible to understand the political activity prevailing in the United States without having been a direct witness of it.

No sooner do you set foot in America than you find yourself in a sort of tumult; a confused clamor rises on every side; a thousand voices reach your ears at once, each expressing some social need. Everything stirs about you; on this side, the inhabitants of one district have met to decide on the building of a church; on the other, they are working to choose a representative; further on, the delegates of a canton are hurrying to town so as to consult over certain local improvements; at another spot, village farmers leave ploughing furrows to discuss the plan for a road or a school; a few citizens gather simply to declare their disapproval of the government's course, while others join together to proclaim that the men in office are the fathers of their country. And yet another group, which regards drunkenness as the main source of ills in the state, has come to enter into a solemn commitment to give an example of temperance.[1]

The great political activity which constantly stirs the American legislature and which alone is noticed from outside, is only

1. Temperance societies are organizations whose members undertake to abstain from strong liquor.

   At the time of my travels in the United States, temperance societies had already more than 270,000 members and their effect had been to reduce, in the state of Pennsylvania alone, the consumption of strong liquor by 500,000 gallons per annum.

skillful administration but it ensures what the most skillful administration is often too powerless to create, namely to spread through the whole social community a restless activity, an overabundant force, an energy which never exists without it and which, however unfavorable the circumstances, can perform wonders. Therein lie its real advantages.

In this century, when the fate of the Christian world appears to hang in the balance, some hasten to attack democracy as a hostile power as it is still growing; others already worship it as a new god emerging from the void. But both know the object of their hatred or desire only imperfectly; they fight in the dark and strike out at random.

What are you requiring of society and its government? One must be clear about that.

Do you wish to raise the human mind to a certain lofty and generous manner of viewing the things of this world? Do you wish to inspire in men a kind of scorn for material possessions?

Is it your desire to engender or foster deep convictions and to prepare the way for acts of deep devotion?

Is your main concern to refine manners, to raise behavior, to cause the arts to blossom? Do you crave poetry, reputation, glory?

Are you intending to organize a nation so that it will exercise strength of purpose over all others? Are you giving it the aim of undertaking mighty projects and leaving an impressive mark upon history, however its efforts turn out?

If, in your estimation, that should be the main objective of social man, do not choose a democratic government because it would not steer you to that goal with any certainty.

But, if it seems useful to you to divert man's intellectual and moral activity upon the necessities of physical life and use it to foster prosperity; if you think that reason is more use to men than genius; if you aim to create not heroic virtues but peaceful habits; if you prefer to witness vice rather than crime and to find fewer splendid deeds provided you have fewer transgressions; if, instead of moving through a brilliant society, you are satisfied to live in a prosperous one; if, finally, in your view, the main objective for a government is not to give the whole nation as

much strength or glory as possible but to obtain for each of the individuals who make it up as much wellbeing as possible, while avoiding as much suffering as one can, then make social conditions equal and set up a democratic government.

If, however, there is not enough time to make a choice and a force beyond man's control is already carrying you along, regardless of your wishes, toward one of these two governments, at least seek to derive from it all the good it can do. And, aware of its good instincts as well as its unfortunate leanings, make every effort to restrict the consequences of the latter while promoting the former.

CHAPTER 7

THE MAJORITY IN THE UNITED STATES IS ALL-POWERFUL AND THE CONSEQUENCES OF THAT

Natural strength of the majority in democracies—Most American constitutions have artificially increased this natural strength—How—Pledged delegates—Moral power of the majority—View of its infallibility—Respect for its rights—What increases it in the United States.

It is the very essence of democratic government that the power of the majority should be absolute, for in democracies nothing outside the majority can keep it in check.

Most American constitutions have further sought to increase this natural strength of the majority by artificial means.[1]

Of all political powers, the legislature obeys most readily the will of the majority. Americans have decided that members of

1. We saw, when we were looking at the federal constitution, that the Union legislators had made great efforts to counteract this. The result of these efforts has been to make the federal government more independent in its own sphere than that of the states. But the federal government scarcely ever concerns itself with anything but foreign affairs; it is the state governments that are in real control of American society.

the legislature should be appointed *directly* by the people and for a *very brief* term of office, so as to force them to bow not only to general public opinion but also to the passing passions of their constituents.

The members of both houses have been chosen from the same class and appointed in the same way; the consequence of this is that the deliberations of the legislative body are almost as swift as and no less irresistible than those of a single assembly.

Having constituted the legislature in this way, almost all the powers of government have been concentrated in its hands.

At the same time as the law increased the strength of naturally powerful authorities, it increasingly weakened those that were by nature weak. It granted the representatives of the executive neither stability nor independence and, by subordinating them completely to the whims of the legislature, it deprived them of what little influence democratic government might have allowed them to exert.

In several states, the majority elected the judicial authorities and in all states the latter depended in a way upon the power of the legislature whose representatives annually settled the judges' salaries.

Custom has furthered this process beyond what the law demanded.

Increasingly in the United States one habit is gaining ground which will, in the end, nullify the guarantees of representative government: very frequently the electors, having elected their delegate, will lay down a plan of behavior and will impose upon him a certain number of positive commitments he could in no way avoid. It is as if the majority itself, quite near to breaking into a rabble, were arguing its case in the marketplace.

In America, several special circumstances still tend to make the power of the majority not merely all-powerful but also irresistible.

The moral ascendancy of the majority is partly founded upon the idea that more enlightenment and wisdom are found in a group of men than in one man alone and that the number of legislators counts for more than who is elected. This is the theory of equality applied to intelligence and is a doctrine which attacks

man's pride in its final hiding place; for that reason, the minority admits it reluctantly but gets used to it only after a long while. Like all powers, and possibly more than any other, that of the majority needs, therefore, to last a long time to appear legitimate. In the early stages, it commands obedience by constraint; only after living under the law for a long period of time do people begin to respect it.

The concept of the right of the majority to govern society, based on enlightenment, was brought to the United States by its first inhabitants. This idea, which alone would be enough to create a free nation, has today passed into common usage and appears even in the slightest habits of life.

The French, under the old monarchy, took it as read that the king could do no wrong and that whenever he acted badly, the blame should be laid at the door of his advisers. This made obedience wonderfully simple. One could grumble against the law while continuing to love and respect the legislator. Americans hold the same opinion of the majority.

The moral authority of the majority is also founded upon the principle that the interests of the greatest number must take precedence over those of the smallest. Now, it is readily understood that the respect professed for the right of the greatest number naturally grows or shrinks according to the state of the parties. When a nation is divided between several great irreconcilable interests, the privilege of the majority is often disregarded because it becomes too burdensome to submit to it.

If there existed a class of American citizens which the legislator was striving to strip of certain exclusive advantages which they had enjoyed for centuries, and wanted to bring them down from their elevated station to join the ranks of the crowd, this minority would probably not submit easily to his laws.

But, since the United States is peopled by men equal to each other, there is still no natural or permanent antagonism between the interests of the different inhabitants.

There is a state of society in which the members of a minority can never hope to win over the majority because, to do so, would entail the abandonment of the very object of the struggle they are waging against it. For example, an aristocracy could

never become a majority as well as preserve its exclusive privileges and it could never let go of its privileges without ceasing to be an aristocracy.

In the United States political questions cannot be framed in such a general or absolute fashion and all parties are ready to acknowledge the rights of the majority because they are all hoping to be able one day to exercise them to their own advantage.

Hence the majority in the United States possesses immense actual power and a power of opinion almost as great; and when it has once made up its mind over a question, there are, so to speak, no obstacles which might, I will not say halt, but even retard its onward course long enough to allow it time to heed the complaints of those it crushes as it goes by.

The consequences of this state of affairs are dire and dangerous for the future.

HOW IN AMERICA THE OMNIPOTENCE OF THE MAJORITY INCREASES THE LEGISLATIVE AND ADMINISTRATIVE INSTABILITY NATURAL TO DEMOCRACIES

How the Americans increase the instability of the legislature which is natural to democracies by changing their legislators annually and by arming them with almost limitless power—The same effect felt in the administration—In America social improvements are promoted by an infinitely greater yet less consistent drive than in Europe.

I have previously mentioned the defects natural to democratic government and not a single one of them fails to increase along with the growing power of the majority.

To begin with the most powerful of all: the instability of the legislature is an inbuilt weakness of democratic government because it is in the nature of democracies to bring fresh faces to power. But this weakness is greater or less according to the power and means of action granted to the legislator.

In America, sovereign power is invested in the legislative

authority, which can then carry out any of its wishes swiftly and without opposition; every year it is given new representatives. This means that precisely that combination has been adopted which most favors democratic instability and allows democracy to apply to the most important issues its ever changing wishes.

Thus America is today the one country in the world where laws last for the least time. Almost all American constitutions have been amended over the last thirty years. Every American state has, therefore, altered the basis of its laws during that period.

As for the laws themselves, a glance over the various state archives is all you need to be convinced that the activities of the American legislator never slow down. Not that American democracy is of its nature more unstable than any other but it has, in the making of its laws, been allowed to follow the natural instability of its inclinations.[2]

The omnipotence of the majority and the swift and absolute manner of the execution of its will in the United States not only increase the instability of the law but also have the same effect on the enactment of the law and the activity of public administration.

Since the only authority one wishes to please is the majority, all its projects are supported with enthusiasm; but as soon as its attention is drawn elsewhere, all effort comes to an end, whereas, in all the free states of Europe where administrative authority enjoys an independent existence and a stable position, the wishes of the legislator continue to be executed even when he is otherwise occupied.

In America, a great deal more enthusiasm and energy are spent on certain improvements than would be spent elsewhere.

In Europe, an infinitely smaller but more consistent force is used on these same matters.

2. The legislative acts passed by the state of Massachusetts alone from the year 1780 to the present time already fill three huge volumes. We have also to note that the collection to which I allude was revised in 1823 when many old laws which had fallen into disuse were set aside. Now the state of Massachusetts, which has a population no bigger than a French *département*, may be considered as the most stable in the entire Union and the one which shows the most prudence and wisdom in its undertakings.

Several years ago, several religious men undertook to improve the state of the prisons. The public was roused by their opinions and the rehabilitation of criminals became a popular cause.

New prisons were then built. For the first time, the idea of reforming the criminal crept into the prison cell alongside that of punishing him. But this fortunate revolution, which was carried along with such public zeal and which became irresistible through the combined efforts of the citizens, could not be accomplished in an instant.

Alongside the new penitentiaries built quickly, prompted by the desire of the majority, the old prisons still remained and continued to house a large number of the guilty. These seemed to turn more unsavory and more corrupting as the new ones became more reforming and more healthy. Such a twin effect is easy to understand: preoccupied with the idea of founding a new establishment, the majority had forgotten the already existing one. Then everyone averted their eyes from the object which had ceased to attract their masters' gaze and supervision stopped. The salutary bonds of discipline first relaxed and soon afterwards broke asunder. And by the side of the prison which was the lasting monument of gentleness and enlightenment in our time stood a cell which recalled the barbarity of the Middle Ages.

TYRANNY OF THE MAJORITY

How the principle of the sovereignty of the people should be understood—Impossibility of imagining a mixed government—Sovereign power must be placed somewhere—Precautions necessary for moderating its influence—These precautions have not been taken in the United States—The result of that.

The maxim that in matters of government the majority of a nation has the right to do everything I regard as unholy and detestable; yet, I place the origin of all powers in the will of the majority. Am I contradicting myself?

One universal law has been made, or at least accepted, not

only by the majority of such and such a nation but by the majority of all men: that is the law of justice.

Justice, therefore, forms the boundary stone of the right of each nation.

A nation resembles a jury entrusted with the task of representing universal society and of applying justice which is its law. Should the jury representing society have more power than society itself whose laws it administers?

When, therefore, I refuse to obey an unjust law, I am not denying the majority's right to give orders; I simply appeal to the sovereignty of the human race over that of the people.

Some people have not been frightened to state that a nation could not entirely exceed the limits of justice and reason in those things which involved only itself and that there is, therefore, no necessity to fear giving complete power to the majority representing it. But that is the language of a slave.

So, what is a majority taken as a collective whole, if not an individual with opinions and quite often interests, in opposition to another individual whom we call a minority? Now, if you admit that an all-powerful man can abuse his power against his opponents, why not admit the same thing for a majority? Have men, united together, changed their character? Have they become more patient of obstacles by becoming stronger?[3] For my part, I cannot think so and I shall never grant to several the power to do anything they like which I refuse to grant to a single one of my fellows.

