



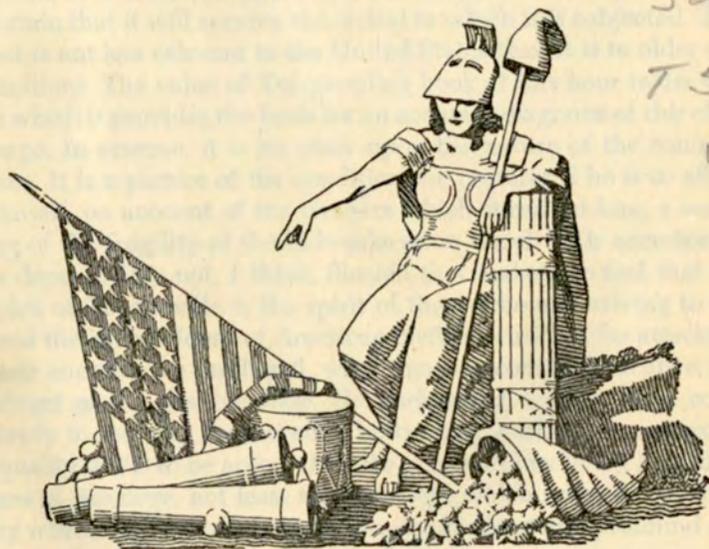
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# Democracy IN AMERICA By ALEXIS DE TOCQUEVILLE

THE HENRY REEVE TEXT  
AS REVISED BY FRANCIS BOWEN  
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Contents of VOLUME I

AUTHOR'S PREFACE TO THE TWELFTH EDITION	cx
AUTHOR'S INTRODUCTION	3
Chapter I	
EXTERIOR FORM OF NORTH AMERICA	17
Chapter II	
ORIGIN OF THE ANGLO-AMERICANS, AND IMPORTANCE OF THIS ORIGIN IN RELATION TO THEIR FUTURE CONDITION	26
<i>Reasons for certain anomalies which the laws and cus-     toms of the Anglo-Americans present</i>	44
Chapter III	
SOCIAL CONDITION OF THE ANGLO-AMERICANS	46
<i>The striking characteristic of the social condition of the     Anglo-Americans is its essential democracy</i>	46
<i>Political consequences of the social condition of the     Anglo-Americans</i>	53
Chapter IV	
THE PRINCIPLE OF THE SOVEREIGNTY OF THE PEOPLE OF AMERICA	55
Chapter V	
NECESSITY OF EXAMINING THE CONDITION OF THE STATES BE- FORE THAT OF THE UNION AT LARGE	59
<i>The American system of townships</i>	60
<i>Limits of the township</i>	61
<i>Powers of the township in New England</i>	62
<i>Life in the township</i>	64
<i>Spirit of the townships of New England</i>	66
<i>The counties of New England</i>	68

Contents of Volume I

<i>The administration of government in New England</i>	69
<i>General remarks on administration in the United States</i>	79
OF THE STATE	83
<i>Legislative power of the state</i>	83
<i>The executive power of the state</i>	84
<i>Political effects of decentralized administration in the     United States</i>	85
Chapter VI	
JUDICIAL POWER IN THE UNITED STATES, AND ITS INFLUENCE ON POLITICAL SOCIETY	98
<i>Others powers granted to American Judges</i>	103
Chapter VII	
POLITICAL JURISDICTION IN THE UNITED STATES	106
Chapter VIII	
THE FEDERAL CONSTITUTION	112
<i>History of the Federal Constitution</i>	112
<i>Summary of the Federal Constitution</i>	114
<i>Powers of the Federal government</i>	115
<i>Legislative powers of the Federal government</i>	117
<i>A further difference between the Senate and the House     of Representatives</i>	120
<i>The executive power</i>	121
<i>In what the position of a President of the United States     differs from that of a constitutional King of France</i>	122
<i>Accidental causes which may increase the influence of     executive government</i>	126
<i>Why the President of the United States does not need a     majority in the two houses in order to carry on the     government</i>	127
<i>Election of the President</i>	127
<i>Mode of election</i>	132
<i>Crisis of the election</i>	135
<i>Re-election of the President</i>	136
<i>Federal courts of justice</i>	139

Contents of Volume I

<i>Means of determining the jurisdiction of the Federal courts</i>	142
<i>Different cases of jurisdiction</i>	144
<i>Procedure of the Federal courts</i>	148
<i>High rank of the Supreme Court among the great powers of state</i>	150
<i>In what respects the Federal Constitution is superior to that of the States</i>	152
<i>Characteristics of the Federal Constitution of the United States of America as compared with all other Federal constitutions</i>	156
<i>Advantages of the Federal system in general, and its special utility in America</i>	159
<i>Why the Federal system is not practicable for all nations, and how the Anglo-Americans were enabled to adopt it</i>	165

Chapter IX

HOW IT CAN BE STRICTLY SAID THAT THE PEOPLE GOVERN IN THE UNITED STATES	173
---	-----

Chapter X

PARTIES IN THE UNITED STATES	174
<i>Remains of the aristocratic party in the United States</i>	179

Chapter XI

LIBERTY OF THE PRESS IN THE UNITED STATES	181
---	-----

Chapter XII

POLITICAL ASSOCIATIONS IN THE UNITED STATES	191
---	-----

Chapter XIII

GOVERNMENT OF THE DEMOCRACY IN AMERICA	199
<i>Universal suffrage</i>	199
<i>The choice of the people, and the instinctive preferences of the American democracy</i>	200
<i>Causes which may partly correct these tendencies of the democracy</i>	202

Contents of Volume I

<i>Influence which the American democracy has exercised on the laws relating to elections</i>	205
<i>Public officers under the control of the American democracy</i>	206
<i>Arbitrary power of magistrates under the rule of the American democracy</i>	209
<i>Instability of the administration in the United States</i>	211
<i>Charges levied by the state under the rule of the American democracy</i>	212
<i>Tendencies of the American democracy as regards the salaries of public officers</i>	216
<i>Difficulty of distinguishing the causes that incline the American government to economy</i>	219
<i>Whether the expenditure of the United States can be compared with that of France</i>	219
<i>Corruption and the vices of the rulers in a democracy, and consequent effects upon public morality</i>	225
<i>Efforts of which a democracy is capable</i>	227
<i>Self-control of the American democracy</i>	230
<i>Conduct of foreign affairs by the American democracy</i>	232

Chapter XIV

WHAT ARE THE REAL ADVANTAGES WHICH AMERICAN SOCIETY DERIVES FROM A DEMOCRATIC GOVERNMENT	237
<i>General tendency of the laws under American democracy, and instincts of those who apply them</i>	237
<i>Public spirit in the United States</i>	241
<i>The idea of rights in the United States</i>	244
<i>Respect for law in the United States</i>	247
<i>Activity that pervades all parts of the body politic in the United States; influence that it exercises upon society</i>	248

Chapter XV

UNLIMITED POWER OF THE MAJORITY IN THE UNITED STATES, AND ITS CONSEQUENCES	254
--	-----

*How the omnipotence of the majority increases, in America*  
cvi

Contents of Volume I

<i>ica, the instability of legislation and administration inherent in democracy</i>	257
Tyranny of the majority	258
Effects of the omnipotence of the majority upon the arbitrary authority of American public officers	262
Power exercised by the majority in America upon opinion	263
Effects of the tyranny of the majority upon the national character of the Americans.—The courtier spirit in the United States	265
The greatest dangers of the American republics proceed from the omnipotence of the majority	268

Chapter XVI

CAUSES WHICH MITIGATE THE TYRANNY OF THE MAJORITY IN THE UNITED STATES	271
<i>Absence of centralized administration</i>	271
<i>The temper of the legal profession in the United States, and how it serves as a counterpoise to democracy</i>	272
<i>Trial by jury in the United States considered as a political institution</i>	280

Chapter XVII

PRINCIPAL CAUSES WHICH TEND TO MAINTAIN THE DEMOCRATIC REPUBLIC IN THE UNITED STATES	288
<i>Accidental or providential causes which contribute to maintain the democratic republic in the United States</i>	288
<i>Influence of the laws upon the maintenance of the democratic republic in the United States</i>	299
<i>Influence of customs upon the maintenance of a democratic republic in the United States</i>	299
<i>Religion considered as a political institution which powerfully contributes to the maintenance of a democratic republic among the Americans</i>	300
<i>Indirect influence of religious opinions upon political society in the United States</i>	303

Contents of Volume I

<i>Principal causes which render religion powerful in America</i>	308
<i>How the education, the habits, and the practical experience of the Americans promote the success of their democratic institutions</i>	314
<i>The laws contribute more to the maintenance of the democratic republic in the United States than the physical circumstances of the country, and the customs more than the laws</i>	319
<i>Whether laws and customs are sufficient to maintain democratic institutions in other countries besides America</i>	323
<i>Importance of what precedes with respect to the state of Europe</i>	326

Chapter XVIII

THE PRESENT AND PROBABLE FUTURE CONDITION OF THE THREE RACES THAT INHABIT THE TERRITORY OF THE UNITED STATES	331
<i>The present and probable future condition of the Indian tribes that inhabit the territory possessed by the Union</i>	336
<i>Situation of the black population in the United States, and dangers with which its presence threatens the whites</i>	356
<i>What are the chances of duration of the American Union, and what dangers threaten it</i>	381
<i>Of the republican institutions of the United States, and what their chances of duration are</i>	415
<i>Some considerations on the causes of the commercial prosperity of the United States</i>	421
CONCLUSION	429

## Introduction

prescriptions for their solution seemed to be significant to only a few French leaders of politics or thought, when events were hastening his nation to the very doom he foretold for every irolute democracy.<sup>81</sup>

In America the centennial evoked a more widespread reappraisal of the *Democracy's* relevance to our present circumstances as a nation still seeking to make democracy an effective instrument for achieving the social ends that Tocqueville envisaged. As in the earlier appraisals, there were numerous references to particular prophecies and criticism of them. An almost universal appreciation of the perennial validity of Tocqueville's analysis of the conditions and potentialities of democracy animated these modern American criticisms. A few examples will illustrate the general attitude of those who reviewed the *Democracy* again, from whatever band of the ideological spectrum.

A political scientist emphasized the *Democracy's* objective and critical quality:

Among the intellectuals of that day democracy appeared to some as a lovely dream; to others, a promise of anarchy and ruin. De Tocqueville, in a single treatise, took democracy out of the realm of enigma and speculation and presented it simply as a fact. . . . A portrait of democracy in 1839 was necessarily a youthful one, but so skillfully was it drawn that it foreshadowed clearly the qualities of form and character which maturity brought. . . . No one has ever probed more deeply the inner nature of American society.<sup>82</sup>

A sociologist discovered the relevance of Tocqueville's analysis to our time:

The extraordinary success of the book, which brought praise and honors to the young writer and prepared the way for his political career, was due to its concentration upon the realities of the times. The theoretical and practical formation of modern democratic and liberal society was the burning problem of his epoch. . . . Although he sought to effect a compromise between the divergent political groups of his time,

<sup>81</sup> It is ironic because Mayer remarks (59:172) that "the history of de Tocqueville's influence in France has, in fact, been subject to continuous misunderstanding." See, however, the sympathetic appreciations in France, especially 23; 79; 59: ch. 9. A committee of French notables was formed to commemorate the centennial of the *Democracy*. The committee held at least one conference (23) and the French government presented the President of the United States with a bust of Tocqueville (70).

<sup>82</sup> 94:14.

THE PRESENT RELEVANCE OF THE "DEMOCRACY"

If these have been some of the appraisals of the *Democracy* over a century, what can we say of its message to us today — and tomorrow? What are some of Tocqueville's comments about the America of the 1830's from which the nation of the 1940's can draw a broader perspective, fresh insights, new hopes for the future?

In drafting his project for the *Democracy*, Tocqueville's primary interest was in the political aspects of the American scene as they applied to the changes he foresaw for his native country. He completed his political analysis soon after his return to France. It was, in part, the impact of his travels upon his fertile mind that focused his attention more and more on the economic and social aspects of democracy.<sup>87</sup> The unfolding of new experiences during those travels — in the different conditions he encountered, the various types of Americans he met — served to broaden his concept of democracy, to enlarge the range of its connotations for him. That five years intervened between the publication of his political and his economic-social commentaries reflects the maturing of his judgment of what democracy means in the light of his observations in America.

There is more, however, to this extension of Tocqueville's examination of democracy from its political to its economic and social aspects. As a pioneer social scientist, he was exploring new frontiers of thought and of analysis. From one point of view, he merely utilized his American experience as a backdrop for his general analytical and methodological portrayal of the general problem of change in society. This is especially true of the second part of the *Democracy*.

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of those which may be considered typical. Those noted in the Bibliography (Appendix IV) and many other references, have been consulted. Duplications of the estimates presented here, by reproducing them all in detail, would serve no useful purpose. Variations in the major themes of those quoted are so infrequent as to be negligible so far as general, as distinct from particular, criticisms are concerned.

<sup>87</sup> It is worth while to recall that Tocqueville used the word "democracy" with more than one connotation. It would, perhaps, define his general attitude more accurately to speak of "liberalism" rather than of "democracy." I have retained "democracy" as a general term, with the connotation of liberalism as we understand it and as Tocqueville often thought of democracy.

Tocqueville himself thought of using "*égalité*" in the title of the second part of the *Democracy*. See 97:VI, 67, 94.

## *Author's Preface*

TO THE TWELFTH EDITION

HOWEVER sudden and momentous the events which we have just beheld so swiftly accomplished, the author of this book has a right to say that they have not taken him by surprise. His work was written fifteen years ago, with a mind constantly occupied by a single thought — that the advent of democracy as a governing power in the world's affairs, universal and irresistible, was at hand. Let it be read over again and there will be found on every page a solemn warning that society changes its forms, humanity its condition, and that new destinies are impending. It was stated in the very Introduction to the work that "the gradual development of the principle of equality is a providential fact. It has all the chief characteristics of such a fact: it is universal, it is durable, it constantly eludes all human interference, and all events as well as all men contribute to its progress. Would it be wise to imagine that a social movement the causes of which lie so far back can be checked by the efforts of one generation? Can it be believed that the democracy which has overthrown the feudal system and vanquished kings will retreat before tradesmen and capitalists? Will it stop now that it is grown so strong and its adversaries so weak?"

He who wrote these lines in the presence of a monarchy which had been rather confirmed than shaken by the Revolution of 1830 may now fearlessly ask again the attention of the public to his work. And he may be permitted to add that the present state of affairs gives to his book an immediate interest and a practical

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## *Author's Preface*

utility that it had not when it was first published. Royalty was then in power; it has now been overthrown. The institutions of America, which were a subject only of curiosity to monarchical France, ought to be a subject of study for republican France. It is not force alone, but good laws, that give stability to a new government. After the combatant comes the legislator; the one has pulled down, the other builds up; each has his office. Though it is no longer a question whether we shall have a monarchy or a republic in France, we are yet to learn whether we shall have a convulsed or a tranquil republic, whether it shall be regular or irregular, pacific or warlike, liberal or oppressive, a republic that menaces the sacred rights of property and family, or one that honors and protects them both. It is a fearful problem, the solution of which concerns not France alone, but the whole civilized world. If we save ourselves, we save at the same time all the nations which surround us. If we perish, we shall cause all of them to perish with us. According as democratic liberty or democratic tyranny is established here, the destiny of the world will be different; and it may be said that this day it depends upon us whether the republic shall be everywhere finally established or everywhere finally overthrown.

Now, this problem, which among us has but just been proposed for solution, was solved by America more than sixty years ago. The principle of the sovereignty of the people, which we enthroned in France but yesterday, has there held undivided sway for over sixty years. It is there reduced to practice in the most direct, the most unlimited, and the most absolute manner. For sixty years the people who have made it the common source of all their laws have increased continually in population, in territory, and in opulence; and — consider it well — it is found to have been, during that period, not only the most prosperous, but the most stable, of all

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## Introduction

man action and its most powerful dynamic. He commented at a number of points on the influence of religion on American society, but he was more concerned to analyze the relation between religious faith and democratic practice. "When the religion of a people is destroyed, doubt gets hold of the higher powers of the intellect and paralyzes all the others. . . . When there is no longer any principle of authority in religion any more than in politics, men are speedily frightened at the aspect of . . . unbounded independence. . . . For my own part, I doubt whether man can ever support at the same time complete religious independence and entire political freedom." Again, he notes the check to materialism that religion — not sectarianism or dogmatism — provides. "Most religions are only general, simple, and practical means of teaching men the doctrine of the immortality of the soul. That is the greatest benefit which a democratic nation derives from its belief, and hence belief is more necessary to such a people than all others. When, therefore, any<sup>90</sup> religion has struck its roots deep into a democracy beware that you do not disturb it; but rather watch it carefully, as the most precious bequest of aristocratic ages."

Have we not had ample — and tragic — evidence in our time of the validity of Tocqueville's insight into the ultimate foundation of a democratic society as religious? We can observe the recognition of this insight and its prostitution by those who deny human equality and erect Leviathan as the Baal of the masses. The techniques as well as the doctrines of the totalitarian societies are founded on worship of the State and ritualistic obeisance to the Leaders. The new religion may not be overtly materialistic; its uses, in the hands of those who repudiate equality in human or theological terms, are more frightening than even Tocqueville envisaged.

If democracy has lost something of this indispensable ingredient of its own vitality in its perhaps too easy successes, others have put on the garments of religion to cloak their anti-democratic purposes. Their success in evoking deep responses from great masses is both a warning and a challenge. Men do not live by bread alone.

<sup>90</sup> Tocqueville was able to transcend sectarian or even Christian lines of religious demarcation. He believed strongly in the values of the Christian tradition as the basis of a democratic faith, but, speaking of Western society, "I should not hesitate to decide that the community would run less risk of being brutalized by believing that the soul of man will pass into the carcass of a hog than by believing that man is nothing at all."

been reproduced, the early vitality survives. The disappearance of institutions he described has done much, however, to weaken the democratic impulse in local government which he believed these institutions promoted. More recent developments, such as the representative town-meeting governments in New England and the city-manager plan, have done much to revitalize local government within our urban framework.

Again, Tocqueville's description of the nature and operation of judicial review has been altered by time. He could hardly have envisaged the effects of the immense political power that Americans have entrusted to their courts when the major questions before the Supreme Court shifted from the political to the economic-social arena. Indeed, he was even then clearly wrong in stating that a single decision of unconstitutionality did not "abolish" a law, that "its final destruction [could] only be accomplished by reiterated attacks of judicial functionaries." He believed that legislation would be protected from "wanton assault" by linking the private interests of individuals with the attack upon its constitutionality. That assault he looked for in "the daily aggressions of party spirit . . . the tyranny of political assemblies." If it has come from sources quite different from those he foresaw, it is because of forces in our national life that were not yet strong — some not yet born. He did, none the less, underrate the influence of the judiciary as a Third Estate in the legislative process.

A third matter on which Tocqueville's description and appraisal would seem anachronistic today is the "political institution" of the jury. He believed the jury, especially the civil jury, to be "the most energetic means of making the people rule, the most efficacious means of teaching it to rule well." He rejected the idea that, because many jurors may be ignorant, the jury system is not a most efficient means of educating all ranks in society in a respect for law. Experience has not borne out his enthusiasm in this respect. Few would hold today that a judge "continues to influence the habits of thought, and even the characters, of those who acted with him in his official capacity" — at least, of any broad cross-section of the community. The widespread desire to avoid jury duty and the development of blue-ribbon juries suggest the decline of the jury as a political institution with a permeating civic influence.

Tocqueville discusses the future of the federal system in considerable detail. He makes some shrewd observations on its operation,

but does not altogether foresee the shifting balance of power between the states and the Federal government which was even then impending. He anticipated that the strength of the Federal government was likely to decrease, that of the state governments to increase. His analysis of their relative magnetism for the citizen's allegiance is reminiscent of Madison's argument in Number 45 of the *Federalist*. The interests of the citizen have not, over the last century, proved to be more closely allied to his state than to the national government. This shift, perhaps already nascent but not yet clearly evident in the 1830's, has resulted from economic and social forces that were then only emergent in our national life.

On the other hand, Tocqueville has proved fundamentally correct in his forecast of the primary forces holding the Union together. One, he thought, was the common commercial interest among the people of all the states — the advantages of a continental free-trade area. The other was their fundamental identity in political principle — the democratic faith of the people. That these influences have increased rather than decreased the relative strength of the Federal government, despite, perhaps because of, armed conflict between the states, suggests that Tocqueville's analysis was essentially correct. Whatever differences in detail may have eventuated from the impact of new forces, economic and social, the enhancement of Federal power has continued to rest on these foundations.

Among the few omissions from Tocqueville's searching analysis of the American scene, perhaps the most curious is his lack of attention to the structure and operation of state government. He devotes a scant four pages to a detailed discussion of the state and only scattered and incidental descriptions and appraisals elsewhere to its political or administrative aspects. Compared with his analyses of local government and of various aspects of the character and working of the Federal government, his inattention to state government is almost startling. Although he utilized the states tangentially in many of his generalizations, he nowhere provides a comprehensive account or a critical scrutiny of their origins or organization.

Why does so conspicuous a lacuna occur in Tocqueville's otherwise comprehensive survey of our institutions? The explanation lies, perhaps, in the interests and political attachments of those whom Tocqueville knew most intimately in this country. Although

anny, and the "causes" that will maintain democracy despite the dangers of this tyranny. Throughout both parts of the *Democracy* this inquiry runs as a continuous thread in the design, a recurrent element in the whole pattern. It is not too much to say that it is the real *raison d'être* for the writing of the *Democracy*.