It is not that I think, in order to preserve liberty, that several principles are best combined in the same government so as to place one in real opposition to another.

A so-called mixed government is an illusion. There is no truly mixed government (in the sense given to this word) because, in every society, one discovers in the end one principle of action which dominates all the others.

3. No one would wish to assert that a nation cannot abuse its strength against another nation. Now the parties are virtually a set of small nations within a great one; they are like foreigners in relation to each other.

If we agree that one nation can be despotic toward another, how can we deny that one party may be the same toward another party?

England, in the eighteenth century, quoted particularly as an example of such types of government, was an essentially aristocratic state even though considerable democratic elements existed within it, for laws and customs were so set up that the aristocracy was always going to predominate in the end and to govern public matters along its own lines.

The error stemmed from the fact that people saw the interests of the great in constant conflict with those of the common people and thus thought only about this struggle instead of paying attention to the outcome of this struggle, which was the more important issue. When a society really does have a mixed government, that is to say, one equally divided between opposing principles, it embarks upon revolution or it breaks apart.

I, therefore, think that one social authority, superior to all the others, should be placed somewhere, but I believe freedom to be under threat when that authority sees no barrier in its way which can hinder its course and give it the time to restrain itself.

Omnipotence seems self-evidently a bad and dangerous thing. Its exercise appears to be beyond man's powers, whoever he might be, and I see that only God can be omnipotent without danger because his wisdom and justice are always equal to his power. There is, therefore, no earthly authority so worthy of respect or vested with so sacred a right that I would wish to allow it unlimited action and unrestricted dominance. When, therefore, I see the right and capacity to enact everything given to any authority whatsoever, whether it be called people or king, democracy or aristocracy, whether exercised in a monarchy or a republic, I say: the seed of tyranny lies there and I seek to live under different laws.

My main complaint against a democratic government as organized in the United States is not its weakness, as many Europeans claim, but rather its irresistible strength. And what I find most repulsive in America is not the extreme freedom that prevails there but the shortage of any guarantee against tyranny.

When a man or a party suffers from an injustice in the United States, to whom can he turn? To public opinion? That is what forms the majority. To the legislative body? That represents the majority and obeys it blindly. To the executive power? That is

appointed by the majority and serves as its passive instrument. To the public police force? They are nothing but the majority under arms. To the jury? That is the majority invested with the right to pronounce judgments; the very judges in certain states are elected by the majority. So, however unfair or unreasonable the measure which damages you, you must submit.[4]

But, suppose you had a legislative body composed in such a way that it represented the majority without necessarily being the slave of its passions, or an executive authority with its own

4. A striking example of the excesses which the despotism of the majority may occasion was seen in Baltimore during the war of 1812. At that time the war was very popular in Baltimore. A newspaper opposed to it aroused the indignation of the inhabitants by taking that line. The people came together, destroyed the printing presses and attacked the journalists' premises. The call went out to summon the militia which, however, did not respond to the call. In order to save these wretched fellows threatened by the public frenzy the decision was taken to put them in prison like criminals. This precaution was useless. During the night the people gathered once again; when the magistrates failed to summon the militia, the prison was forced, one of the journalists was killed on the spot and the others were left for dead. The guilty parties, when standing before a jury, were acquitted.

I said one day to someone who lived in Pennsylvania: "Kindly explain to me how, in a state founded by Quakers and celebrated for its tolerance, free Negroes are not allowed to exercise their civil rights. They pay their taxes; is it not fair that they should have the vote?"

"You insult us," he replied, "if you imagine that our legislators committed such a gross act of injustice and intolerance."

"Thus the blacks possess the right to vote in this country?"

"Without any doubt."

"So, how does it come about that at the polling-booth this morning I did not notice a single Negro in the crowd?"

"That is not the fault of the law," said the American to me. "It is true that the Negroes have the right to participate in the elections but they voluntarily abstain from making an appearance."

"That is indeed very modest of them."

"It is not that they are refusing to attend, but they are afraid of being mistreated. In this country it sometimes happens that the law lacks any force when the majority does not support it. Now, the majority is imbued with the strongest of prejudices against the blacks and the magistrates do not feel that they have enough strength to guarantee the rights which the legislator has conferred upon them."

"So you mean that the majority, which has the privilege of enacting the laws, also wishes to enjoy the privilege of disobeying them?"

independent strength, or a judiciary independent of the other two, you would still have a democratic government but with hardly any risk of tyranny.

I am not suggesting that, at the present time in America, there are frequent instances of tyranny. I am saying that no guarantee against tyranny is evident and that the causes for the mildness of the government should be sought more in circumstances and habits than in laws.

EFFECTS OF THE OMNIPOTENCE OF THE MAJORITY ON THE ARBITRARY POWER OF AMERICAN PUBLIC OFFICIALS

The freedom which American law allows to public officials within the sphere of office drawn for them—Their power.

A distinction must be made between arbitrary power and tyranny. Tyranny may thrive by means of the law itself and then it is no longer arbitrary; arbitrary power may thrive in the interests of the governed and then it is not tyranny.

Tyranny usually makes use of arbitrary power but can do without it when needs be.

In the United States the omnipotence of the majority, while supporting the legal despotism of the legislator, also supports the arbitrary power of the magistrate. Since the majority has absolute control over making the law and supervising its execution, and since it has equal control over rulers and ruled, it considers its public officials as its passive agents and is glad to leave to them the care of serving its strategies. It, therefore, does not itemize in advance the details of their duties and scarcely bothers to define their rights. It treats them as a master would his servants if, seeing their every action, he was always able to direct or correct their conduct at any moment.

Within the sphere of office drawn for them, the law generally leaves American officials a freer rein than ours. Sometimes the majority even allows them to stray from those rules. They then dare to do things which a European, accustomed to the spectacle of arbitrary power, finds astonishing; this is because they are

assured of the views of the greatest number and gain strength from its support. Thus habits are forming at the heart of freedom which one day could be fatal to its liberties.

THE POWER EXERCISED BY THE MAJORITY IN AMERICA OVER THOUGHT

In the United States, when the majority has irrevocably decided any question, discussion ceases—Why?—The moral power exerted by the majority over thought—Democratic republics render despotism immaterial.

When one happens to examine how thought is exercised in the United States, one sees very clearly how far the power of the majority exceeds all the powers known to us in Europe.

Thought is an invisible power which cannot be bound and which makes fun of tyrannies. In our day, the most absolute sovereigns in Europe cannot prevent certain thoughts hostile to their authority from circulating secretly in their states or even in the heart of their courts. The same is not true of America; as long as the majority cannot make up its mind, speech is allowed; as soon as it has pronounced its irrevocable decision, speech is silenced. Friends along with enemies seem to hitch themselves to its wagon. The reason for that is simple: no monarch is so absolute that he can gather all the forces of society into his own hands and overcome resistance as can a majority endowed with the right of enacting laws and executing them.

Moreover, a king has a power which is only physical, affecting people's actions and unable to influence their wills. But the majority is endowed with a force both physical and moral which affects people's will as much as their actions and which at the same time stands in the way of any act and the desire to do it.

I know of no country where there is generally less independence of thought and real freedom of debate than in America.

Every possible religious or political theory may be preached freely in the constitutional states of Europe and may spread into all the others; for no European country is so subject to a single power that a man wishing to express the truth there cannot find

support enough to protect him against the consequences of his independence. If he has the misfortune to live under an absolute government, he often enjoys the support of the people; if he lives in a free country, he may, if the need arises, shelter behind the authority of the monarch. The aristocratic part of society may support him in democratic countries, while democracy will do so in others. But within a democracy organized like that of the United States, only one power is encountered, only one source of strength and success, with nothing outside them.

In America, the majority has staked out a formidable fence around thought. Inside those limits a writer is free but woe betide him if he dares to stray beyond them. Not that he need fear an auto-da-fé[a] but he is the victim of all kinds of unpleasantness and everyday persecutions. A political career is closed to him for he has offended the only power with the capacity to give him an opening. He is denied everything, including renown. Before publishing his views, he thought he had supporters; it seems he has lost them once he has declared himself publicly; for his detractors speak out loudly and those who think as he does, but without his courage, keep silent and slink away. He gives in and finally bends beneath the effort of each passing day, withdrawing into silence as if he felt ashamed at having spoken the truth.

Formerly tyranny employed chains and executioners as its crude weapons; but nowadays civilization has civilized despotism itself even though it appeared to have nothing else to learn.

Princes had, so to speak, turned violence into a physical thing but our democratic republics have made it into something as intellectual as the human will it intends to restrict. Under the absolute government of one man, despotism, in order to attack the spirit, crudely struck the body and the spirit escaped free of its blows, rising gloriously above it. But in democratic republics, tyranny does not behave in that manner; it leaves the body alone and goes straight to the spirit. No longer does the master say: "You will think as I do or you will die"; he says: "You are free not to think like me, your life, property, everything will be untouched but from today you are a pariah among us. You will retain your civic privileges but they will be useless to you, for if

you seek the votes of your fellow citizens, they will not grant you them and if you simply seek their esteem, they will pretend to refuse you that too. You will retain your place amongst men but you will lose the rights of mankind. When you approach your fellows, they will shun you like an impure creature; and those who believe in your innocence will be the very people to abandon you lest they be shunned in their turn. Go in peace; I grant you your life but it is a life worse than death."

Absolute monarchies had brought despotism into dishonor; let us guard against democratic republics reinstating it and rendering it less odious and degrading in the eyes of the many by making it more burdensome for the few.

Among the proudest nations of the Old World works were published which aimed to portray faithfully the defects and absurdities of their contemporaries; La Bruyère[b] was living in Louis XIV's palace when he wrote his chapter on great men and Molière[c] was criticizing the court in plays he was acting in front of the courtiers. But the dominating power in the United States does not understand being mocked like that. The slightest reproach offends it, the smallest sharp truth stimulates its angry response and it must be praised from the style of its language to its more solid virtues. No writer, however famous, can escape from this obligation to praise his fellow citizens. The majority lives therefore in an everlasting self-adoration. Only foreigners or experience might be able to bring certain truths to the ears of Americans.

If America has not yet found any great writers, we should not look elsewhere for reasons; literary genius does not thrive without freedom of thought and there is no freedom of thought in America.

The Inquisition[d] was never able to stop the circulation in Spain of books hostile to the religion of the majority. The power of the majority in the United States has had greater success than that by removing even the thought of publishing such books. You come across skeptics in America but skepticism cannot find an outlet for its views.

One finds governments that strive to protect public morals by condemning the authors of licentious books. In the United

States, no one is condemned for these types of work; there again no one is tempted to write them. However, it is not that all citizens have pure morals but that those of the majority are well regulated.

Here no doubt the use of this power is good; thus I speak only of power in itself. This irresistible power is a continuous fact and its good use only an accident.

EFFECTS OF THE TYRANNY OF THE MAJORITY ON AMERICAN NATIONAL CHARACTER; THE COURTIER SPIRIT IN THE UNITED STATES

The effects of the tyranny of the majority make themselves felt up until now more upon the morality than the behavior of society—They halt the development of great characters—Democratic republics organized on American lines place the courtier spirit within the reach of great numbers of citizens—Evidence of this spirit in the United States—Why more patriotism is present in the people than in those who rule in their name.

The influence of what I have been talking about makes itself felt only weakly in political society but already some vexing effects are evident in the American national character. I think that the presence of the small number of remarkable men upon the political scene has to be due to the ever-increasing despotism of the American majority.

When the American revolution broke out, such men emerged in great numbers; at that time, public opinion directed men's wills without tyrannizing them. The famous men of that period, in free association with the intellectual movement of that age, had a greatness all their own and spread their brilliance on the nation, not vice versa.

In absolute governments, great men surrounding the throne flatter the passions of the master and readily bow to his whims. But the mass of the nation does not take kindly to servitude, submitting to it often from weakness, habit, ignorance, or sometimes from its affection for royalty or for the king himself.

Nations have been known to derive a sort of pleasure or pride from sacrificing their will to that of the prince and thus inserting a kind of independence of mind into the very heart of their obedience. In such nations one encounters much less degradation than misery. Besides, there is a considerable difference between doing what you do not approve and pretending to approve what you are doing; the first is the act of a weak man but the second simply befits the ways of a valet.