The omnipotence, "the absolute sovereignty," of the majority Tocqueville believed is buttressed by a number of peculiar American institutions as well as by several popular and prevalent ideas. Among the institutions, he placed first the practice of universal suffrage; among ideas, the sentiment of equality. Universal suffrage makes the majority omnipotent, as it can impose its will upon the minority. The sentiment of equality arises from the practical material equality achieved by us in a new and little populated country, where everyone can hope to improve his economic position. A count of heads is believed, therefore, to offer a sure index of political wisdom. "The moral authority of the majority is partly based upon the notion that there is more intelligence and wisdom in a number of men united than in a single individual." Since the material circumstances, the everyday experiences, the educational and moral background of nearly all the people are essentially similar, the majority must be right. Tocqueville observed that this omnipotence expresses itself in several ways, of none of which he approved.

First, direct and frequent elections make for lack of independence on the part of legislators, a tendency exaggerated by the practice of instructing representatives on how to vote for specific measures. The result is a marked instability in legislative policy. Second, the executive, which might, as we have seen, become a stabilizing influence in government through its independence of popular whim, is subordinated to many legislative checks. Third, the trend towards the election of judges (which Tocqueville strongly disapproved) marks the same insistence of the majority on its complete domination of the government.

Were Tocqueville writing today, what would he observe of these indications of the omnipotence of the majority in America? Certainly we have made some changes in the relations of the people to their representatives, changes which cut both ways. The trend away from frequent elections has been marked in our states since the early constitutions in the old and the new states alike. Today only one state (New Jersey) holds annual elections of its

tralized government. To concentrate in like manner in one place the direction of the latter or local interests, constitutes what may be termed a centralized administration. . . .

Indeed, I cannot conceive that a nation can live and prosper without a powerful centralization of government. But I am of the opinion that a centralized administration is fit only to enervate the nation in which it exists, by incessantly diminishing their local spirit. Although such an administration can bring together at a given moment, on a given point, all the disposable resources of a people, it injures the renewal of these resources. It may ensure a victory in the hour of strife, but it gradually relaxes the sinews of strength. It may help admirably the transient greatness of a man, but not the durable prosperity of a nation. . . .

The partisans of centralization . . . are wont to maintain that the government can administer the affairs of each locality better than the citizens could do it for themselves; this may be true when the central power is enlightened and the local authorities are ignorant; when it is alert and they are slow; when it is accustomed to act and they to obey. Indeed, it is evident that this double tendency must augment with the increase of centralization, and that the readiness of the one and the incapacity of the others must become more and more prominent. But I deny that it is so when the people are as enlightened, as awake to their interests, and as accustomed to reflect on them as the Americans are. I am persuaded, on the contrary, that in this case the collective strength of the citizens will always conduce more efficaciously to the public welfare than the authority of the government. . . . Whenever a central administration affects completely to supersede the persons most interested, I believe that it is either misled or desirous to mislead. . . . These are not the conditions on which the alliance of the human will is to be obtained; it must be free in its gait and responsible for its acts, or (such is the constitution of man) the citizen had rather remain a passive spectator than a dependent actor in schemes with which he is unacquainted. . . . It is not the *administrative*, but the *political* effects of the decentralization that I most admire in America.

Tocqueville's comments on the effects of centralization, only outlined here, are among the most incisive, indeed prophetic, ever written. If we apply them to the present scene, they have a ring of contemporaneity almost as clear as today's newspaper editorial or Congressional debate on "bureaucracy." Their validity as indices of present trends and future developments in American administration deserves our particular attention at a time when this has become again a major element of political debate.

The *Democracy* treats, as we have seen, of two consequences of

## Introduction

enhances executive powers in a democracy is a commonplace; that administrative governance is no less a hallmark of legislative-executive relations in peacetime is less generally recognized. The reasons for this shift in the balance of power between the legislature and the executive since Tocqueville's day are to be found in the conditions that have made for increased governmental intervention in economic and social affairs.

As our economy and our society have become more integrated and intricate, the "omnipotent majority" has looked to government to provide not merely the broad policies essential, as it believed, to the promotion of the general welfare. The people also demanded that government implement the policies with effective tools for their enforcement. The people might still be able to instruct its servants, the legislators, on what the policies should be. But they could not, nor could the legislators themselves, provide the detailed blueprints for the most effective ways and means for executing the policies they desired. The very complexity of the problems that the policies were designed to resolve required the technical advice, as well as the administrative independence, and even the wide discretion, of those charged with their execution. Thus the executive with his assistants, in a widening circle of governmental responsibilities and functions, has played an increasingly indispensable role in the framing as well as the application of public policy.

The formal evidences of this change in legislative-executive relations are many. Executive control of budget-making is now virtually complete and exclusive in our local, state, and national governments. Half a century after the *Democracy* was written, Wilson observed that practical power over the purse as well as over policy lay in Congressional committees. Within the next half-century the trend towards executive control of the budget had risen to full tide. Most city charters of the strong-mayor or city-manager type placed budget-making in the hands of the executive. State constitutional changes, especially after 1910, were in the same direction. The Budget and Accounting Act of 1921 created a Bureau of the Budget, which has come directly under the jurisdiction of the President. During the past twenty years the Bureau has provided the strongest single impetus in Washington towards centralizing control in the President's office, not merely over expenditures but over all aspects of administrative activity. True, the Act of

## Introduction

Mill went on to comment upon the lack of bias which so struck all readers, and which provided both liberals and conservatives of the time with material for substantiating their views:

Not a trace of prejudice, or so much as a previous leaning either to the side of democracy or aristocracy, shows itself in his work. He is indeed anything but indifferent to the ends to which all forms of government profess to be the means. He manifests the deepest concern for all the great interests, material and spiritual of the human race.<sup>31</sup>

He also noted the ambivalent quality of the *Democracy* in a review of the second part, in commenting on its use to justify such conservative ideas as Sir Robert Peele's.<sup>32</sup> After examining and criticizing several of Tocqueville's ideas, Mill summed up the work as follows:

The book of which we have now described the plan and purpose, has been executed in a manner worthy of so noble a scheme. It has at once taken its rank among the most remarkable productions of our time; and is a book with which, both for its facts and its speculations, all who would understand, or who are called upon to exercise influence over their age, are bound to be familiar. It will contribute to give to the political speculations of our time a new character.

M. de Tocqueville, among the first, has set the example of analysing democracy. . . . He does this with so noble a field as a great nation to demonstrate upon; which field he has commenced by minutely examining; selecting, with a discernment of which we have had no previous example, the material facts, and surveying these by the light of principles, drawn from no ordinary knowledge of human nature. We do not think his conclusions always just, but we think them always entitled to the most respectful attention, and never destitute of at least a large foundation of truth. The author's mind, except that it is of a soberer character, seems to us to resemble Montesquieu most among the French writers.

. . . We feel how impossible it is, in the space of an article to exemplify all the features of a work, every page of which has nearly as great a claim to citation as any other. For M. de Tocqueville's ideas do not float upon a sea of words, none of his propositions are unmeaning, none of his meanings superfluous; not a paragraph could have been omitted without diminishing the value of the work.<sup>33</sup>

<sup>31</sup> 62:91-3.

<sup>32</sup> 63:II, 80.

<sup>33</sup> *Ibid.*:94-5. See also J. S. Mill: *Autobiography* (J. J. Cross, ed. New York: Columbia University Press; 1924), 134-6, 141.

## *Author's Introduction*

**A**MONG the novel objects that attracted my attention during my stay in the United States, nothing struck me more forcibly than the general equality of condition among the people. I readily discovered the prodigious influence that this primary fact exercises on the whole course of society; it gives a peculiar direction to public opinion and a peculiar tenor to the laws; it imparts new maxims to the governing authorities and peculiar habits to the governed.

I soon perceived that the influence of this fact extends far beyond the political character and the laws of the country, and that it has no less effect on civil society than on the government; it creates opinions, gives birth to new sentiments, founds novel customs, and modifies whatever it does not produce. The more I advanced in the study of American society, the more I perceived that this equality of condition is the fundamental fact from which all others seem to be derived and the central point at which all my observations constantly terminated.

I then turned my thoughts to our own hemisphere, and thought that I discerned there something analogous to the spectacle which the New World presented to me. I observed that equality of condition, though it has not there reached the extreme limit which it seems to have attained in the United States, is constantly approaching it; and that the democracy which governs the American communities appears to be rapidly rising into power in Europe.

Hence I conceived the idea of the book that is now before the reader.

It is evident to all alike that a great democratic revolution is going on among us, but all do not look at it in the same light. To some it appears to be novel but accidental, and, as such, they hope it may still be checked; to others it seems irresistible, because it is the most uniform, the most ancient, and the most permanent tendency that is to be found in history.

I look back for a moment on the situation of France seven hundred years ago, when the territory was divided among a small number of families, who were the owners of the soil and the rulers of the inhabitants; the right of governing descended with the family

inheritance from generation to generation; force was the only means by which man could act on man; and landed property was the sole source of power.

Soon, however, the political power of the clergy was founded and began to increase: the clergy opened their ranks to all classes, to the poor and the rich, the commoner and the noble; through the church, equality penetrated into the government, and he who as a serf must have vegetated in perpetual bondage took his place as a priest in the midst of nobles, and not infrequently above the heads of kings.

The different relations of men with one another became more complicated and numerous as society gradually became more stable and civilized. Hence the want of civil laws was felt; and the ministers of law soon rose from the obscurity of the tribunals and their dusty chambers to appear at the court of the monarch, by the side of the feudal barons clothed in their ermine and their mail.

While the kings were ruining themselves by their great enterprises, and the nobles exhausting their resources by private wars, the lower orders were enriching themselves by commerce. The influence of money began to be perceptible in state affairs. The transactions of business opened a new road to power, and the financier rose to a station of political influence in which he was at once flattered and despised.

Gradually enlightenment spread, a reawakening of taste for literature and the arts became evident; intellect and will contributed to success; knowledge became an attribute of government, intelligence a social force; the educated man took part in affairs of state.

The value attached to high birth declined just as fast as new avenues to power were discovered. In the eleventh century, nobility was beyond all price; in the thirteenth, it might be purchased. Nobility was first conferred by gift in 1270, and equality was thus introduced into the government by the aristocracy itself.

In the course of these seven hundred years it sometimes happened that the nobles, in order to resist the authority of the crown or to diminish the power of their rivals, granted some political power to the common people. Or, more frequently, the king permitted the lower orders to have a share in the government, with the intention of limiting the power of the aristocracy.

In France the kings have always been the most active and the

most constant of levelers. When they were strong and ambitious, they spared no pains to raise the people to the level of the nobles; when they were temperate and feeble, they allowed the people to rise above themselves. Some assisted democracy by their talents, others by their vices. Louis XI and Louis XIV reduced all ranks beneath the throne to the same degree of subjection; and finally Louis XV descended, himself and all his court, into the dust.