In free countries, where everyone is more or less called upon to give an opinion of state affairs, and in democratic republics, where public and private life is constantly muddled together, where the sovereign is approachable from every side and where simply by raising one's voice one can attract his attention, you find many more people seeking to speculate on his weakness and to live off his passions than in absolute monarchies. It is not that men are naturally worse there than elsewhere, but that the temptation there is stronger and is available to more people at the same time. The consequence is a much more universal lowering of spiritual standards.

Democratic republics place the spirit of a court within the reach of a great number of citizens and allow it to spread through all social classes at once. That is one of the most serious criticisms that can be made against them.

That is especially true of democratic states organized on the lines of American republics in which the majority possesses such an absolute and irresistible power that a citizen has to abandon to some extent his rights and, so to speak, his very qualities as a man, if he wishes to diverge from the path marked out by the majority. Among the huge throng of those pursuing a political career in the United States, I saw very few men who displayed that manly openness, that male independence of thought, which has often distinguished Americans in previous times and which, wherever it is found, is virtually the most marked characteristic of great men. At first glance, one might suppose that all American minds had been fashioned on the same model because they so closely follow the same paths. It is true that sometimes foreigners meet Americans who deviate from the straitjacket of formulas; such men may deplore the defects of the law, the

instability of democracies, and the lack of enlightenment. They often go so far as noting the defects which are changing the national character and outline the means for correcting them. But you are the only one to listen to them and you, the confidant of these secret thoughts, are nothing more than a foreigner passing through. They are quite ready to release useless truths to you and use quite another language once down in the market square.

If these lines ever reach the American public, I am convinced of two things: firstly, that readers will all raise their voices in condemnation; secondly many of them will forgive me from the depths of their conscience.

I have heard the motherland spoken of in the United States. I have encountered a sincere patriotism in the people. I have often looked in vain for any such thing in their rulers. An analogy makes this easily understandable: despotism corrupts the man who submits to it much more than the man who imposes it. In absolute monarchies the king often has great virtues but the courtiers are always the lowest of the low.

It is true that American courtiers never say: "Sire," or "Your Majesty," as if this difference was of great importance, but they do constantly speak of the natural enlightenment of their master. They do not seek to question which is the most admirable of the prince's virtues for they convince him that he has every virtue without his having acquired them and without, so to speak, desiring them. They do not give him their wives or daughters for him kindly to raise them to the position of his mistresses but, in sacrificing their opinions to him, they prostitute themselves.

American moralists and philosophers are not forced to wrap their opinions in veils of allegory but, before risking an inconvenient truth, they say: "We know we speak to a nation too far above human weaknesses for them to remain other than masters of themselves. We would not use such language unless we were addressing men whose virtues and education make them alone among all others worthy to remain free."

How could the flatterers of Louis XIV better that?

For my part, I believe that in all governments of whatever sort meanness will attach itself to force and flattery to power. I know of only one method of preventing men from being debased and that is to grant to no one who has omnipotence the sovereign power to demean them.

THE GREATEST DANGER FOR AMERICAN REPUBLICS COMES FROM THE OMNIPOTENCE OF THE MAJORITY

Democratic republics are exposed to collapse through the poor use of their power, not through their lack of it—The government of American republics more centralized and more energetic than that of European monarchies—Resulting danger—Madison's and Jefferson's opinion on this subject.

Governments usually collapse through lack of power or through tyranny. In the former case, power slips from their hands; in the latter, it is snatched away.

Many people, on seeing democratic states succumb to anarchy, have supposed that the government of these states was fundamentally weak and powerless. The truth is that the government loses all influence over society once war has broken out among the parties. But I think it is not the fundamental nature of democratic power to lack strength or resources; rather, it is the abuse of its strength and the poor use of its resources that bring about its downfall. Almost always anarchy grows out of tyranny or the incompetence of democracy but not its powerlessness.

Stability must not be confused with strength, nor the greatness of anything with its duration. In democratic republics, the authority directing society[5] is not stable for it often changes personnel and its aims. But wherever it is exercised, its strength cannot be resisted.

The government of American republics appears to me as centralized and more energetic than that of the absolute

5. This power may be centralized in an assembly when it is strong without being stable; or it may be centralized in one individual when it is less strong but more stable.

monarchies of Europe. So I do not suppose that weakness will cause its downfall.[6]

If ever freedom is lost in America, blame will have to be laid at the door of the omnipotence of the majority, which will have driven minorities to despair and will have forced them to appeal to physical force. Then one will see anarchy which will come as a consequence of despotism.

President James Madison has expressed these same thoughts. (See *The Federalist*, no. 51.)

"It is of great importance in a republic, not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part. Justice is the end of government. It is the end of civil society. It ever has been, and ever will be, pursued until it be obtained, or until liberty be lost in the pursuit. In a society, under the forms of which the stronger faction can readily unite and oppress the weaker, anarchy may as truly be said to reign as in a state of nature, where the weaker individual is not secured against the violence of the stronger: and as, in the latter state, even the stronger individuals are prompted by the uncertainty of their condition to submit to a government which may protect the weak as well as themselves, so, in the former state, will the more powerful factions be gradually induced by a like motive to wish for a government which will protect all parties, the weaker as well as the more powerful. It can be little doubted, that, if the state of Rhode Island was separated from the Confederacy and left to itself, the insecurity of rights under the popular form of government within such narrow limits would be displayed by such reiterated oppressions of factious majorities, that some power altogether independent of the people would soon be called for by the voice of the very factions whose misrule had proved the necessity of it."

Jefferson also said: "The executive in our government is not the sole, it is scarcely the principal object of my jealousy. The

6. I am supposing that is unnecessary to warn the reader that, in this instance, as in the rest of the chapter, I am speaking not of the federal government but of the individual governments of each state which are directed tyrannically by the majority.

tyranny of the legislators is the most formidable dread at present, and will be for long years. That of the executive will come in its turn, but it will be at a remote period."[7]

In this matter I prefer to quote Jefferson to anyone else because I regard him as the most powerful apostle democracy has ever had.

CHAPTER 8

WHAT MODERATES THE TYRANNY OF THE MAJORITY IN THE UNITED STATES

ABSENCE OF ADMINISTRATIVE CENTRALIZATION

The majority does not intend to do everything—It is obliged to use the magistrates of the townships and counties to execute its sovereign wishes.

I have previously made a distinction between two types of centralization; the one called governmental, the other administrative.

The first exists solely in America; the second is almost unknown.

If the directing authority in American societies had both these means of government available and combined the right of total command with the capacity and habit of total execution; if, after establishing the principles of government on a general level, it descended to the very details of application, and, after regulating the country's affairs on a grand scale, it could extend even to the affairs of individuals, freedom would soon be obliterated from the New World.

But, in the United States, the majority, which often has

7. Letter from Jefferson to Madison, 15 March 1789.

despotic tastes and instincts, still lacks the most developed tools of tyranny.

In none of the American republics has the central government ever been occupied with anything but a small number of matters whose importance attracts its attention. It has not undertaken the regulation of society's secondary affairs. There is nothing to indicate it has even conceived the wish to do so. As the majority has become increasingly absolute, it has not enlarged the powers of the central authority; it has only made it omnipotent in its own sphere of action. Thus tyranny can be a burden at one point but could not extend to all points of influence.

Besides, however much the national majority may be driven by its passions, however enthusiastically it pursues its plans, it could not, in the same way, in every location, make all the citizens bow to its wishes at the same moment. When the central government which represents it issues a sovereign command, it has to rely for the execution of its orders upon agents who often do not depend upon it and who cannot be given minute by minute directions. As a result, municipal bodies and county administrations form so many hidden reefs which hold back or separate the flood of the people's will. Were the law to be oppressive, freedom would soon discover a means of protection in its method of executing this law. The majority could not possibly go into every detail nor, dare I say, into the trivialities of administrative tyranny. Indeed it does not imagine it could do so, for it does not possess total awareness of its own power. It still knows only its own natural forces and is unaware how far skill could extend its scope.

It is worth thinking about this point. If a democratic republic, similar to that of the United States, ever came to be founded in a country where the power of one man had already established a central administration and made it accepted by habit and law, I have no hesitation in saying that, in such a republic, tyranny would be less tolerable than in any of the absolute monarchies of Europe. You would need to go to Asia to find anything with which to compare it.

THE ATTITUDE OF THE AMERICAN LEGAL PROFESSION AND HOW IT ACTS AS A COUNTERBALANCE TO DEMOCRACY

The usefulness of examining what are the natural tendencies of the legal mind—The lawyers summoned to play an important role in a society struggling into existence—How the type of work undertaken by lawyers gives an aristocratic turn to their ideas—Chance circumstances which may block the development of these ideas—The ease with which the aristocracy unites with the lawyers—The use a despot could make of lawyers—How lawyers are the only aristocratic element which is naturally able to combine with elements natural to democracy—Particular causes which tend to give an aristocratic turn to the English and American legal mind—American aristocracy sits at the bar and on the bench—Lawyers' influence on American society—How their attitudes penetrate the legislature and administration ending up by giving the nation itself something of the instincts of magistrates.

On visiting Americans and studying their laws, one realizes that the power given to lawyers and the influence permitted to them in government today form the most potent barrier against the excesses of democracy. This result seems to stem from a general cause which it is worth examining for it may recur elsewhere.

Lawyers have been involved in all the movements in European society for five hundred years, now as tools of the political authorities, now using the political authorities as tools. In the Middle Ages, lawyers offered wonderful cooperation to kings in the development of their authority which, since that time, they have worked powerfully to restrict. In England they were seen in close union with the aristocracy; in France, they have proved its most dangerous enemies. Do lawyers, therefore, yield only to sudden and temporary impulses or do they obey, more or less according to circumstances, constantly recurring instincts which are natural to them? I should like to clarify this issue for

perhaps lawyers are called upon to play the leading part in a political society struggling into existence.

Men who have made the law their special study have learned habits of orderliness from this legal work, a certain taste for formalities, a sort of instinctive love for a logical sequence of ideas, all of which make them naturally opposed to the revolutionary turn of mind and the ill-considered passions of democracy.

The specialized knowledge and study of the law acquired by lawyers guarantee them a position apart in society and make them into a sort of privileged intellectual class. In the exercise of their profession, they daily encounter the idea of superiority; they are experts in a vital area of knowledge which is not widely available; they arbitrate between citizens and the habit of guiding the blind passions of litigants toward an outcome gives them a certain scorn for the judgment of the crowd. In addition to that, they make up a natural professional body. Not that they all agree with each other or direct their combined energies toward the same point but that their shared studies and like methods link their minds together as their common interests link their desires.

Thus, in the depths of lawyers' souls a part of the tastes and practices of the aristocracy is found and they share the latter's instinctive liking for order, its natural love of formality and similarly conceive a deep distaste for the activities of the crowd and secretly despise the government of the people.

I do not imply that these natural tendencies of lawyers are strong enough to bind them in any irresistible fashion. What dominates lawyers, as all men, is individual self-interest and, above all, the concerns of the passing moment.

There are societies where lawyers cannot hold in the political world the same rank they occupy in their private life; in a society so ordered you may be certain that lawyers will be very active agents of revolution. But we must inquire whether it is a permanent feature of their character or accidental circumstances which lead them to destroy or to change. It is true that lawyers contributed to an unusual degree to the overthrow of the French monarchy in 1789. It remains to be seen whether they acted

because they had studied law or because they could not share in making it.

Five hundred years ago, the English aristocracy placed itself at the head of the people and spoke in its name; today it supports the throne and stands as the champion of royal authority. But aristocracy has instincts and leanings which are peculiar to itself.

It is also necessary to be careful not to confuse isolated members of that body with the body itself.

In all free governments, whatever their make-up, lawyers will appear in the leading ranks of all parties. This same observation is true of the aristocracy. Almost all democratic movements which have troubled the world have been led by the nobility.

An elite body can never satisfy the ambitions of all its members; there are always more talents and passions than tasks to deploy and there are bound to be a great number of men who, being unable to rise quickly enough by exploiting the privileges of the group, seek fast promotion by attacking those very privileges.

Therefore I am not claiming that *all* lawyers will ever, or that most of them will *always*, prove supporters of order and enemies of change.

I am saying that in a society where lawyers unquestionably hold the high rank which naturally belongs to them, their attitude will be dominantly conservative and will prove anti-democratic.

When the aristocrats close their ranks to lawyers, they find the latter to be all the more dangerous as enemies because, although inferior to them in wealth and power, they are independent of them through their work and feel on a similar level through their intelligence.

But whenever the nobility has decided to share some of their privileges with the lawyers, these two classes have found many things which make it easy for them to join forces and have found that they belong to the same family, as it were.

Equally, I am inclined to believe that it will always be easy for a king to turn lawyers into the most useful instruments of his power.

There is immeasurably more natural sympathy between men

of the law and the executive officials than between the former and the people, even though lawyers often have to topple the executive; similarly, more natural sympathy exists between the nobility and the king than between the former and the people even though the upper social classes have been known to unite with others to fight against the power of the king.

What lawyers love above all is order and the greatest safeguard of order is authority. However, we must not forget that, valuing liberty as they might, they generally rate legality as much more precious. They fear tyranny less than arbitrary power and they are more or less content provided that it is the legislator himself who is responsible for removing men's independence.

I therefore think that the prince who sought, in the face of an encroaching democracy, to destroy the power of the judges in his states and to lessen the political influence of lawyers would be committing a great mistake. He would let go the substance of power to lay his hands on merely its shadow.

I am quite clear that he would find it better to bring the lawyers into the government. Having entrusted to them a violently achieved despotism, he might have received it back from them looking like justice and law.

Democratic government favors the political power of lawyers. When the wealthy, the nobles, and the prince are excluded from government, the lawyers come, as it were, into their own for they alone become the only enlightened and skilled men for a nation to choose outside its own ranks.

If lawyers are naturally drawn by their inclinations toward the aristocracy and the prince, their self-interest draws them just as naturally toward the people.

Thus lawyers like democratic government without sharing its inclinations or imitating its weaknesses; thus they derive a twin power from it and over it.

The people in a democracy are not suspicious of lawyers because they know that it is in their interest to serve the democratic cause; they listen to them without getting angry for they do not imagine that they have any ulterior motive. In fact, lawyers have no wish to overturn democracy's given government but they do strive endlessly to guide it along paths and by

methods which are alien to its own. The lawyer belongs to the people out of self-interest and birth but to the aristocracy by customs and tastes; he is virtually the natural liaison officer between these two and the link which unites them.

The legal body represents the sole aristocratic element to mix effortlessly with the natural features of democracy and to combine with them in a happy and lasting way. I am aware of the inherent defects in the attitude of lawyers; nevertheless, without this combination of the legal with the democratic mind, I doubt whether democracy could govern society for long and I hardly believe that nowadays a republic could hope to survive, if the influence of lawyers in its affairs did not grow in proportion to the power of the people.

The aristocratic character which I detect in the legal mind is much more pronounced still in the United States and England than in any other country. This is due not only to English and American legal studies but to the very nature of the legislation and the position of lawyers as its interpreters in these two nations.

Both English and Americans have kept the law of precedent which means that they still draw their opinions in legal matters and the decisions they have to pronounce from the legal opinions and decisions of their fathers.

An English or American lawyer almost always, therefore, combines his taste and respect for what is old with his love for regularity and legality.

This has yet another influence over the way lawyers think and consequently over the course of society.

The English or American lawyer seeks out what has been done before, whereas the French lawyer inquires what he ought to do; the former looks for judgments, the latter, reasons.

Listening to an English or American lawyer, you are surprised to hear him citing so often others' opinions and talking so little of his own, while the opposite subsists in France.

The French lawyer will introduce his own system of ideas in however small a case he agrees to conduct and he will take the discussion back to the constituent principles of the law with a view to persuading the court to move the boundary of the contested inheritance back by a couple of yards.

This sort of denial of their own opinion in favor of the opinions of their fathers and this type of forced subjugation of their own thought must give the English and American legal minds more timid habits and cause them to adopt more static attitudes in their country than their colleagues in France.

Our written laws are often difficult to understand but everyone can read them, whereas nothing could be more obscure and less within the reach of the common man than legislation based on precedents. The necessity for lawyers in England and the United States and the elevated opinion one has for their learning separate them increasingly from the people and end up by placing them in a class apart. The French lawyer is only a man of learning but the English or American lawyers resemble somewhat Egyptian priests and are, like them, the sole interpreters of an obscure science.

The social position of English and American lawyers exerts no less great an influence on their habits and opinions. The English aristocracy which took care to draw into itself everything bearing any likeness to itself afforded lawyers a very large share of consideration and power. In English society, lawyers do not occupy the top position but are content with the one they have. They form, as it were, the younger branch of the English aristocracy and love and respect their elder counterparts without sharing their privileges. English lawyers, therefore, unite the aristocratic interests of their profession with the aristocratic ideas and tastes of the society in which they live.

Thus it is in England, above all, that we see the most striking portrait of the type of lawyer I am attempting to depict; the English lawyer values the laws not so much because they are good but because they are old; if he is reduced to modifying them in some particular to adapt them to the changes wrought by time on society, he has recourse to the most incredible subtleties in order to be persuaded that any addition to the work of his fathers has only developed and amplified their efforts. Do not hope to make him acknowledge that he is an innovator; he will consent to go to absurd lengths before confessing to such an enormous crime. It is in England that was born this legal attitude, which seems indifferent to the essence of things, paying attention

only to the letter of the law and preferring to part company with reason and humanity rather than with the law.

English legislation is like an ancient tree on to which lawyers have grafted an endless series of the oddest shoots in the hope that, though the fruits are different, the leaves at least will match those of the venerable stem which supports them.

In America, there are neither nobles nor men of letters and the people distrust the wealthy. Lawyers, therefore, form the political upper class and the most intellectual section of society. Thus innovation can only damage them, which adds an interest in conservation to the natural liking for order.

If you ask me where American aristocracy is found, my reply would be that it would not be among the wealthy who have no common link uniting them. American aristocracy is found at the bar and on the bench.

The more one reflects on what is happening in the United States, the more one feels convinced that the legal body in this country forms the most power and, so to say, the only counterbalance to democracy.

In the United States, one has no difficulty in discovering the degree to which the legal mind is, both by its qualities and, I would even say, its defects, adapted to neutralize the inherent deficiencies in popular government.

When the American people become intoxicated by their enthusiasms or carried away by their ideas, lawyers apply an almost invisible brake to slow down and halt them. Their aristocratic leanings are secretly opposed to the instincts of democracy; their superstitious respect for what is old, to its love of novelty; their narrow views, to its grandiose plans; their taste for formality, to its scorn for rules; their habit of proceeding slowly, to its impetuosity.

The law courts are the most obvious institutions used by the legal fraternity to influence democracy.

The judge is a lawyer who, apart from his liking for order and rules learned from his legal studies, also imbibes a love of stability from the permanence of his office. His legal knowledge had already guaranteed him a high rank among his equals; his political power completes the task of placing him in a rank

apart and of giving him the instincts of the privileged classes.

Armed with the right of declaring laws unconstitutional, the American magistrate intrudes constantly upon political matters.[1] He cannot compel the people to make laws but, at least, he puts pressure upon them not to be unfaithful to their own laws and to remain in harmony with themselves.

I am aware that in the United States a tendency exists which leads the people to reduce the power of the judiciary; in most individual state constitutions, the government can remove judges from office at the request of both houses. Certain constitutions have the court judges *elected* and subject to frequent re-election. I venture to predict that these innovations will have, sooner or later, disastrous results and it will be seen that an attack has been directed against not only the power of judges but against the democratic republic itself.

Besides, one should not think that in the United States the legalistic attitude stays solely within the enclosed world of the courts; it stretches well beyond that.

Since lawyers form the only enlightened class not distrusted by the people, they are naturally summoned to hold most public offices. They fill the ranks of the legislature and head the administrations; they exercise, therefore, a great influence over the shaping of the law and its execution. Although lawyers are obliged to yield to the public opinion which draws them along, it is easy to see signs of what they would do, if they were free. Americans who have introduced so many innovations in their political laws have made only slight changes, and those with some reluctance, in their civil laws, although several of these laws are flagrantly repugnant to their social state. That is because the majority always has to turn to lawyers in matters of civil law and American lawyers do not introduce innovation, if the choice is left to them.

For a Frenchman, it is very strange to hear the complaint among Americans against the obstructive spirit and prejudices of lawyers in favor of everything established.

1. See what I have to say about judicial power in the first volume.

The influence of the legalistic attitude spreads yet further than the exact boundaries just indicated.

There is hardly a political question in the United States which does not sooner or later turn into a judicial one. From that comes the consequence that parties feel obliged to borrow legal ideas and language when conducting their own daily controversies. Since most men in public life are, or have been, lawyers, they apply their own habits and turn of mind to the handling of affairs. Jury service familiarizes all classes with this. Judicial language thus becomes pretty well the language of common speech; the spirit of the law starts its life inside schools and courtrooms only to spread gradually beyond their narrow confines; it insinuates itself, so to speak, into the whole of society right down to the lowest ranks until, finally, the entire nation has caught some of the ways and tastes of the magistrate.

Lawyers in the United States constitute a power which is little feared and hardly noticed; it carries no banner of its own and adapts flexibly to the demands of the time, flowing along unresistingly with all the movements of society. Nevertheless it wraps itself around society as a whole, is felt in all social classes, constantly continues to work in secret upon them without their knowing until it has shaped them to its own desires.

THE JURY IN THE UNITED STATES SEEN AS A POLITICAL INSTITUTION

The jury being one of the instruments of the sovereignty of the people must be closely related to the other laws which establish this sovereignty—Composition of American juries—Effects of juries on the national character—Education it gives to the people—How it tends to establish magistrates' influence and to spread legalistic attitudes.

Since my subject has naturally led me to talk of American justice, I shall not leave it without considering the jury.

One must make a distinction between the jury as a judicial institution and as a political one.

he adds the stamp of reason and the law. (See Appendix D, p. 851.)

In England and America judges exercise an influence over the outcome in criminal trials which the French judge has never known. The reason for this difference is easy to understand: the English or American magistrate, having established his authority in civil courts, simply transfers it after that to tribunals of another kind, where it was not first acquired.

There are cases, and often they are the most important, when the American judge has the right to pronounce alone.[7] He then finds himself by chance in the position normal for a French judge but with much greater moral authority: memories of the jury still follow him around and his voice assumes almost as much force as that of the society represented by those juries.

His influence spreads even well beyond the enclosed world of the courts—whether in the relaxed atmosphere of private life or in the work of political life, whether in the marketplace or in one of the legislatures, the American judge constantly sees around him men who are accustomed to view his intelligence as something superior to their own. And well after his power has been exercised in deciding cases, it influences the habits of mind and even the very soul of all those who have cooperated with him in judging them.

Thus the jury, which seems to be reducing the rights of the magistracy, in effect is founding its sway and there is not a single country where judges are as powerful as in those where the people take a share in their privileges.

It is especially with the help of juries in civil cases that American judges promote what I have called the legalistic attitude, even down to the lowest of the social classes.

Thus the jury, the most energetic method of asserting the people's rule, is also the most effective method of teaching them how to rule.

7. Federal judges almost always decide upon only those questions which touch closely upon the government of the country.

CHAPTER 9

THE MAIN CAUSES WHICH TEND TO MAINTAIN A DEMOCRATIC REPUBLIC IN THE UNITED STATES

A democratic republic continues in the United States. The main aim of this book has been to elucidate the causes of this state of affairs.

Among the reasons for this, there are several I have mentioned only in passing, or which the tenor of my subject has drawn me to touch upon unintentionally. Others I have been unable to discuss, while those I have been allowed to deal with at length have been left behind me, as it were buried in the detail of the book.

I have, therefore, thought that, before moving on to speak of the future, I should gather together in a short summary all the reasons which explain the present.

In this sort of synopsis I shall be brief for I shall take care to remind the reader only very cursorily of what he already knows; among the facts I have not yet had the opportunity to point out, I shall choose only the most important.

In my opinion, all the reasons which tend to maintain a democratic republic in the United States fall into three categories.

The first is the peculiar and accidental position in which Providence has placed the Americans; the second comes from their laws; the third derives from their usages and customs.