As soon as land began to be held on any other than a feudal tenure, and personal property could in its turn confer influence and power, every discovery in the arts, every improvement in commerce of manufactures, created so many new elements of equality among men. Henceforward every new invention, every new want which it occasioned, and every new desire which craved satisfaction were steps towards a general leveling. The taste for luxury, the love of war, the rule of fashion, and the most superficial as well as the deepest passions of the human heart seemed to co-operate to enrich the poor and to impoverish the rich.

From the time when the exercise of the intellect became a source of strength and of wealth, we see that every addition to science, every fresh truth, and every new idea became a germ of power placed within the reach of the people. Poetry, eloquence, and memory, the graces of the mind, the fire of imagination, depth of thought, and all the gifts which Heaven scatters at a venture turned to the advantage of democracy; and even when they were in the possession of its adversaries, they still served its cause by throwing into bold relief the natural greatness of man. Its conquests spread, therefore, with those of civilization and knowledge; and literature became an arsenal open to all, where the poor and the weak daily resorted for arms.

In running over the pages of our history, we shall scarcely find a single great event of the last seven hundred years that has not promoted equality of condition.

The Crusades and the English wars decimated the nobles and divided their possessions: the municipal corporations introduced democratic liberty into the bosom of feudal monarchy; the invention of firearms equalized the vassal and the noble on the field of battle; the art of printing opened the same resources to the minds of all classes; the post brought knowledge alike to the door of the cottage and to the gate of the palace; and Protestantism proclaimed that all men are equally able to find the road to heaven.

The discovery of America opened a thousand new paths to fortune and led obscure adventurers to wealth and power.

If, beginning with the eleventh century, we examine what has happened in France from one half-century to another, we shall not fail to perceive that at the end of each of these periods a two-fold revolution has taken place in the state of society. The noble has gone down the social ladder, and the commoner has gone up; the one descends as the other rises. Every half-century brings them nearer to each other, and they will soon meet.

Nor is this peculiar to France. Wherever we look, we perceive the same revolution going on throughout the Christian world.

The various occurrences of national existence have everywhere turned to the advantage of democracy: all men have aided it by their exertions, both those who have intentionally labored in its cause and those who have served it unwittingly; those who have fought for it and even those who have declared themselves its opponents have all been driven along in the same direction, have all labored to one end; some unknowingly and some despite themselves, all have been blind instruments in the hands of God.

The gradual development of the principle of equality is, therefore, a providential fact. It has all the chief characteristics of such a fact: it is universal, it is lasting, it constantly eludes all human interference, and all events as well as all men contribute to its progress.

Would it, then, be wise to imagine that a social movement the causes of which lie so far back can be checked by the efforts of one generation? Can it be believed that the democracy which has overthrown the feudal system and vanquished kings will retreat before tradesmen and capitalists? Will it stop now that it has grown so strong and its adversaries so weak?

Whither, then, are we tending? No one can say, for terms of comparison already fail us. There is greater equality of condition in Christian countries at the present day than there has been at any previous time, in any part of the world, so that the magnitude of what already has been done prevents us from foreseeing what is yet to be accomplished.

The whole book that is here offered to the public has been written under the influence of a kind of religious awe produced in the author's mind by the view of that irresistible revolution which has advanced for centuries in spite of every obstacle and

which is still advancing in the midst of the ruins it has caused.

It is not necessary that God himself should speak in order that we may discover the unquestionable signs of his will. It is enough to ascertain what is the habitual course of nature and the constant tendency of events. I know, without special revelation, that the planets move in the orbits traced by the Creator's hand.

If the men of our time should be convinced, by attentive observation and sincere reflection, that the gradual and progressive development of social equality is at once the past and the future of their history, this discovery alone would confer upon the change the sacred character of a divine decree. To attempt to check democracy would be in that case to resist the will of God; and the nations would then be constrained to make the best of the social lot awarded to them by Providence.

The Christian nations of our day seem to me to present a most alarming spectacle; the movement which impels them is already so strong that it cannot be stopped, but it is not yet so rapid that it cannot be guided. Their fate is still in their own hands; but very soon they may lose control.

The first of the duties that are at this time imposed upon those who direct our affairs is to educate democracy, to reawaken, if possible, its religious beliefs; to purify its morals; to mold its actions; to substitute a knowledge of statecraft for its inexperience, and an awareness of its true interest for its blind instincts, to adapt its government to time and place, and to modify it according to men and to conditions. A new science of politics is needed for a new world.

This, however, is what we think of least; placed in the middle of a rapid stream, we obstinately fix our eyes on the ruins that may still be descried upon the shore we have left, while the current hurries us away and drags us backward towards the abyss.

In no country in Europe has the great social revolution that I have just described made such rapid progress as in France; but it has always advanced without guidance. The heads of the state have made no preparation for it, and it has advanced without their consent or without their knowledge. The most powerful, the most intelligent, and the most moral classes of the nation have never attempted to control it in order to guide it. Democracy has consequently been abandoned to its wild instincts, and it has grown up like those children who have no parental guidance, who

receive their education in the public streets, and who are acquainted only with the vices and wretchedness of society. Its existence was seemingly unknown when suddenly it acquired supreme power. All then servilely submitted to its caprices; it was worshipped as the idol of strength; and when afterwards it was enfeebled by its own excesses, the legislator conceived the rash project of destroying it, instead of instructing it and correcting its vices. No attempt was made to fit it to govern, but all were bent on excluding it from the government.

The result has been that the democratic revolution has taken place in the body of society without that concomitant change in the laws, ideas, customs, and morals which was necessary to render such a revolution beneficial. Thus we have a democracy without anything to lessen its vices and bring out its natural advantages; and although we already perceive the evils it brings, we are ignorant of the benefits it may confer.

While the power of the crown, supported by the aristocracy, peaceably governed the nations of Europe, society, in the midst of its wretchedness, had several sources of happiness which can now scarcely be conceived or appreciated. The power of a few of his subjects was an insurmountable barrier to the tyranny of the prince; and the monarch, who felt the almost divine character which he enjoyed in the eyes of the multitude, derived a motive for the just use of his power from the respect which he inspired. The nobles, placed high as they were above the people, could take that calm and benevolent interest in their fate which the shepherd feels towards his flock; and without acknowledging the poor as their equals, they watched over the destiny of those whose welfare Providence had entrusted to their care. The people, never having conceived the idea of a social condition different from their own, and never expecting to become equal to their leaders, received benefits from them without discussing their rights. They became attached to them when they were clement and just and submitted to their exactions without resistance or servility, as to the inevitable visitations of the Deity. Custom and usage, moreover, had established certain limits to oppression and founded a sort of law in the very midst of violence.

As the noble never suspected that anyone would attempt to deprive him of the privileges which he believed to be legitimate, and as the serf looked upon his own inferiority as a consequence

of the immutable order of nature, it is easy to imagine that some mutual exchange of goodwill took place between two classes so differently endowed by fate. Inequality and wretchedness were then to be found in society, but the souls of neither rank of men were degraded.

[Men are not corrupted by the exercise of power or debased by the habit of obedience, but by the exercise of a power which they believe to be illegitimate, and by obedience to a rule which they consider to be usurped and oppressive.]

On the one side were wealth, strength, and leisure, accompanied by the pursuit of luxury, the refinements of taste, the pleasures of wit, and the cultivation of the arts; on the other were labor, clownishness, and ignorance. But in the midst of this coarse and ignorant multitude it was not uncommon to meet with energetic passions, generous sentiments, profound religious convictions, and wild virtues.

The social state thus organized might boast of its stability, its power, and, above all, its glory.

But the scene is now changed. Gradually the distinctions of rank are done away with; the barriers that once severed mankind are falling; property is divided, power is shared by many, the light of intelligence spreads, and the capacities of all classes tend towards equality. Society becomes democratic, and the empire of democracy is slowly and peaceably introduced into institutions and customs.

I can conceive of a society in which all men would feel an equal love and respect for the laws of which they consider themselves the authors; in which the authority of the government would be respected as necessary, and not divine; and in which the loyalty of the subject to the chief magistrate would not be a passion, but a quiet and rational persuasion. With every individual in the possession of rights which he is sure to retain, a kind of manly confidence and reciprocal courtesy would arise between all classes, removed alike from pride and servility. The people, well acquainted with their own true interests, would understand that, in order to profit from the advantages of the state, it is necessary to satisfy its requirements. The voluntary association of the citizens might then take the place of the individual authority of the nobles, and the community would be protected from tyranny and license.

I admit that, in a democratic state thus constituted, society

would not be stationary. But the impulses of the social body might there be regulated and made progressive. If there were less splendor than in an aristocracy, misery would also be less prevalent; the pleasures of enjoyment might be less excessive, but those of comfort would be more general; the sciences might be less perfectly cultivated, but ignorance would be less common; the ardor of the feelings would be constrained, and the habits of the nation softened; there would be more vices and fewer crimes.

In the absence of enthusiasm and ardent faith, great sacrifices may be obtained from the members of a commonwealth by an appeal to their understanding and their experience; each individual will feel the same necessity of union with his fellows to protect his own weakness; and as he knows that he can obtain their help only on condition of helping them, he will readily perceive that his personal interest is identified with the interests of the whole community. The nation, taken as a whole, will be less brilliant, less glorious, and perhaps less strong; but the majority of the citizens will enjoy a greater degree of prosperity, and the people will remain peaceable, not because they despair of a change for the better, but because they are conscious that they are well off already.

If all the consequences of this state of things were not good or useful, society would at least have appropriated all such as were useful and good; and having once and forever renounced the social advantages of aristocracy, mankind would enter into possession of all the benefits that democracy can offer.

But here it may be asked what we have adopted in the place of those institutions, those ideas, and those customs of our forefathers which we have abandoned.

The spell of royalty is broken, but it has not been succeeded by the majesty of the laws. The people have learned to despise all authority, but they still fear it; and fear now extorts more than was formerly paid from reverence and love.

I perceive that we have destroyed those individual powers which were able, single-handed, to cope with tyranny; but it is the government alone that has inherited all the privileges of which families, guilds, and individuals have been deprived; to the power of a small number of persons, which if it was sometimes oppressive was often conservative, has succeeded the weakness of the whole community.

The division of property has lessened the distance which separated the rich from the poor; but it would seem that, the nearer they draw to each other, the greater is their mutual hatred and the more vehement the envy and the dread with which they resist each other's claims to power; the idea of right does not exist for either party, and force affords to both the only argument for the present and the only guarantee for the future.

The poor man retains the prejudices of his forefathers without their faith, and their ignorance without their virtues; he has adopted the doctrine of self-interest as the rule of his actions without understanding the science that puts it to use; and his selfishness is no less blind than was formerly his devotion to others.

If society is tranquil, it is not because it is conscious of its strength and its well-being, but because it fears its weakness and its infirmities; a single effort may cost it its life. Everybody feels the evil, but no one has courage or energy enough to seek the cure. The desires, the repinings, the sorrows, and the joys of the present time lead to nothing visible or permanent, like the passions of old men, which terminate in impotence.

We have, then, abandoned whatever advantages the old state of things afforded, without receiving any compensation from our present condition; we have destroyed an aristocracy, and we seem inclined to survey its ruins with complacency and to accept them.

The phenomena which the intellectual world presents are not less deplorable. The democracy of France, hampered in its course or abandoned to its lawless passions, has overthrown whatever crossed its path and has shaken all that it has not destroyed. Its empire has not been gradually introduced or peaceably established, but it has constantly advanced in the midst of the disorders and the agitations of a conflict. In the heat of the struggle each partisan is hurried beyond the natural limits of his opinions by the doctrines and the excesses of his opponents, until he loses sight of the end of his exertions, and holds forth in a way which does not correspond to his real sentiments or secret instincts. Hence arises the strange confusion that we are compelled to witness.

I can recall nothing in history more worthy of sorrow and pity than the scenes which are passing before our eyes. It is as if the natural bond that unites the opinions of man to his tastes, and his actions to his principles, was now broken; the harmony that has always been observed between the feelings and the ideas of man-

kind appears to be dissolved and all the laws of moral analogy to be abolished.

Zealous Christians are still found among us, whose minds are nurtured on the thoughts that pertain to a future life, and who readily espouse the cause of human liberty as the source of all moral greatness. Christianity, which has declared that all men are equal in the sight of God, will not refuse to acknowledge that all citizens are equal in the eye of the law. But, by a strange coincidence of events, religion has been for a time entangled with those institutions which democracy destroys; and it is not infrequently brought to reject the equality which it loves, and to curse as a foe that cause of liberty whose efforts it might hallow by its alliance.

By the side of these religious men I discern others whose thoughts are turned to earth rather than to heaven. These are the partisans of liberty, not only as the source of the noblest virtues, but more especially as the root of all solid advantages; and they sincerely desire to secure its authority, and to impart its blessings to mankind. It is natural that they should hasten to invoke the assistance of religion, for they must know that liberty cannot be established without morality, nor morality without faith. But they have seen religion in the ranks of their adversaries, and they inquire no further; some of them attack it openly, and the rest are afraid to defend it.

In former ages slavery was advocated by the venal and slavish-minded, while the independent and the warm-hearted were struggling without hope to save the liberties of mankind. But men of high and generous character are now to be met with, whose opinions are directly at variance with their inclinations, and who praise that servility and meanness which they have themselves never known. Others, on the contrary, speak of liberty as if they were able to feel its sanctity and its majesty, and loudly claim for humanity those rights which they have always refused to acknowledge.

There are virtuous and peaceful individuals whose pure morality, quiet habits, opulence, and talents fit them to be the leaders of their fellow men. Their love of country is sincere, and they are ready to make the greatest sacrifices for its welfare. But civilization often finds them among its opponents; they confound its abuses with its benefits, and the idea of evil is inseparable in their minds from that of novelty.

Near these I find others whose object is to materialize mankind, to hit upon what is expedient without heeding what is just, to acquire knowledge without faith, and prosperity apart from virtue; claiming to be the champions of modern civilization, they place themselves arrogantly at its head, usurping a place which is abandoned to them, and of which they are wholly unworthy.

Where are we, then?

The religionists are the enemies of liberty, and the friends of liberty attack religion; the high-minded and the noble advocate bondage, and the meanest and most servile preach independence; honest and enlightened citizens are opposed to all progress, while men without patriotism and without principle put themselves forward as the apostles of civilization and intelligence.

Has such been the fate of the centuries which have preceded our own? and has man always inhabited a world like the present, where all things are not in their proper relationships, where virtue is without genius, and genius without honor; where the love of order is confused with a taste for oppression, and the holy cult of freedom with a contempt of law; where the light thrown by conscience on human actions is dim, and where nothing seems to be any longer forbidden or allowed, honorable or shameful, false or true?

I cannot believe that the Creator made man to leave him in an endless struggle with the intellectual wretchedness that surrounds us. God destines a calmer and a more certain future to the communities of Europe. I am ignorant of his designs, but I shall not cease to believe in them because I cannot fathom them, and I had rather mistrust my own capacity than his justice.

There is one country in the world where the great social revolution that I am speaking of seems to have nearly reached its natural limits. It has been effected with ease and simplicity; say rather that this country is reaping the fruits of the democratic revolution which we are undergoing, without having had the revolution itself.

The emigrants who colonized the shores of America in the beginning of the seventeenth century somehow separated the democratic principle from all the principles that it had to contend with in the old communities of Europe, and transplanted it alone to the New World. It has there been able to spread in perfect freedom and peaceably to determine the character of the laws by influencing the manners of the country.

## *Democracy in America*

It appears to me beyond a doubt that, sooner or later, we shall arrive, like the Americans, at an almost complete equality of condition. But I do not conclude from this that we shall ever be necessarily led to draw the same political consequences which the Americans have derived from a similar social organization. I am far from supposing that they have chosen the only form of government which a democracy may adopt; but as the generating cause of laws and manners in the two countries is the same, it is of immense interest for us to know what it has produced in each of them.

It is not, then, merely to satisfy a curiosity, however legitimate, that I have examined America; my wish has been to find there instruction by which we may ourselves profit. Whoever should imagine that I have intended to write a panegyric would be strangely mistaken, and on reading this book he will perceive that such was not my design; nor has it been my object to advocate any form of government in particular, for I am of the opinion that absolute perfection is rarely to be found in any system of laws. I have not even pretended to judge whether the social revolution, which I believe to be irresistible, is advantageous or prejudicial to mankind. I have acknowledged this revolution as a fact already accomplished, or on the eve of its accomplishment; and I have selected the nation, from among those which have undergone it, in which its development has been the most peaceful and the most complete, in order to discern its natural consequences and to find out, if possible, the means of rendering it profitable to mankind. I confess that in America I saw more than America; I sought there the image of democracy itself, with its inclinations, its character, its prejudices, and its passions, in order to learn what we have to fear or to hope from its progress.

In the first part of this work I have attempted to show the distinction that democracy, dedicated to its inclinations and tendencies and abandoned almost without restraint to its instincts, gave to the laws the course it impressed on the government, and in general the control which it exercised over affairs of state. I have sought to discover the evils and the advantages which it brings. I have examined the safeguards used by the Americans to direct it, as well as those that they have not adopted, and I have undertaken to point out the factors which enable it to govern society.

My object was to portray, in a second part, the influence which the equality of conditions and democratic government in America

political laws show only what this state already is. They have, moreover, a sure and uniform manner of operating upon society, affecting, as it were, generations yet unborn. Through their means man acquires a kind of preternatural power over the future lot of his fellow creatures. When the legislator has once regulated the law of inheritance, he may rest from his labor. The machine once put in motion will go on for ages, and advance, as if self-guided, towards a point indicated beforehand. When framed in a particular manner, this law unites, draws together, and vests property and power in a few hands; it causes an aristocracy, so to speak, to spring out of the ground. If formed on opposite principles, its action is still more rapid; it divides, distributes, and disperses both property and power. Alarmed by the rapidity of its progress, those who despair of arresting its motion endeavor at least to obstruct it by difficulties and impediments. They vainly seek to counteract its effect by contrary efforts; but it shatters and reduces to powder every obstacle, until we can no longer see anything but a moving and impalpable cloud of dust, which signals the coming of the Democracy. When the law of inheritance permits, still more when it decrees, the equal division of a father's property among all his children, its effects are of two kinds: it is important to distinguish them from each other, although they tend to the same end.

As a result of the law of inheritance, the death of each owner brings about a revolution in property; not only do his possessions change hands, but their very nature is altered, since they are parceled into shares, which become smaller and smaller at each division. This is the direct and as it were the physical effect of the law. In the countries where legislation establishes the equality of division, property, and particularly landed fortunes, have a permanent tendency to diminish. The effects of such legislation, however, would be perceptible only after a lapse of time if the law were abandoned to its own working; for, supposing the family to consist of only two children (and in a country peopled as France is, the average number is not above three), these children, sharing between them the fortune of both parents, would not be poorer than their father or mother.

But the law of equal division exercises its influence not merely upon the property itself, but it affects the minds of the heirs and brings their passions into play. These indirect consequences tend

be parceled out; and the change became more and more rapid with the progress of time. And now, after a lapse of a little more than sixty years, the aspect of society is totally altered; the families of the great landed proprietors are almost all commingled with the general mass. In the state of New York, which formerly contained many of these, there are but two who still keep their heads above the stream; and they must shortly disappear. The sons of these opulent citizens have become merchants, lawyers, or physicians. Most of them have lapsed into obscurity. The last trace of hereditary ranks and distinctions is destroyed; the law of partition has reduced all to one level.

I do not mean that there is any lack of wealthy individuals in the United States; I know of no country, indeed, where the love of money has taken stronger hold on the affections of men and where a profounder contempt is expressed for the theory of the permanent equality of property. But wealth circulates with inconceivable rapidity, and experience shows that it is rare to find two succeeding generations in the full enjoyment of it.

This picture, which may, perhaps, be thought to be overcharged, still gives a very imperfect idea of what is taking place in the new states of the West and Southwest. At the end of the last century a few bold adventurers began to penetrate into the valley of the Mississippi, and the mass of the population very soon began to move in that direction: communities unheard of till then suddenly appeared in the desert. States whose names were not in existence a few years before, claimed their place in the American Union; and in the Western settlements we may behold democracy arrived at its utmost limits. In these states, founded offhand and as it were by chance, the inhabitants are but of yesterday. Scarcely known to one another, the nearest neighbors are ignorant of each other's history. In this part of the American continent, therefore, the population has escaped the influence not only of great names and great wealth, but even of the natural aristocracy of knowledge and virtue. None is there able to wield that respectable power which men willingly grant to the remembrance of a life spent in doing good before their eyes. The new states of the West are already inhabited, but society has no existence among them.

It is not only the fortunes of men that are equal in America; even their acquirements partake in some degree of the same uniformity. I do not believe that there is a country in the world where,

X in proportion to the population, there are so few ignorant and at the same time so few learned individuals. Primary instruction is within the reach of everybody; superior instruction is scarcely to be obtained by any. This is not surprising; it is, in fact, the necessary consequence of what I have advanced above. Almost all the Americans are in easy circumstances and can therefore obtain the first elements of human knowledge.

In America there are but few wealthy persons; nearly all Americans have to take a profession. Now, every profession requires an apprenticeship. The Americans can devote to general education only the early years of life. At fifteen they enter upon their calling, and thus their education generally ends at the age when ours begins. If it is continued beyond that point, it aims only towards a particular specialized and profitable purpose; one studies science as one takes up a business; and one takes up only those applications whose immediate practicality is recognized.

In America most of the rich men were formerly poor; most of those who now enjoy leisure were absorbed in business during their youth; the consequence of this is that when they might have had a taste for study, they had no time for it, and when the time is at their disposal, they have no longer the inclination.

There is no class, then, in America, in which the taste for intellectual pleasures is transmitted with hereditary fortune and leisure and by which the labors of the intellect are held in honor. Accordingly, there is an equal want of the desire and the power of application to these objects.