ACCIDENTAL OR PROVIDENTIAL CAUSES HELPING TO MAINTAIN A DEMOCRATIC REPUBLIC IN THE UNITED STATES

The Union has no neighbors—No great capital—The Americans have had the chances of birth in their favor—America is an empty country—How these circumstances are a powerful influence upon the maintenance of a democratic republic—How the wildernesses of America

are peopled—The eagerness of Anglo-Americans to take possession of the uninhabited wilds of the New World—Influence of physical prosperity on American political opinions.

Apart from the will of men, a thousand other circumstances favor a democratic republic in the United States. Some are well known; others easy to reveal. I shall confine myself to the most prominent.

The Americans have no neighbors and thus no great wars, financial crises, devastations, or conquests to dread. They need neither heavy taxes, nor a large army, nor great generals; they have almost nothing to fear from that scourge which is more terrible for democratic republics than all these put together, namely, military glory.

How can we deny the incredible influence of military glory on the opinion of a nation? General Jackson, chosen by the Americans twice as head of their government, is a man of a violent disposition and mediocre ability; nothing in the course of his career has ever proved that he had the necessary qualities to govern a free nation. In addition, the majority of the enlightened classes in the Union has always been against him. So, who has placed him upon the President's chair and still keeps him there? The recollection of a victory he won twenty years ago beneath the walls of New Orleans; now, that New Orleans victory[a] was a very commonplace feat of arms which no one would consider for long except in a country of no battles at all. And the nation which is easily carried away by the prestige of military glory has assuredly to be the coldest, the most calculating, the least militaristic and, if one may put it so, the most prosaic in all the world.

America has no great capital city[1] whose direct or indirect

1. America still has no capital city but already contains very large cities. In the year 1830, Philadelphia reckoned 161,000 inhabitants and New York 202,000. The ordinary people who dwell in these huge towns form a populace even more dangerous than that of European towns. In the first instance they are made up of freed Blacks condemned by the law and public opinion to an hereditary state of misery and degradation. In its midst you also meet a crowd of Europeans forced by misfortune or misconduct to sail for the shores of the New World; these men bring to the United States our most serious vices and they possess none of those interests which might counteract that influence. Since they inhabit the country without being citizens of it, they are ready to turn all the passions which agitate the community to their own advantage. Thus, for some time we have seen serious riots breaking out in Philadelphia and in New York. Such disturbances are unknown in the rest of the country which is not alarmed by them because the population in the cities has not exercised up until now any power or any influence over the inhabitants of the countryside.

   Nevertheless, I look upon the size of certain American cities and above all the nature of their inhabitants as a genuine danger threatening the future of the democratic republics of the New World and I do not hesitate to predict that that will be the source of their downfall unless their government succeeds in creating an armed force which will remain under the control of the majority of the nation, but which will be independent of the town population and thus able to repress its excesses.

influence is felt throughout the length and breadth of the land, a fact I regard as one of the foremost reasons why republican institutions are maintained in the United States. In towns men can hardly be prevented from assembling, getting overexcited together, and adopting sudden passionate resolutions. Towns virtually constitute great assemblies with all the inhabitants as members. In them, the people wield astonishing influence over their magistrates and often carry their desires into execution without the latter's intervention.

Once the provinces are subject to the capital, the destiny of the whole empire is placed not only in the hands of a section of the nation, which is unfair, but also into the hands of a nation acting unilaterally, which is most dangerous. The supremacy of capital cities represents a great threat to the representative system. It submits modern republics to the same defects as those of ancient times which have all perished from their ignorance of this system of government.

It would be simple for me to list a great number of other secondary reasons which have supported and confirmed the establishment and continuance of the democratic republic in the United States. But in the midst of this host of favorable circumstances I observe two main ones which I am anxious to point out.

I have already stated that I looked upon the origins of the Americans—what I have called their point of departure—as the first and most effective reason for the present-day prosperity of the United States. Americans have had the chances of birth in their favor: their forefathers imported to the land they now inhabit that equality of social conditions and intelligence from which the democratic republic was one day to emerge as from its natural source. That is still not all; besides this republican state of society, they bequeathed to their descendants the habits, ideas and customs which would be the best fitted to nurture a republic. When I think of what this original circumstance has achieved, I seem to see the whole destiny of America encapsulated in the first Puritan to land upon its shores, just as the first man led to the whole human race.

In the lucky circumstances which have supported and confirmed the establishment and continuance of the democratic republic in the United States, the most important is the choice of the country itself which Americans inhabit. Their fathers have given them the love of equality and freedom but it was God himself who granted them the means of long remaining equal and free by his gift of this boundless continent.

General prosperity supports the stability of all governments, but especially democratic governments which depend upon the attitudes of the greatest number and primarily upon the attitudes of those most exposed to privations. When the people rule, it is vital that they are happy, to avoid any threat to the stability of the state. Wretchedness has the same effect upon them as ambition does upon kings. Now, those physical causes, unconnected with laws, which can lead to prosperity are more numerous in America than in any other country at any time in history.

In the United States, not only is legislation democratic, but nature itself works on behalf of the people.

Where, within the memory of man, would we find anything akin to what is happening before our very eyes in North America?

The renowned societies of the ancient world were all founded in the midst of hostile nations which had to be conquered in order to take their place. Modern nations have themselves come

across immense lands in some parts of South America inhabited by peoples less educated than themselves but who had already taken possession of the land and were cultivating it. To found their estates, they had to destroy or enslave numerous populations and have brought shame on civilized behavior through their triumphs.

But North America was populated only by nomadic tribes who had no thought of exploiting the natural richness of the soil. Strictly speaking, it was still an empty continent, a deserted land waiting to be inhabited.

Everything about Americans is unusual from their social condition to their laws; but what is more unusual still is the land that supports them.

When the earth was handed over to men by their Creator, it was young and inexhaustible, while they were weak and ignorant; by the time they had learned to take advantage of the treasure it contained, they already lived everywhere on its surface so that they had to fight for possession of some small refuge where they could reside in freedom.

Then North America was discovered, as if God had held it in reserve and it had only just emerged from the waters of the Flood.

In this land we see, as on the first days of creation, rivers which never dry up, green and moist solitudes, boundless fields as yet untouched by the plowshare. In this condition, it is offered to man, no longer isolated, ignorant or barbarous as in early history but to the man who has already gained mastery of the most important secrets of nature and who has combined with his fellows to learn from the experience of fifty centuries.

At this time of writing, thirteen million civilized Europeans are quietly spreading over this fertile wilderness unaware as yet of the exact extent of the resources before them. Three or four thousand soldiers drive before them the nomadic native tribes; behind these armed forces woodcutters stride out into the depths of the forests, removing wild animals, exploring the course of rivers and preparing for the triumphal progress of civilization across the wilderness.

Often in the course of this work, I have alluded to the physical

prosperity enjoyed by Americans, which I have pointed out as one of the great reasons for the success of their laws. This reason had already been forwarded by a thousand others before me; it is the only one which has partially struck the attention of Europeans and become familiar to us. I shall, therefore, not enlarge upon a theme so often dealt with and understood; I shall simply add a few new facts.

It is generally supposed that the wildernesses of America are populated with the help of European immigrants disembarking annually on the shores of the New World, while the American population grows and multiplies on the soil occupied by their fathers. That is a mistaken view. The European arriving in the United States comes without friends and often without resources; he is forced to hire out his services in order to live and he seldom goes beyond the broad industrial zone stretching along the ocean. A wilderness cannot be cleared without capital or credit; before facing the risks of forest clearance, the body has to acclimatize itself to the rigors of this new climate. There are, therefore, Americans who abandon the place of their birth to create for themselves remote and extensive estates. Thus, the European quits his cottage to go and dwell on transatlantic shores and the American, born on these very shores, disappears in his turn into the central solitudes of America. This twin movement of immigration never halts; it starts in the heart of Europe, continues across the great ocean and then progresses across the solitudes of the New World. Millions of men are all marching together toward the same point on the horizon; they have different languages, religions, customs, but a common aim. They have been told that wealth was to be found somewhere toward the West and they rush to catch up with it.

Nothing is comparable to this continuous shift of mankind with the possible exception of what happened at the fall of the Roman Empire. Then, as now, men crowded together at the same point and formed a disorderly congregation in the same locations; but the plans of Providence were not the same. Then every newcomer brought death and destruction in his train, whereas today each of them carries with him the seeds of prosperity and life.

The distant consequences of this migration of Americans to the West still lie hidden in the future but the immediate results are easy to recognize: since a few of the former inhabitants move away each year from the states of their birth, the populations of these states grow very slowly although they are well established. Thus, in Connecticut, which still has only fifty-nine people to the square mile, the population has grown by only a quarter over the last forty years, whereas in England it has increased by a third over the same period. Hence the European immigrant always lands in a country half full where industry is short of manpower; he becomes a comfortably-off worker; his son moves off to seek his fortune in an empty land and turns into a wealthy landowner. The former amasses the capital which the latter puts to good use; neither foreigner nor native suffers poverty.

American legislation supports the division of property as much as possible; but there is one reason more powerful than legislation which stops the excessive division of this property.[2] This is very evident in those states which are at last beginning to be filled. Massachusetts is the most populated area of the Union with eighty inhabitants to the square mile, which is much less than in France with its one hundred and sixty-two.

In Massachusetts, meanwhile, it is already a rare occurrence for small estates to be divided up; generally the eldest retains the land while the younger sons seek their fortune in the wilds.

The law has established inheritance by the firstborn but one can state that Providence has re-established it without anyone's having cause to complain and, for once, at least without offending justice.

One single fact will allow us to judge the incredible number of individuals who leave New England in this way to settle themselves in the wilds. I have been told that in 1830 thirty-six members of Congress had been born in the small state of Connecticut whose population forms only one forty-third of that of the United States, while supplying one eighth of the representatives.

2. In New England the land is split up into very small estates but it is rarely divided further.

prosperity enjoyed by Americans, which I have pointed out as one of the great reasons for the success of their laws. This reason had already been forwarded by a thousand others before me; it is the only one which has partially struck the attention of Europeans and become familiar to us. I shall, therefore, not enlarge upon a theme so often dealt with and understood; I shall simply add a few new facts.

It is generally supposed that the wildernesses of America are populated with the help of European immigrants disembarking annually on the shores of the New World, while the American population grows and multiplies on the soil occupied by their fathers. That is a mistaken view. The European arriving in the United States comes without friends and often without resources; he is forced to hire out his services in order to live and he seldom goes beyond the broad industrial zone stretching along the ocean. A wilderness cannot be cleared without capital or credit; before facing the risks of forest clearance, the body has to acclimatize itself to the rigors of this new climate. There are, therefore, Americans who abandon the place of their birth to create for themselves remote and extensive estates. Thus, the European quits his cottage to go and dwell on transatlantic shores and the American, born on these very shores, disappears in his turn into the central solitudes of America. This twin movement of immigration never halts; it starts in the heart of Europe, continues across the great ocean and then progresses across the solitudes of the New World. Millions of men are all marching together toward the same point on the horizon; they have different languages, religions, customs, but a common aim. They have been told that wealth was to be found somewhere toward the West and they rush to catch up with it.

Nothing is comparable to this continuous shift of mankind with the possible exception of what happened at the fall of the Roman Empire. Then, as now, men crowded together at the same point and formed a disorderly congregation in the same locations; but the plans of Providence were not the same. Then every newcomer brought death and destruction in his train, whereas today each of them carries with him the seeds of prosperity and life.

The distant consequences of this migration of Americans to the West still lie hidden in the future but the immediate results are easy to recognize: since a few of the former inhabitants move away each year from the states of their birth, the populations of these states grow very slowly although they are well established. Thus, in Connecticut, which still has only fifty-nine people to the square mile, the population has grown by only a quarter over the last forty years, whereas in England it has increased by a third over the same period. Hence the European immigrant always lands in a country half full where industry is short of manpower; he becomes a comfortably-off worker; his son moves off to seek his fortune in an empty land and turns into a wealthy landowner. The former amasses the capital which the latter puts to good use; neither foreigner nor native suffers poverty.

American legislation supports the division of property as much as possible; but there is one reason more powerful than legislation which stops the excessive division of this property.[2] This is very evident in those states which are at last beginning to be filled. Massachusetts is the most populated area of the Union with eighty inhabitants to the square mile, which is much less than in France with its one hundred and sixty-two.