A middling standard is fixed in America for human knowledge. All approach as near to it as they can; some as they rise, others as they descend. Of course, a multitude of persons are to be found who entertain the same number of ideas on religion, history, science, political economy, legislation, and government. The gifts of intellect proceed directly from God, and man cannot prevent their unequal distribution. But it is at least a consequence of what I have just said that although the capacities of men are different, as the Creator intended they should be, the means that Americans find for putting them to use are equal.

In America the aristocratic element has always been feeble from its birth; and if at the present day it is not actually destroyed, it is at any rate so completely disabled that we can scarcely assign to it any degree of influence on the course of affairs.

The democratic principle, on the contrary, has gained so much strength by time, by events, and by legislation, as to have become not only predominant, but all-powerful. No family or corporate authority can be perceived; very often one cannot even discover in it any very lasting individual influence.

America, then, exhibits in her social state an extraordinary phenomenon. Men are there seen on a greater equality in point of fortune and intellect, or, in other words, more equal in their strength, than in any other country of the world, or in any age of which history has preserved the remembrance.

POLITICAL CONSEQUENCES OF THE SOCIAL CONDITION OF THE ANGLO-AMERICANS

THE political consequences of such a social condition as this are easily deducible.

It is impossible to believe that equality will not eventually find its way into the political world, as it does everywhere else. To conceive of men remaining forever unequal upon a single point, yet equal on all others, is impossible; they must come in the end to be equal upon all.

Now, I know of only two methods of establishing equality in the political world; rights must be given to every citizen, or none at all to anyone. For nations which are arrived at the same stage of social existence as the Anglo-Americans, it is, therefore, very difficult to discover a medium between the sovereignty of all and the absolute power of one man: and it would be vain to deny that the social condition which I have been describing is just as liable to one of these consequences as to the other.

There is, in fact, a manly and lawful passion for equality that incites men to wish all to be powerful and honored. This passion tends to elevate the humble to the rank of the great; but there exists also in the human heart a depraved taste for equality, which impels the weak to attempt to lower the powerful to their own level and reduces men to prefer equality in slavery to inequality with freedom. Not that those nations whose social condition is democratic naturally despise liberty; on the contrary, they have an instinctive love of it. But liberty is not the chief and constant object of their desires; equality is their idol: they make rapid and sudden efforts to obtain liberty and, if they miss their aim, resign

colonies in America. It was far, however, from then exercising as much influence on the government of society as it now does. Two obstacles, the one external, the other internal, checked its invasive progress.

It could not ostensibly disclose itself in the laws of colonies which were still forced to obey the mother country; it was therefore obliged to rule secretly in the provincial assemblies, and especially in the townships.

American society at that time was not yet prepared to adopt it with all its consequences. Intelligence in New England and wealth in the country to the south of the Hudson (as I have shown in the preceding chapter) long exercised a sort of aristocratic influence, which tended to keep the exercise of social power in the hands of a few. Not all the public functionaries were chosen by popular vote, nor were all the citizens voters. The electoral franchise was everywhere somewhat restricted and made dependent on a certain qualification, which was very low in the North and more considerable in the South.

The American Revolution broke out, and the doctrine of the sovereignty of the people came out of the townships and took possession of the state. Every class was enlisted in its cause; battles were fought and victories obtained for it; it became the law of laws.

A change almost as rapid was effected in the interior of society, where the law of inheritance completed the abolition of local influences.

As soon as this effect of the laws and of the Revolution became apparent to every eye, victory was irrevocably pronounced in favor of the democratic cause. All power was, in fact, in its hands, and resistance was no longer possible. The higher orders submitted without a murmur and without a struggle to an evil that was thenceforth inevitable. The ordinary fate of falling powers awaited them: each of their members followed his own interest; and as it was impossible to wring the power from the hands of a people whom they did not detest sufficiently to brave, their only aim was to secure its goodwill at any price. The most democratic laws were consequently voted by the very men whose interests they impaired: and thus, although the higher classes did not excite the passions of the people against their order, they themselves accel-

erated the triumph of the new state of things; so that, by a singular change, the democratic impulse was found to be most irresistible in the very states where the aristocracy had the firmest hold. The state of Maryland, which had been founded by men of rank, was the first to proclaim universal suffrage<sup>1</sup> and to introduce the most democratic forms into the whole of its government.

When a nation begins to modify the elective qualification, it may easily be foreseen that, sooner or later, that qualification will be entirely abolished. There is no more invariable rule in the history of society: the further electoral rights are extended, the greater is the need of extending them; for after each concession the strength of the democracy increases, and its demands increase with its strength. The ambition of those who are below the appointed rate is irritated in exact proportion to the great number of those who are above it. The exception at last becomes the rule, concession follows concession, and no stop can be made short of universal suffrage.

At the present day the principle of the sovereignty of the people has acquired in the United States all the practical development that the imagination can conceive. It is unencumbered by those fictions that are thrown over it in other countries, and it appears in every possible form, according to the exigency of the occasion. Sometimes the laws are made by the people in a body, as at Athens; and sometimes its representatives, chosen by universal suffrage, transact business in its name and under its immediate supervision.

In some countries a power exists which, though it is in a degree foreign to the social body, directs it, and forces it to pursue a certain track. In others the ruling force is divided, being partly within and partly without the ranks of the people. But nothing of the kind is to be seen in the United States; there society governs itself for itself. All power centers in its bosom, and scarcely an individual is to be met with who would venture to conceive or, still less, to express the idea of seeking it elsewhere. The nation participates in the making of its laws by the choice of its legislators, and in the execution of them by the choice of the agents of the executive government; it may almost be said to govern itself, so feeble and so restricted is the share left to the administration, so little

<sup>1</sup> Amendment made to the Constitution of Maryland in 1801 and 1809.

he braves the law with the spirit of a conquered foe as soon as its superior force is withdrawn; he perpetually oscillates between servitude and license.

When a nation has arrived at this state, it must either change its customs and its laws, or perish; for the source of public virtues is dried up; and though it may contain subjects, it has no citizens. Such communities are a natural prey to foreign conquests; and if they do not wholly disappear from the scene, it is only because they are surrounded by other nations similar or inferior to themselves; it is because they still have an indefinable instinct of patriotism; and an involuntary pride in the name of their country, or a vague reminiscence of its bygone fame, suffices to give them an impulse of self-preservation.

Nor can the prodigious exertions made by certain nations to defend a country in which they had lived, so to speak, as strangers be adduced in favor of such a system; for it will be found that in these cases their main incitement was religion. The permanence, the glory, or the prosperity of the nation had become parts of their faith, and in defending their country, they defended also that Holy City of which they were all citizens. The Turkish tribes have never taken an active share in the conduct of their affairs, but they accomplished stupendous enterprises as long as the victories of the Sultan were triumphs of the Mohammedan faith. In the present age they are in rapid decay because their religion is departing and despotism only remains. Montesquieu, who attributed to absolute power an authority peculiar to itself, did it, as I conceive, an undeserved honor; for despotism, taken by itself, can maintain nothing durable. On close inspection we shall find that religion, and not fear, has ever been the cause of the long-lived prosperity of an absolute government. Do what you may, there is no true power among men except in the free union of their will; and patriotism and religion are the only two motives in the world that can long urge all the people towards the same end.

Laws cannot rekindle an extinguished faith, but men may be interested by the laws in the fate of their country. It depends upon the laws to awaken and direct the vague impulse of patriotism, which never abandons the human heart; and if it be connected with the thoughts, the passions, and the daily habits of life, it may be consolidated into a durable and rational sentiment. Let it not

be said that it is too late to make the experiment; for nations do not grow old as men do, and every fresh generation is a new people ready for the care of the legislator.

It is not the *administrative*, but the *political* effects of decentralization that I most admire in America. In the United States the interests of the country are everywhere kept in view; they are an object of solicitude to the people of the whole Union, and every citizen is as warmly attached to them as if they were his own. He takes pride in the glory of his nation; he boasts of its success, to which he conceives himself to have contributed; and he rejoices in the general prosperity by which he profits. The feeling he entertains towards the state is analogous to that which unites him to his family, and it is by a kind of selfishness that he interests himself in the welfare of his country.

To the European, a public officer represents a superior force; to an American, he represents a right. In America, then, it may be said that no one renders obedience to man, but to justice and to law. If the opinion that the citizen entertains of himself is exaggerated, it is at least salutary; he unhesitatingly confides in his own powers, which appear to him to be all-sufficient. When a private individual meditates an undertaking, however directly connected it may be with the welfare of society, he never thinks of soliciting the co-operation of the government; but he publishes his plan, offers to execute it, courts the assistance of other individuals, and struggles manfully against all obstacles. Undoubtedly he is often less successful than the state might have been in his position; but in the end the sum of these private undertakings far exceeds all that the government could have done.

As the administrative authority is within the reach of the citizens, whom in some degree it represents, it excites neither their jealousy nor hatred; as its resources are limited, everyone feels that he must not rely solely on its aid. Thus when the administration thinks fit to act within its own limits, it is not abandoned to itself, as in Europe; the duties of private citizens are not supposed to have lapsed because the state has come into action, but everyone is ready, on the contrary, to guide and support it. This action of individuals, joined to that of the public authorities, frequently accomplishes what the most energetic centralized administration would be unable to do.<sup>51</sup>

<sup>51</sup> See Appendix I.

ing is to be perceived but a mass of equal individuals. But when the same power already has all the attributes of government, it can scarcely refrain from penetrating into the details of the administration, and an opportunity of doing so is sure to present itself in the long run, as was the case in France. In the French Revolution there were two impulses in opposite directions, which must never be confounded; the one was favorable to liberty, the other to despotism. Under the ancient monarchy the king was the sole author of the laws; and below the power of the sovereign certain vestiges of provincial institutions, half destroyed, were still distinguishable. These provincial institutions were incoherent, ill arranged, and frequently absurd; in the hands of the aristocracy they had sometimes been converted into instruments of oppression. The Revolution declared itself the enemy at once of royalty and of provincial institutions; it confounded in indiscriminate hatred all that had preceded it, despotic power and the checks to its abuses; and its tendency was at once to republicanize and to centralize. This double character of the French Revolution is a fact which has been adroitly handled by the friends of absolute power. Can they be accused of laboring in the cause of despotism when they are defending that centralized administration which was one of the great innovations of the Revolution?<sup>52</sup> In this manner popularity may be united with hostility to the rights of the people, and the secret slave of tyranny may be the professed lover of freedom.

I have visited the two nations in which the system of provincial liberty has been most perfectly established, and I have listened to the opinions of different parties in those countries. In America I met with men who secretly aspired to destroy the democratic institutions of the Union; in England I found others who openly attacked the aristocracy; but I found no one who did not regard provincial independence as a great good. In both countries I heard a thousand different causes assigned for the evils of the state, but the local system was never mentioned among them. I heard citizens attribute the power and prosperity of their country to a multitude of reasons, but they *all* placed the advantages of local institutions in the foremost rank.

Am I to suppose that when men who are naturally so divided on religious opinions and on political theories agree on one point

<sup>52</sup> See Appendix K.

than the faults of this legislation became manifest, and the state seemed to be suddenly dissolved. Each colony became an independent republic, and assumed an absolute sovereignty. The Federal government, condemned to impotence by its Constitution and no longer sustained by the presence of a common danger, witnessed the outrages offered to its flag by the great nations of Europe, while it was scarcely able to maintain its ground against the Indian tribes, and to pay the interest of the debt which had been contracted during the War of Independence. It was already on the verge of destruction when it officially proclaimed its inability to conduct the government and appealed to the constituent authority.<sup>2</sup>

If America ever approached (for however brief a time) that lofty pinnacle of glory to which the proud imagination of its inhabitants is wont to point, it was at this solemn moment, when the national power abdicated, as it were, its authority. All ages have furnished the spectacle of a people struggling with energy to win its independence; and the efforts of the Americans in throwing off the English yoke have been considerably exaggerated. Separated from their enemies by three thousand miles of ocean, and backed by a powerful ally, the United States owed their victory much more to their geographical position than to the valor of their armies or the patriotism of their citizens. It would be ridiculous to compare the American war to the wars of the French Revolution, or the efforts of the Americans to those of the French when France, attacked by the whole of Europe, without money, without credit, without allies, threw forward a twentieth part of her population to meet her enemies and with one hand carried the torch of revolution beyond the frontiers, while she stifled with the other a flame that was devouring the country within. But it is new in the history of society to see a great people turn a calm and scrutinizing eye upon itself when apprised by the legislature that the wheels of its government are stopped, to see it carefully examine the extent of the evil, and patiently wait two whole years until a remedy is discovered, to which it voluntarily submitted without its costing a tear or a drop of blood from mankind.

When the inadequacy of the first Constitution was discovered, America had the double advantage of that calm which had succeeded the effervescence of the Revolution, and of the aid of those

<sup>2</sup> Congress made this declaration on February 21, 1787.

thirty-three representatives, and only two senators; the state of Delaware has two senators, and only one representative; the state of Delaware is therefore equal to the state of New York in the Senate, while the latter has thirty-three times the influence of the former in the House of Representatives. Thus the minority of the nation in the Senate may paralyze the decisions of the majority represented in the other house, which is contrary to the spirit of constitutional government.

These facts show how rare and difficult it is rationally and logically to combine all the several parts of legislation. The course of time always gives birth to different interests, and sanctions different principles, among the same people; and when a general constitution is to be established, these interests and principles are so many natural obstacles to the rigorous application of any political system with all its consequences. The early stages of national existence are the only periods at which it is possible to make legislation strictly logical; and when we perceive a nation in the enjoyment of this advantage, we should not hastily conclude that it is wise, but only remember that it is young. When the Federal Constitution was formed, the interest of independence for the separate states and the interest of union for the whole people were the only two conflicting interests that existed among the Anglo-Americans, and a compromise was necessarily made between them.

It is just to acknowledge, however, that this part of the Constitution has not hitherto produced those evils which might have been feared. All the states are young and contiguous; their customs, their ideas, and their wants are not dissimilar; and the differences which result from their size are not enough to set their interests much at variance. The small states have consequently never leagued themselves together in the Senate to oppose the designs of the larger ones. Besides, there is so irresistible an authority in the legal expression of the will of a people that the Senate could offer but a feeble opposition to the vote of the majority expressed by the House of Representatives.

It must not be forgotten, moreover, that it was not in the power of the American legislators to reduce to a single nation the people for whom they were making laws. The object of the Federal Constitution was not to destroy the independence of the states, but to restrain it. By acknowledging the real power of these second-

them laud the advantages of a republican government and democratic institutions when they are in public. Next to hating their enemies, men are most inclined to flatter them.

Mark, for instance, that opulent citizen, who is as anxious as a Jew of the Middle Ages to conceal his wealth. His dress is plain, his demeanor unassuming; but the interior of his dwelling glitters with luxury, and none but a few chosen guests, whom he haughtily styles his equals, are allowed to penetrate into this sanctuary. No European noble is more exclusive in his pleasures or more jealous of the smallest advantages that a privileged station confers. But the same individual crosses the city to reach a dark counting-house in the center of traffic, where everyone may accost him who pleases. If he meets his cobbler on the way, they stop and converse; the two citizens discuss the affairs of the state and shake hands before they part.

But beneath this artificial enthusiasm and these obsequious attentions to the preponderating power, it is easy to perceive that the rich have a hearty dislike of the democratic institutions of their country. The people form a power which they at once fear and despise. If the maladministration of the democracy ever brings about a revolutionary crisis and monarchical institutions ever become practicable in the United States, the truth of what I advance will become obvious.

The two chief weapons that parties use in order to obtain success are the newspapers and public associations. →

It is a very difficult question to decide whether an aristocracy or a democracy governs the best. But it is certain that democracy annoys one part of the community and that aristocracy oppresses another. It is a truth which is self-established, and one which it is needless to discuss, that "you are rich and I am poor."

sively of a moral nature, as to diminish the vice of intemperance. In the United States associations are established to promote the public safety, commerce, industry, morality, and religion. There is no end which the human will despairs of attaining through the combined power of individuals united into a society.

I shall have occasion hereafter to show the effects of association in civil life; I confine myself for the present to the political world. When once the right of association is recognized, the citizens may use it in different ways.

An association consists simply in the public assent which a number of individuals give to certain doctrines and in the engagement which they contract to promote in a certain manner the spread of those doctrines. The right of associating in this fashion almost merges with freedom of the press, but societies thus formed possess more authority than the press. When an opinion is represented by a society, it necessarily assumes a more exact and explicit form. It numbers its partisans and engages them in its cause; they, on the other hand, become acquainted with one another, and their zeal is increased by their number. An association unites into one channel the efforts of divergent minds and urges them vigorously towards the one end which it clearly points out.

The second degree in the exercise of the right of association is the power of meeting. When an association is allowed to establish centers of action at certain important points in the country, its activity is increased and its influence extended. Men have the opportunity of seeing one another; means of execution are combined; and opinions are maintained with a warmth and energy that written language can never attain.

Lastly, in the exercise of the right of political association there is a third degree: the partisans of an opinion may unite in electoral bodies and choose delegates to represent them in a central assembly. This is, properly speaking, the application of the representative system to a party.

Thus, in the first instance, a society is formed between individuals professing the same opinion, and the tie that keeps it together is of a purely intellectual nature. In the second case, small assemblies are formed, which represent only a fraction of the party. Lastly, in the third case, they constitute, as it were, a separate nation in the midst of the nation, a government within the government. Their delegates, like the real delegates of the majority, rep-

resent the whole collective force of their party, and like them, also, have an appearance of nationality and all the moral power that results from it. It is true that they have not the right, like the others, of making the laws; but they have the power of attacking those which are in force and of drawing up beforehand those which ought to be enacted.

If, among a people who are imperfectly accustomed to the exercise of freedom, or are exposed to violent political passions, by the side of the majority which makes the laws is placed a minority which only deliberates and gets laws ready for adoption, I cannot but believe that public tranquillity would there incur very great risks. There is doubtless a wide difference between proving that one law is in itself better than another and proving that the former ought to be substituted for the latter. But the imagination of the multitude is very apt to overlook this difference, which is so apparent to the minds of thinking men. It sometimes happens that a nation is divided into two nearly equal parties, each of which affects to represent the majority. If, near the directing power, another power is established which exercises almost as much moral authority as the former, we are not to believe that it will long be content to speak without acting; or that it will always be restrained by the abstract consideration that associations are meant to direct opinions, but not to enforce them, to suggest but not to make the laws.

The more I consider the independence of the press in its principal consequences, the more am I convinced that in the modern world it is the chief and, so to speak, the constitutive element of liberty. A nation that is determined to remain free is therefore right in demanding, at any price, the exercise of this independence. But the unlimited liberty of political association cannot be entirely assimilated to the liberty of the press. The one is at the same time less necessary and more dangerous than the other. A nation may confine it within certain limits without forfeiting any part of its self-directing power; and it may sometimes be obliged to do so in order to maintain its own authority.

In America the liberty of association for political purposes is unlimited. An example will show in the clearest light to what an extent this privilege is tolerated.

The question of a tariff or free trade has much agitated the minds of Americans. The tariff was not only a subject of debate as

a matter of opinion, but it affected some great material interests of the states. The North attributed a portion of its prosperity, and the South nearly all its sufferings, to this system. For a long time the tariff was the sole source of the political animosities that agitated the Union.

In 1831, when the dispute was raging with the greatest violence, a private citizen of Massachusetts proposed, by means of the newspapers, to all the enemies of the tariff to send delegates to Philadelphia in order to consult together upon the best means of restoring freedom of trade. This proposal circulated in a few days, by the power of the press, from Maine to New Orleans. The opponents of the tariff adopted it with enthusiasm; meetings were held in all quarters, and delegates were appointed. The majority of these delegates were well known, and some of them had earned a considerable degree of celebrity. South Carolina alone, which afterwards took up arms in the same cause, sent sixty-three delegates. On the 1st of October 1831 this assembly, which, according to the American custom, had taken the name of a Convention, met at Philadelphia; it consisted of more than two hundred members. Its debates were public, and they at once assumed a legislative character; the extent of the powers of Congress, the theories of free trade, and the different provisions of the tariff were discussed. At the end of ten days the Convention broke up, having drawn up an address to the American people in which it declared: (1) that Congress had not the right of making a tariff, and that the existing tariff was unconstitutional; (2) that the prohibition of free trade was prejudicial to the interests of any nation, and to those of the American people especially.

It must be acknowledged that the unrestrained liberty of political association has not hitherto produced in the United States the fatal results that might perhaps be expected from it elsewhere. The right of association was imported from England, and it has always existed in America; the exercise of this privilege is now incorporated with the manners and customs of the people. At the present time the liberty of association has become a necessary guarantee against the tyranny of the majority. In the United States, as soon as a party has become dominant, all public authority passes into its hands; its private supporters occupy all the offices and have all the force of the administration at their disposal. As the most distinguished members of the opposite party cannot sur-

mount the barrier that excludes them from power, they must establish themselves outside of it and oppose the whole moral authority of the minority to the physical power that domineers over it. Thus a dangerous expedient is used to obviate a still more formidable danger.

The omnipotence of the majority appears to me to be so full of peril to the American republics that the dangerous means used to bridle it seem to be more advantageous than prejudicial. And here I will express an opinion that may remind the reader of what I said when speaking of the freedom of townships. There are no countries in which associations are more needed to prevent the despotism of faction or the arbitrary power of a prince than those which are democratically constituted. In aristocratic nations the body of the nobles and the wealthy are in themselves natural associations which check the abuses of power. In countries where such associations do not exist, if private individuals cannot create an artificial and temporary substitute for them I can see no permanent protection against the most galling tyranny; and a great people may be oppressed with impunity by a small faction or by a single individual.