In Massachusetts, meanwhile, it is already a rare occurrence for small estates to be divided up; generally the eldest retains the land while the younger sons seek their fortune in the wilds.

The law has established inheritance by the firstborn but one can state that Providence has re-established it without anyone's having cause to complain and, for once, at least without offending justice.

One single fact will allow us to judge the incredible number of individuals who leave New England in this way to settle themselves in the wilds. I have been told that in 1830 thirty-six members of Congress had been born in the small state of Connecticut whose population forms only one forty-third of that of the United States, while supplying one eighth of the representatives.

2. In New England the land is split up into very small estates but it is rarely divided further.

But Connecticut itself sends only five members to Congress; the other thirty-one appear as representatives of the new states of the West. If these thirty-one individuals had stayed in Connecticut, they would probably have remained humble laborers instead of being wealthy landowners; they would have lived obscure lives with no hope of engaging in a political career and would have been unruly members of society rather than useful legislators.

The Americans are as aware of this point as we are.

In his *Commentaries on American Law* (vol. 4, p. 380), Chancellor Kent says: "It would be very unfounded to suppose that the evils of the equal partition of estates have been seriously felt in the United States, or that they have borne any proportion to the advantages of the policy, or that such evils are to be anticipated for generations to come. The extraordinary extent of our unsettled territories, the abundance of uncultivated land in the market, and the constant stream of emigration from the Atlantic to the interior states, operates sufficiently to keep paternal inheritances unbroken."

It would be difficult to depict the eagerness with which an American launches himself at this huge booty offered him by fortune. In order to pursue it, he fearlessly braves the Indian arrow and the diseases of the wilds; the silence of the woods holds no surprises for him, nor is he disturbed by the presence of wild beasts; he is constantly spurred on by a passion stronger than the love of life. Before him stretches an almost boundless continent and it is as though, already afraid of losing his place, he is in such a hurry not to arrive too late. I have mentioned the emigration from the old states but what shall I say of that from the new? Ohio was founded not fifty years ago; most of its population were not born there; its capital is not yet thirty years old and a huge stretch of unclaimed land still covers its territory; yet already the inhabitants of Ohio have started their march to the West. Most of those moving down into the fertile meadows of Illinois once lived in Ohio. These men left their first homeland to better themselves; they abandon their second to do better still. Almost everywhere they find wealth but not happiness. With them the desire for prosperity has become a restless and

burning passion which increases each time it is satisfied. Long ago they broke the ties of attachment to their native soil and they have not forged new ones since. Emigration for them began as a need and has, today, become a sort of gamble which rouses emotions which they like as much as the profit.

Sometimes man advances so quickly that the wilderness closes in again behind him. The forest has only bent beneath his feet and springs up again once he has passed by. As one travels through the new states of the West, buildings are not infrequently found abandoned in the depth of the woods. Often the ruins of a cabin turn up in the remotest solitude and, to one's astonishment, half-finished clearances witness to both the power and waywardness of human beings. Amid these abandoned fields, on these day-old ruins, the ancient forest soon pushes out new shoots. Animals recover their hold over their domain, smiling nature covers up the traces of man with green branches and flowers and hurries to conceal his transient footsteps.

I recall, when crossing one of the still wild districts in the state of New York, that I reached the edge of a lake completely surrounded by forests as at the beginning of the world. A small island rose from the water. The trees covering it spread their foliage all round to conceal the edges entirely. Along the banks of the lake, nothing betrayed the presence of man; only a column of smoke could be seen on the horizon, rising directly upwards from the tree tops to the clouds, appearing to hang down from the sky rather than rising toward it.

An Indian canoe was drawn up on the sand; I took advantage of it to visit the island which had first attracted my attention and soon after I had reached its shore. The whole island was one of those exquisite New World solitudes which almost make civilized man regret the life in the wild. The marvels of healthy vegetation heralded the incomparable richness of the soil. As in all the wilds of North America a deep silence reigned, interrupted only by the monotonal cooing of wood pigeons or by the tapping of the green woodpecker against the bark of the trees. It was far from my thoughts that this place had ever been inhabited before, so completely did nature seem left alone; but,

once I had reached the center of the island, I suddenly thought I could discern human traces. Then I carefully scrutinized everything in the vicinity and soon was able to see that a European had undoubtedly sought a refuge in this place. But how his labors had been altered! The wood he had once cut down in his haste to construct a shelter had since sprouted; his fences had become live hedges and his cabin was transformed into a copse. In the midst of these bushes, a few blackened stones could still be seen scattered around a small heap of ashes. This place was without doubt his hearth, covered with the ruins of a fallen chimney. For some moments I wondered in silence at the resources of nature and the weakness of man; when I finally had to retreat from this magic spot, I kept saying sadly: "What! Ruins so soon!"

We Europeans are accustomed to look upon a restless spirit, an inordinate desire for wealth and an extreme passion for independence as grave social dangers. Yet precisely all these things guarantee a long and peaceful future for the republics of America. Without those disquieting passions, the population would be concentrated around certain places and would soon experience, as we do, needs which are difficult to satisfy. What a fortunate country the New World is, where man's vices are almost as valuable to society as his virtues!

This exerts a great influence upon the way human behavior is judged in the two hemispheres. What we call the love of gain is often laudable hard work for the Americans who see a certain faintheartedness in what we consider to be moderation of one's desires.

In France simple tastes, quiet manners, family spirit, and love of one's birthplace are considered as powerful guarantees of the tranquillity and happiness of the state but in America, nothing appears more damaging to society than virtues of that sort. French Canadians who have faithfully preserved the tradition of their former customs already find it hard to live off their land and this small nation, which was born so recently, will soon fall prey to the afflictions of the older nations. In Canada the most enlightened, patriotic, and humane men go to extraordinary lengths to put the people off that simple happiness which still

satisfies them. They extol the advantages of wealth in the same way that we would perhaps praise the attractions of a middle-of-the-road integrity and they spend more care on stimulating human passions than people elsewhere employ to calm them. To exchange the pure and peaceful pleasures even a poor man enjoys in his homeland for the sterile enjoyments of prosperity under a foreign sky, to flee the paternal hearth and the fields where his ancestors lie in peace, to abandon both living and dead in order to chase a fortune, are all things most praiseworthy in their eyes.

In our day America offers men a storehouse more extensive than human industry could ever exploit.

In America, therefore, there cannot be enough knowledge; for while all knowledge is useful to those who have it, it also turns to the advantage of those without it. New needs should not be a source of fear for there they are all easily satisfied. One should not dread the growth of too many passions since they can all find available and healthy sustenance. Men cannot have too much freedom because they are not ever tempted to misuse their liberty.

American republics of the present time resemble companies of merchants formed to exploit the empty lands of the New World and dedicated to the prosperity of their business ventures.

The passions which stir Americans most deeply are commercial not political ones or more accurately they transfer into politics the methods of business. They like orderliness without which business cannot hope to prosper and they value particularly the regularity of conduct which is the basis for solid businesses. They prefer good sense which creates vast fortunes rather than the genius which often fritters them away. Generalities terrify their minds, accustomed as they are to tangible calculations and for them practicality is more honored than theoretical concepts.

One must go to America to understand the power of material prosperity over political actions and even over those opinions which ought to be governed by reason alone. The truth of this is best illustrated if we look at foreigners. Most European emigrants carry with them to the New World this fierce love of

independence and change which comes into being so frequently amid our calamities. In the United States, I occasionally met some of those Europeans who had been forced to flee their country because of their political opinions. They all surprised me by what they said, but one impressed me most of all. As I was passing through one of the most remote districts of Pennsylvania, I was overtaken by nightfall and I sought shelter at the door of a rich planter who was French. He sat me down near his fire and we started talking with the freedom typical of people who meet in a wood five thousand miles from their native land. I was aware that my host had been a great leveler and an ardent demagogue forty years before. His name had imprinted itself on history.

I was, therefore, singularly surprised to hear him discuss the rights of property as an economist, I almost said a landowner, might have done. He spoke of the necessary hierarchy which wealth establishes among men, of obedience to the established law, of the influence of good habits in republics, and of the help given by religions to orderliness and freedom. He even quoted the authority of Jesus Christ in support of one of his political opinions.

As I listened to him, I marveled at the stupidity of human reason. A thing is either true or false but how can one discover which amid the uncertainties of knowledge and the conflicting lessons drawn from experience? A new fact may emerge to remove all my doubts. I was poor and now, look, I am rich: if only prosperity, while affecting my behavior, left my judgment free! But no, my opinions are in fact altered by my fortune and the happy circumstance which I turn to my advantage in reality unearths the decisive argument which I had lacked before.

Prosperity influences Americans even more freely than foreigners. The American has always seen orderliness and public prosperity linked together and marching in step; he cannot imagine their existing apart. He has, therefore, nothing to forget, nor does he need to unlearn, as so many Europeans have to, the lessons of his early education.

THE INFLUENCE OF LAWS ON THE MAINTENANCE OF A DEMOCRATIC REPUBLIC IN THE UNITED STATES

Three main factors which maintain a democratic republic—Federal system—Municipal institutions—Judicial power.

The main aim of this book was to reveal American laws. If this aim has been achieved, the reader has already been able to judge for himself which laws genuinely foster the maintenance of a democratic republic and which threaten its existence. If I have failed to achieve this in the course of a whole book, I shall still less manage it in one chapter.

I do not wish, therefore, to pursue a route I have already traveled and a few lines of repetition must be enough.

Three factors seem to contribute more than all the others to the maintenance of a democratic republic in the New World.

The first is the federal system adopted by the Americans which allows the Union to profit from the strength of a large republic and the security of a small one.

The second is to be found in the municipal institutions which temper the tyranny of the majority while giving the people both the taste for freedom and the skill to achieve it.

The constitution of judicial power offers us the third. I have demonstrated how much the courts help to correct the excesses of democracy and how they manage to slow down and control the movements of the majority without ever being able to stop them altogether.

THE INFLUENCE OF CUSTOMS ON THE MAINTENANCE OF A DEMOCRATIC REPUBLIC IN THE UNITED STATES

I have said earlier that I considered customs to be one of the important general factors responsible for the maintenance of a democratic republic in the United States.

By *customs* I mean the term used by classical writers when they use the word *mores*; for I apply it not only to customs in

the strict sense of what might be called the habits of the heart but also to the different concepts men adopt, the various opinions which prevail among them and to the whole collection of ideas which shape mental habits.

Thus, I include in the use of this word the entire moral and intellectual state of a nation. My aim is not to paint a portrait of American customs but for the moment merely to seek those which help to support political institutions.

RELIGION CONSIDERED AS A POLITICAL INSTITUTION WHICH POWERFULLY SUPPORTS THE MAINTENANCE OF A DEMOCRATIC REPUBLIC AMONG AMERICANS

North America populated by men professing a democratic and republican Christianity—Arrival of the Catholics—Why present-day Catholics form the most democratic and republican class.

Alongside every religion lies some political opinion which is linked to it by affinity.

If the human mind is allowed to follow its own bent, it will regulate political society and the City of God in the same uniform manner and will, I dare say, seek to *harmonize* earth and heaven.

Most of English America has been peopled by men who, having shaken off the authority of the Pope, acknowledged no other religious supremacy; they brought, therefore, into the New World a form of Christianity which I can only describe as democratic and republican. This fact will be exceptionally favorable to the establishment of a democracy and a republic in governing public affairs. From the start, politics and religion were in agreement and they have continued to be so ever since.

About fifty years ago Ireland began to pour a Catholic population into the United States. Also American Catholicism made converts. Today the Union has more than a million Christians professing the truths of the Church of Rome.

These Catholics display a firm loyalty to their religious worship and are full of fervent zeal for their beliefs. However, they are the most republican and democratic class in the United States. This fact is a surprise at first sight but further reflection easily reveals the hidden reasons.

In my opinion, it would be wrong to see the Catholic religion as a natural opponent of democracy. Among the different Christian doctrines, Catholicism seems to me, on the contrary, to be one of the most supportive of the equality of social conditions. For Catholics, religious society is composed of two elements: the priest and the laity. The priest rises alone above the faithful: beneath him all are equal.

On doctrinal matters, Catholicism places all human intellects on the same level; it compels both the learned and the ignorant, the man of genius and the common herd, to accept the same details of dogma; it imposes the same practices upon both rich and poor; it inflicts the same austerities upon both the powerful and the weak. It makes no compromise with anyone and applies the same standard to each person; it likes to blend all social classes at the foot of the same altar just as they are blended in the sight of God.

If Catholicism disposes the faithful toward obedience, it does not prepare them for inequality. I say quite the opposite for Protestantism which, generally speaking, leads men much less toward equality than toward independence.

Catholicism resembles absolute monarchy. Remove the prince and the conditions are more equal than in republics.

It has often happened that the Catholic priest has left his sanctuary to exercise a power in society and has taken his place in the social hierarchy; sometimes he has used his religious influence to ensure the continuation of a political regime of which he was part. Then, too, you may have seen Catholics supporting the aristocracy out of religious zeal.

But once priests are removed or remove themselves from government, as happens in the United States, no group of men is more led by their beliefs than Catholics to transfer the concept of equality of social conditions into the world of politics.

been and there always will be men who, after submitting a certain number of their religious beliefs to a single authority, will seek to exempt several others and will let their minds hover at random between obedience and freedom. But I am drawn to the belief that the number of those people will be smaller in democratic times than in others and that our descendants will tend increasingly to divide into only two parts, some leaving Christianity entirely and the others embracing the Church of Rome.

CHAPTER 7

WHAT CAUSES THE MINDS OF DEMOCRATIC NATIONS TO INCLINE TOWARD PANTHEISM

I shall later show how the prevailing taste democratic nations have for general ideas has a parallel in politics; but I wish, for the present, to mark its main effect in philosophy.

It would be impossible to deny that pantheism[a] has made great progress at the current time. The writings of a proportion of Europe bear the obvious imprint of it. The Germans introduce it into philosophy, the French into literature. Among the works of imagination published in France, the majority contain some opinions and pictures borrowed from pantheist doctrines or suggest some tendency toward these doctrines in their authors. This does not appear to me to result simply from a chance happening but to derive from a cause of substance.

As conditions become more equal and each individual man resembles more and more all his fellows, weaker and smaller, the habit grows up of giving attention to the nation at the expense of the citizen and of thinking of the race while forgetting the individual.

At such times, the human mind enjoys embracing a host of different objects at the same time and constantly aims to associate a multitude of effects with a single cause.

Man is obsessed with the idea of unity. He seeks it in every direction; when he believes he has found it, he willingly rests in its arms. Not content with discovering that there is but one creation and one Creator in the world, he is still irritated by this primary division of things and he seeks to expand and simplify his thought by enclosing God and the universe in a single entity. If there is a philosophic system according to which things material and immaterial, visible and invisible within the world are to be considered only as the separate parts of an immense being who alone remains eternal in the continuous shift and constant change of everything which is within it, I shall have no difficulty reaching the conclusion that a similar system, although it destroys human individuality, or rather because it destroys it, will have secret attractions for men who live in a democracy. Their whole turn of mind prepares them to think like that and leads them to adopt this idea, which naturally attracts and arrests their imagination and nourishes their arrogance, while cosseting their laziness.

Within the different systems which help philosophy in its attempts to explain the universe, pantheism seems to me one of the most likely to entice the human mind in democratic ages. All those who are smitten with the nobility of man must join forces and fight against this idea.

CHAPTER 8

HOW EQUALITY SUGGESTS TO AMERICANS THE IDEA OF THE INDEFINITE PERFECTIBILITY OF MAN

Equality suggests to the human mind several ideas which without it would not have occurred; it also transforms almost all those ideas already in the mind. For an example I take the idea of man's perfectibility because it is one of the main ideas conceived by the intelligence and formulates an important

philosophic theory whose consequences are ever obvious in the conduct of human affairs.

Although man resembles the animals in several respects, one characteristic is unique to him alone: he improves, they do not. The human race did not fail to notice this difference from the beginning. The idea of perfectibility is as old as the world itself. Equality did not invent it but gave it a new quality.

When citizens are categorized according to position, profession, or birth and are all forced to follow the path chance has placed before them, each man thinks that he can see in his own vicinity the utmost limits of human power and no longer seeks to struggle against an inevitable fate. While not absolutely denying man the faculty of improvement, aristocratic nations do not consider it as lasting indefinitely. They entertain progress not total change. They conceive that the condition of future societies is better but not different and while admitting the great steps made by human kind and the possibility of more to come, they restrict its progress within certain barriers which cannot be crossed.

Thus they do not believe they have reached the supreme heights of goodness or absolute truth (what man or nation has been mad enough ever to imagine that?), but they like to be persuaded that they have almost attained the nobility and knowledge which makes up our imperfect nature. Since nothing shifts around them, they are drawn to imagine everything is in its proper place. Then it is that the legislator sets out to formulate eternal laws, namely that nations and kings wish to raise only secular monuments and that the current generation takes it upon itself to spare future generations the bother of controlling their own destiny.

As classes disappear and grow closer, as the tumultuous mass of mankind, its practices, customs, and laws alter, as new facts emerge, as new truths come to light, as old opinions disappear and are replaced by others, the image of perfection in an idealized and fleeting form is offered to the human mind.

Continuous changes stream past the gaze of every man. Some worsen his predicament and he understands only too well that a nation or an individual, however enlightened, is not infallible.

Some changes improve his lot and he comes to the conclusion that, in general, man is endowed with the faculty of indefinite improvement. His setbacks reveal that no one can flatter himself that he has discovered absolute goodness; his successes stimulate him to a relentless pursuit of such a goal. Thus constantly seeking, falling, rising up, often disappointed, never giving up hope, he strives without ceasing toward this mighty achievement, glimpsed indistinctly at the end of the long path human beings have to tread.

We cannot credit how many facts flow naturally from the philosophic theory of the indefinite perfectibility of man, according to which man can improve throughout all time, nor how wondrous an influence it exerts even on those people who, only ever bothering to act and not to think, seem unknowingly to match their actions to it.

I meet an American sailor and ask him why his country's vessels are constructed to last for so short a time; he answers with no hesitation that the art of navigation is making such rapid progress that the finest ship would soon outlive its usefulness if it extended its life more than a few years.

Behind these words, spoken casually by a crude man about a particular fact, I glimpse the general and systematic idea by which a great nation directs its every action.

Aristocratic nations are by nature liable to restrict too much the bounds of human perfectibility while democratic nations stretch them sometimes to excess.

PART 2
INFLUENCE OF DEMOCRACY ON THE OPINIONS OF AMERICANS

CHAPTER I

WHY DEMOCRATIC NATIONS DISPLAY A MORE PASSIONATE AND LASTING LOVE FOR EQUALITY THAN FOR FREEDOM

The first and liveliest of the passions inspired by equality of status, I need not say, is the love of equality itself. No one will be surprised, therefore, if I speak of that before all others.

Everybody has noticed that in our time, and above all in France, this passion for equality has occupied a greater place in the human heart every day. It has been said a hundred times that our contemporaries felt a much warmer and more persistent affection for equality than for freedom; but I feel that no one has adequately analyzed the reasons for this fact. I shall try to do so.

It is possible to imagine an extreme point at which freedom and equality meet and blend together.

I am assuming that all citizens work together in government and that each one has an equal right to do so.

Then, with no man different from his fellows, nobody will be able to wield tyrannical power; men will be completely free because they will be entirely equal; they will all be completely equal because they will be entirely free. Democratic nations aim for this ideal.

That is the most complete form of equality on the earth; but there are a thousand others which lack as perfect a form but are no less cherished by such nations.

Equality can take root in civil society without having any sway in the world of politics. A man may have the right to enjoy the same pleasures, enter the same professions, meet in the same places; in a word, to live in the same way and to seek wealth by the same means, without all men taking the same part in the government.

A sort of equality may even take root in the world of politics, although political freedom is lacking. A man is the equal of all but one of his fellow men and that one man is, without distinction, the master of all and appoints his agents of power equally from all.

It would be easy to invent several other hypotheses in which a very considerable measure of equality might be united to more or less free institutions or even to institutions which are not at all free.

Although men may not become absolutely equal without being wholly free and as a result equality, in its most extreme form, may be confounded with freedom, yet we are justified in distinguishing one from the other.

Men's taste for freedom and equality are, in effect, two different things and I am not afraid to add that in democratic nations they are also unequal.

Upon close inspection, it will be seen that in every century one unusual and predominant fact appears to which all the others are connected. This fact almost always produces a seminal thought or an overriding passion which in the end draws to itself all other feelings and ideas in its wake. It resembles the main river into which each of the surrounding streams seems to flow.

Freedom has revealed itself to men at different times and beneath different forms; it has not been exclusively bound to one social state and it makes its appearance elsewhere than in democracies. Thus it cannot possibly be taken as the distinctive characteristic of democracies.

The special and predominant fact which particularizes these centuries is the equality of social conditions; the main passion which stirs the men of such ages is the love of this equality.

Do not inquire what unusual attraction men of democratic

ages possess toward living as equals nor the particular reasons they may have for clinging so tenaciously on to equality rather than the advantages society offers. Equality forms the distinctive characteristic of the era in which they live and that alone is enough to explain why they prefer it to all the rest.

But, apart from this reason, several others will usually incline men of all ages to prefer equality to freedom.

If a nation could ever succeed in destroying or simply diminishing the equality at its heart, it would manage it only by long and laborious efforts. It would have to modify the state of society, abolish its laws, renew its ideas, change its customs, and debase its ways. But destroying political freedom is easy, for just loosening one's grip is enough for it to slip away.

Men, therefore, are attached to equality not simply because it is dear to them but also because they believe that it must last forever.

One does not come across men so unintelligent or superficial that they do not realize that political freedom can, if carried to excess, damage peace, property, and the lives of individuals. On the contrary, only people of perception and foresight see the dangers with which equality threatens us and usually they avoid pointing them out. They know that the troubles they fear are remote and they flatter themselves that only future generations will be affected; this scarcely worries the present generation. The evils brought occasionally by freedom have an immediate effect; they are obvious to everyone and are more or less experienced by everyone. The evils produced by extreme equality become apparent only gradually; little by little they creep into the heart of society; they are noticed every now and again so that, when they are at their most disturbing, habit has already nullified their effect.

The advantages of liberty become visible only in the long term and it is always easy to mistake the cause which brought them about.

The advantages of equality are felt immediately and you can observe where they come from daily.

Political freedom from time to time grants exalted pleasures to a certain number of citizens.

Equality offers daily an abundance of modest pleasures to every single man. The charms of equality are felt the whole time and are within the reach of all; the noblest hearts appreciate them and the commonest souls delight in them. The passion engendered by equality must, therefore, be both vigorous and widespread.

Men cannot enjoy political freedom without some sacrifice and they only ever acquire it after much effort. But the pleasures of equality are freely on offer; each small incident in private life seems to provide such pleasures so that to be alive is all that is necessary for their enjoyment.

Democratic nations are at all times fond of equality but during certain ages their passion for it verges on excess. This occurs when the old social class structure, long since threatened, at last collapses after a final internal struggle and when the barriers dividing citizens are at length overturned. At such a moment, men pounce on equality as their spoils of war and cling on to it like a priceless possession which somebody is threatening to snatch away. The passion for equality sinks deeply into every corner of the human heart, expands, and fills it entirely. It is no use telling such men, as they blindly obey such an exclusive passion, that they are damaging their dearest interests; they are deaf. Do not bother to show them that freedom which is slipping through their fingers while their gaze is elsewhere; they are blind, or rather they can see only one advantage worth pursuing in the whole world.

The above applies to all democratic nations; the following concerns only the French.

Among the most modern nations, especially those of Europe, the taste for freedom and the conception of it began to appear and develop only when social conditions were tending toward equality and were a consequence of that very equality. Absolute monarchs worked hardest to level down ranks among their subjects. Among such nations equality preceded liberty; equality was thus an established fact when liberty was still a novelty; the former had already shaped opinions, customs, and laws of its own when the latter was emerging for the first time into the daylight. Thus this latter was still only a

theoretical matter of opinion and taste, whereas the former had already crept into customs, had laid hold of social habits, and had given a particular coloring to the smallest of life's actions. Why is it surprising that our contemporaries prefer the first to the second?

I think that democratic nations have a natural taste for freedom; left to themselves, they seek it out, become attached to it, and view any departure from it with distress. But they have a burning, insatiable, constant, and invincible passion for equality; they want equality in freedom and, if they cannot have it, they want it in slavery. They will endure poverty, subjection, barbarism but they will not endure aristocracy.

This is eternally true and especially in our time. Any man and any power which would contest the irresistible force of equality will be overturned and destroyed by it. Nowadays, freedom cannot take hold without it and despotism itself cannot reign without its support.

CHAPTER 2

INDIVIDUALISM IN DEMOCRATIC COUNTRIES

I have indicated how, in ages of equality, every man sought his beliefs within himself; I wish to show how, in these same periods, he directs all his feelings on to himself alone.

Individualism is a recently coined expression prompted by a new idea, for our forefathers knew only of egoism.

Egoism is an ardent and excessive love of oneself which leads man to relate everything back to himself and to prefer himself above everything.

Individualism is a calm and considered feeling which persuades each citizen to cut himself off from his fellows and to withdraw into the circle of his family and friends in such a way that he thus creates a small group of his own and willingly abandons society at large to its own devices. Egoism springs

from a blind instinct; individualism from wrong-headed thinking rather than from depraved feelings. It originates as much from defects of intelligence as from the mistakes of the heart.

Egoism blights the seeds of every virtue, individualism at first dries up only the source of public virtue. In the longer term it attacks and destroys all the others and will finally merge with egoism.

Egoism is a perversity as old as the world and is scarcely peculiar to one form of society more than another.

Individualism is democratic in origin and threatens to grow as conditions become equal.

Among aristocratic nations, families remain in the same situation for centuries and often in the same location. This turns all the generations into contemporaries, as it were. A man practically always knows his ancestors and has respect for them; he thinks he can already see his great-grandchildren and he loves them. He willingly assumes duties toward his ancestors and descendants, frequently sacrificing his personal pleasures for the sake of those beings who have gone before and who have yet to come.

In addition, aristocratic institutions achieve the effect of binding each man closely to several of his fellow citizens.

Since the class structure is distinct and static in an aristocratic nation, each class becomes a kind of homeland for the participant because it is more obvious and more cherished than the country at large.

All the citizens of aristocratic societies have fixed positions one above another; consequently each man perceives above him someone whose protection is necessary to him and below him someone else whose cooperation he may claim.

Men living in aristocratic times are, therefore, almost always closely bound to an external object and they are often inclined to forget about themselves. It is true that in these same periods the general concept of human fellowship is dimly felt and men seldom think of sacrificing themselves for mankind, whereas they often sacrifice themselves for certain other men.

In democratic times, on the other hand, when the obligations of every person toward the race are much clearer, devotion to one man in particular becomes much rarer. The bond of human affection is wide and relaxed.

Among democratic nations, new families constantly emerge from oblivion, while others fall away; all remaining families shift with time. The thread of time is ever ruptured and the track of generations is blotted out. Those who have gone before are easily forgotten and those who follow are still completely unknown. Only those nearest to us are of any concern to us.

As each class closes up to the others and merges with them, its members become indifferent to each other and treat each other as strangers. Aristocracy had created a long chain of citizens from the peasant to the king; democracy breaks down this chain and separates all the links.

As social equality spreads, a greater number of individuals are no longer rich or powerful enough to exercise great influence upon the fate of their fellows, but have acquired or have preserved sufficient understanding and wealth to be able to satisfy their own needs. Such people owe nothing to anyone and, as it were, expect nothing from anyone. They are used to considering themselves in isolation and quite willingly imagine their destiny as entirely in their own hands.

Thus, not only does democracy make men forget their ancestors but also hides their descendants and keeps them apart from their fellows. It constantly brings them back to themselves and threatens in the end to imprison them in the isolation of their own hearts.

CHAPTER 3

HOW INDIVIDUALISM IS GREATER AT THE END OF A DEMOCRATIC REVOLUTION THAN AT ANY OTHER PERIOD

It is just at the moment when a democratic society is in the final throes of establishing itself on the ruins of an aristocracy that this isolation of men from one another and the egoism which follows most forcibly strike the observer.

These societies include not only a great number of independent citizens but they are daily filled with men who, having achieved independence only yesterday, are drunk with their new power. Such men entertain an arrogant confidence in their own strength and do not suppose that they may ever again need to seek help from their fellows. They have no scruples about showing that they think only about themselves.

Normally, an aristocracy does not surrender until after a prolonged conflict in the course of which implacable hatreds are kindled between the various classes. These emotions last beyond the moment of victory and traces of them are visible in the succeeding democratic confusion.

Those citizens who were leaders in the ruined hierarchy are not immediately able to forget their former greatness; for a long time they feel themselves aliens in a new society. They regard those men society has made equal to them as oppressors whose fate evokes no sympathy from them; they have lost sight of their former equals and no longer feel tied by a shared interest in their own fate; each of them withdraws and feels reduced to taking care of himself alone. On the other hand, those who used to be at the bottom of the social scale and are now raised by this sudden revolution to a common level enjoy with a kind of secret anxiety this newly acquired independence; when they walk shoulder to shoulder with some of their former superiors, they look upon them with fear mixed with triumph and they avoid them.

Usually, therefore, citizens are most inclined to isolate themselves when democratic societies are taking root.

Democracy persuades men not to have close links with their fellows; but democratic revolutions incline them to turn their backs and continue to foster in a state of equality those hatreds that were born in a state of inequality.

The great advantage enjoyed by Americans is to have reached democracy without the sufferings of a democratic revolution and to have been born equal instead of becoming so.

CHAPTER 4

HOW AMERICANS COMBAT THE EFFECTS OF INDIVIDUALISM BY FREE INSTITUTIONS

Despotism, suspicious by its very nature, views the separation of men as the best guarantee of its own permanence and usually does all it can to keep them in isolation. No defect of the human heart suits it better than egoism; a tyrant is relaxed enough to forgive his subjects for failing to love him, provided that they do not love one another. He does not ask them to help him to govern the state; it is enough that they have no intention of managing it themselves. He calls those who claim to unite their efforts to create general prosperity "turbulent and restless spirits" and, twisting the normally accepted meaning of the words, he gives the name of "good citizens" to those who retreat into themselves.

Thus the vices fostered by tyranny are exactly those supported by equality. These two things are complementary and mutually supportive, with fatal results.

Equality places men shoulder to shoulder, unconnected by any common tie. Tyranny erects barriers between them and keeps them separate. The former persuades them not to think of their fellows while the latter turns their indifference into a sort of public virtue.

Tyranny, dangerous at all times, is particularly to be feared in democratic periods, when it is easy to see that men have a special need for freedom.

Citizens who are forced to take a part in public affairs must turn from the circle of their private interests and occasionally tear themselves away from self-absorption.

As soon as communal affairs are treated as belonging to all, every man realizes that he is not as separate from his fellows as he first imagined and that it is often vital to help them in order to gain their support.

When the public is in charge, every single man feels the value of public goodwill and seeks to court it by attracting the regard and affection of those amongst whom he is to live.

Many of the emotions which freeze and shatter men's hearts are then forced to withdraw and hide away in the depths of their souls. Pride conceals itself; scorn dares not show its face. Egoism is afraid of itself.

Under a free government, as most public offices are elective, men whose elevated spirit and agitated aspirations feel cramped in the sphere of their private life realize each day that they cannot do without the people around them.

Then they think of their fellows out of ambition and they often find it is somewhat in their interest to forget themselves. I accept that in opposition to this view I may here have to account for all the intrigues born of an election, the shameful methods often used by candidates, and the personal abuse spread by their enemies. These are opportunities for hatred which occur all the more often as elections become more frequent.

These evils are doubtless great, but they do not last long, whereas the accompanying advantages remain.

The desire to be elected may bring certain men for a time to fight each other, but this same eagerness in the longer term brings all men to support each other. If an election accidentally divides two friends, the electoral system draws together in a lasting way a crowd of citizens who would have remained strangers to one another. Freedom evokes individual hatreds but tyranny gives birth to general indifference.

The Americans have exploited liberty in order to combat

that individualism which equality produced and have overcome it.

American legislators did not believe that a general representation of the whole nation would be enough to cure a disease so natural to the frame of democratic society and so fatal. They also thought it appropriate to give each area of the territory its own political life so as to multiply without limit the opportunities for citizens to act in concert and to let them realize every day their mutual dependence.

This was a wise plan.

The general business of a country takes up the time of the leading citizens only, who meet together from time to time in the same locations. Since they often lose contact with each other, no lasting ties form between them. But when control of the particular affairs of a district is placed in the hands of the people who live there, the same men are always in contact and are, to some extent, forced to become acquainted and to adapt to each other.

It is difficult to drag a man away from his own affairs to involve him in the destiny of the whole state because he fails to grasp what influence the destiny of the state might have on his own fate. But if it becomes necessary to make a road across the end of his own estate, he sees at once the connection between this minor public affair and his greatest private interests and will discover, without being shown, the close link between individual and general interests.

It is therefore by entrusting citizens with the management of minor affairs, much more than handing over the control of great matters, that their involvement in the public welfare is aroused and their constant need of each other to provide for it is brought to their attention.

The favor of the people may be won by some brilliant action but the love and respect of your neighbors must be gained by a long series of small services, hidden deeds of goodness, a persistent habit of kindness, and an established reputation of selflessness.

Local freedoms, then, which induce a great number of citizens to value the affection of their neighbors and kinsfolk, bring men

constantly into contact with each other and force them to help one another, in spite of the instincts which separate them.

In the United States, the wealthiest citizens take good care not to become isolated from the people; on the contrary, they maintain constant contact with them, listening to them gladly and talking to them every day. They realize that the rich in democracies always need the poor and that, in democratic times, you attach a poor man to you more by your manner than by benefits conferred, the very size of which highlights the differences of status and irritates those who profit from them. But the charm of simple good manners cannot ever be resisted; their ease of approach wins men over and even their roughness does not always seem unpleasant.

The truth does not immediately penetrate the minds of the rich. Normally they resist as long as the democratic revolution lasts and they even refuse to accept it when the revolution is over. They are willing to do good to the people but they wish to continue to keep them carefully at a distance. They believe that to be enough; they are mistaken. They might spend their entire fortunes thus without gaining the hearts of their neighbors who do not require the sacrifice of their money but of their pride.

It might be said that, in the United States, there is no limit to the inventiveness of man to discover ways of increasing wealth and to satisfy the public's needs. The most enlightened inhabitants of each district constantly use their knowledge to make new discoveries to increase the general prosperity, which, when made, they pass eagerly to the mass of the people.

On close scrutiny of the defects and weaknesses of those who govern in America, the growing prosperity of the people is astonishing; but it should not be so. It is not the elected official who produces the prosperity of American democracy but the fact that the official is elected,

It would be unfair to think that the patriotism and enthusiasm shown by each American for the welfare of his fellow citizens are not truly felt. Although, in the United States as elsewhere, private interest governs most human actions, it does not control them all.

I must say that I have seen Americans making great and

sincere sacrifices for the common good and a hundred times I have noticed that, when needs be, they almost always gave each other faithful support.

The free institutions belonging to the inhabitants of the United States and the political rights they employ so much, provide a thousand reminders to each citizen that he lives in society. They constantly impress this idea upon his mind, that it is duty as well as self-interest to be useful to one's fellows and, as he sees no particular reason to hate others, being neither their slave nor their master, his heart easily inclines toward kindness. Attention is paid, in the first instance, to the common interest out of necessity and later out of choice; what started out as calculation becomes instinct; and by working for the advantage of one's fellow citizens, finally the habit and taste for serving them takes root.

Many French people consider equality of social conditions as the first of all evils and political freedom as the next. Once forced into suffering the former, they at least attempt to avoid the latter. But, for my part, I affirm that, to combat the evils produced by equality, there is but one effective remedy, namely political freedom.

CHAPTER 5

THE USE AMERICANS MAKE OF PUBLIC ASSOCIATIONS IN CIVIL LIFE

I do not propose to speak of those political associations by means of which men seek to defend themselves against the tyrannical action of a majority or against the encroachments of royal power. I have already dealt with that subject elsewhere. It is evident that unless each citizen learned the skills of uniting with his fellows to defend his freedom at a time when he is becoming individually weaker and consequently less capable of preserving his freedom in isolation, tyranny would be bound to increase together with equality. We are dealing here with