The meeting of a great political convention (for there are conventions of all kinds), which may frequently become a necessary measure, is always a serious occurrence, even in America, and one that judicious patriots cannot regard without alarm. This was very perceptible in the Convention of 1831, at which all the most distinguished members strove to moderate its language and to restrain its objects within certain limits. It is probable that this Convention exercised a great influence on the minds of the malcontents and prepared them for the open revolt against the commercial laws of the Union that took place in 1832.

It cannot be denied that the unrestrained liberty of association for political purposes is the privilege which a people is longest in learning how to exercise. If it does not throw the nation into anarchy, it perpetually augments the chances of that calamity. On one point, however, this perilous liberty offers a security against dangers of another kind; in countries where associations are free, secret societies are unknown. In America there are factions, but no conspiracies.

DIFFERENT WAYS in which the right of association is understood in Europe and in the United States — Different use which is made of it.

THE most natural privilege of man, next to the right of acting for himself, is that of combining his exertions with those of his fellow creatures and of acting in common with them. The right of association therefore appears to me almost as inalienable in its nature as the right of personal liberty. No legislator can attack it without impairing the foundations of society. Nevertheless, if the liberty of association is only a source of advantage and prosperity to some nations, it may be perverted or carried to excess by others, and from an element of life may be changed into a cause of destruction. A comparison of the different methods that associations pursue in those countries in which liberty is well understood and in those where liberty degenerates into license may be useful both to governments and to parties.

Most Europeans look upon association as a weapon which is to be hastily fashioned and immediately tried in the conflict. A society is formed for discussion, but the idea of impending action prevails in the minds of all those who constitute it. It is, in fact, an army; and the time given to speech serves to reckon up the strength and to animate the courage of the host, after which they march against the enemy. To the persons who compose it, resources which lie within the bounds of law may suggest themselves as means of success, but never as the only means.

Such, however, is not the manner in which the right of association is understood in the United States. In America the citizens who form the minority associate in order, first, to show their numerical strength and so to diminish the moral power of the majority; and, secondly, to stimulate competition and thus to discover those arguments that are most fitted to act upon the majority; for they always entertain hopes of drawing over the majority to their own side, and then controlling the supreme power in its name. Political associations in the United States are therefore peaceable in their intentions and strictly legal in the means which they employ; and they assert with perfect truth that they aim at success only by lawful expedients.

The difference that exists in this respect between Americans and Europeans depends on several causes. In Europe there are

parties which differ so much from the majority that they can never hope to acquire its support, and yet they think they are strong enough in themselves to contend against it. When a party of this kind forms an association, its object is not to convince, but to fight. In America the individuals who hold opinions much opposed to those of the majority can do nothing against it, and all other parties hope to win it over to their own principles. The exercise of the right of association becomes dangerous, then, in proportion as great parties find themselves wholly unable to acquire the majority. In a country like the United States, in which the differences of opinion are mere differences of hue, the right of association may remain unrestrained without evil consequences. Our inexperience of liberty leads us to regard the liberty of association only as a right of attacking the government. The first notion that presents itself to a party, as well as to an individual, when it has acquired a consciousness of its own strength is that of violence; the notion of persuasion arises at a later period, and is derived from experience. The English, who are divided into parties which differ essentially from each other, rarely abuse the right of association because they have long been accustomed to exercise it. In France the passion for war is so intense that there is no undertaking so mad, or so injurious to the welfare of the state that a man does not consider himself honored in defending it at the risk of his life.

But perhaps the most powerful of the causes that tend to mitigate the violence of political associations in the United States is universal suffrage. In countries in which universal suffrage exists, the majority is never doubtful, because neither party can reasonably pretend to represent that portion of the community which has not voted. The associations know as well as the nation at large that they do not represent the majority. This results, indeed, from the very fact of their existence; for if they did represent the preponderating power, they would change the law instead of soliciting its reform. The consequence of this is that the moral influence of the government which they attack is much increased, and their own power is much enfeebled.

In Europe there are few associations which do not affect to represent the majority, or which do not believe that they represent it. This conviction or this pretension tends to augment their force amazingly and contributes no less to legalize their measures. Violence may seem to be excusable in defense of the cause of op-

pressed right. Thus it is, in the vast complication of human laws, that extreme liberty sometimes corrects the abuses of liberty, and that extreme democracy obviates the dangers of democracy. In Europe associations consider themselves, in some degree, as the legislative and executive council of the people, who are unable to speak for themselves; moved by this belief, they act and they command. In America, where they represent in the eyes of all only a minority of the nation, they argue and petition.

The means that associations in Europe employ are in accordance with the end which they propose to obtain. As the principal aim of these bodies is to act and not to debate, to fight rather than to convince, they are naturally led to adopt an organization which is not civic and peaceable, but partakes of the habits and maxims of military life. They also centralize the direction of their forces as much as possible and entrust the power of the whole party to a small number of leaders.

The members of these associations respond to a watchword, like soldiers on duty; they profess the doctrine of passive obedience; say, rather, that in uniting together they at once abjure the exercise of their own judgment and free will; and the tyrannical control that these societies exercise is often far more insupportable than the authority possessed over society by the government which they attack. Their moral force is much diminished by these proceedings, and they lose the sacred character which always attaches to a struggle of the oppressed against their oppressors. He who in given cases consents to obey his fellows with servility and who submits his will and even his thoughts to their control, how can he pretend that he wishes to be free?

The Americans have also established a government in their associations, but it is invariably borrowed from the forms of the civil administration. The independence of each individual is recognized; as in society, all the members advance at the same time towards the same end, but they are not all obliged to follow the same track. No one abjures the exercise of his reason and free will, but everyone exerts that reason and will to promote a common undertaking.

faculties are correlative. I readily admit that the mass of the citizens sincerely wish to promote the welfare of the country; nay, more, I even grant that the lower classes mix fewer considerations of personal interest with their patriotism than the higher orders; but it is always more or less difficult for them to discern the best means of attaining the end which they sincerely desire. Long and patient observation and much acquired knowledge are requisite to form a just estimate of the character of a single individual. Men of the greatest genius often fail to do it, and can it be supposed that the common people will always succeed? The people have neither the time nor the means for an investigation of this kind. Their conclusions are hastily formed from a superficial inspection of the more prominent features of a question. Hence it often happens that mountebanks of all sorts are able to please the people, while their truest friends frequently fail to gain their confidence.

Moreover, democracy not only lacks that soundness of judgment which is necessary to select men really deserving of their confidence, but often have not the desire or the inclination to find them out. It cannot be denied that democratic institutions strongly tend to promote the feeling of envy in the human heart; not so much because they afford to everyone the means of rising to the same level with others as because those means perpetually disappoint the persons who employ them. Democratic institutions awaken and foster a passion for equality which they can never entirely satisfy. This complete equality eludes the grasp of the people at the very moment when they think they have grasped it, and "flies," as Pascal says, "with an eternal flight"; the people are excited in the pursuit of an advantage, which is more precious because it is not sufficiently remote to be unknown or sufficiently near to be enjoyed. The lower orders are agitated by the chance of success, they are irritated by its uncertainty; and they pass from the enthusiasm of pursuit to the exhaustion of ill success, and lastly to the acrimony of disappointment. Whatever transcends their own limitations appears to be an obstacle to their desires, and there is no superiority, however legitimate it may be, which is not irksome in their sight.

It has been supposed that the secret instinct which leads the lower orders to remove their superiors as much as possible from the direction of public affairs is peculiar to France. This is an error, however; the instinct to which I allude is not French, it is

democratic; it may have been heightened by peculiar political circumstances, but it owes its origin to a higher cause.

In the United States the people do not hate the higher classes of society, but are not favorably inclined towards them and carefully exclude them from the exercise of authority. They do not fear distinguished talents, but are rarely fond of them. In general, everyone who rises without their aid seldom obtains their favor.

While the natural instincts of democracy induce the people to reject distinguished citizens as their rulers, an instinct not less strong induces able men to retire from the political arena, in which it is so difficult to retain their independence, or to advance without becoming servile. This opinion has been candidly expressed by Chancellor Kent, who says, in speaking with high praise of that part of the Constitution which empowers the executive to nominate the judges: "It is indeed probable that the men who are best fitted to discharge the duties of this high office would have too much reserve in their manners, and too much austerity in their principles, for them to be returned by the majority at an election where universal suffrage is adopted."<sup>1</sup> Such were the opinions which were printed without contradiction in America in the year 1830!

I hold it to be sufficiently demonstrated that universal suffrage is by no means a guarantee of the wisdom of the popular choice. Whatever its advantages may be, this is not one of them.

CAUSES WHICH MAY PARTLY CORRECT THESE TENDENCIES OF THE DEMOCRACY. *Contrary effects produced on nations as on individuals by great dangers — Why so many distinguished men stood at the head of affairs in America fifty years ago — Influence which intelligence and morality exercise upon the popular choice — Example of New England — States of the Southwest — How certain laws influence the choice of the people — Election by an elected body — Its effects upon the composition of the Senate.*

WHEN serious dangers threaten the state, the people frequently succeed in selecting the citizens who are the most able to save it. It has been observed that man rarely retains his customary level in very critical circumstances; he rises above or sinks below his usual condition, and the same thing is true of nations. Extreme perils

<sup>1</sup> Kent's Commentaries, Vol. I, p. 272.

dangers and privations; but without reflection they will not support them long. There is more calculation even in the impulses of bravery than is generally supposed; and although the first efforts are made by passion alone, perseverance is maintained only by a distinct view of what one is fighting for. A portion of what is dear to us is hazarded in order to save the remainder.

But it is this clear perception of the future, founded upon judgment and experience, that is frequently wanting in democracies. The people are more apt to feel than to reason; and if their present sufferings are great, it is to be feared that the still greater sufferings attendant upon defeat will be forgotten.

Another cause tends to render the efforts of a democratic government less persevering than those of an aristocracy. Not only are the lower less awake than the higher orders to the good or evil chances of the future, but they suffer more acutely from present privations. The noble exposes his life, indeed, but the chance of glory is equal to the chance of harm. If he sacrifices a large portion of his income to the state, he deprives himself for a time of some of the pleasures of affluence; but to the poor man death has no glory, and the imposts that are merely irksome to the rich often deprive him of the necessaries of life.

This relative weakness of democratic republics in critical times is perhaps the greatest obstacle to the foundation of such a republic in Europe. In order that one such state should exist in the European world, it would be necessary that similar institutions should be simultaneously introduced into all the other nations.

I am of opinion that a democratic government tends, in the long run, to increase the real strength of society; but it can never combine, upon a single point and at a given time, so much power as an aristocracy or an absolute monarchy. If a democratic country remained during a whole century subject to a republican government, it would probably at the end of that period be richer, more populous, and more prosperous than the neighboring despotic states. But during that century it would often have incurred the risk of being conquered by them.

served between the end at which they aim and the means by which they pursue that end; between their absolute and their relative excellence. If it be the intention of the legislator to favor the interests of the minority at the expense of the majority, and if the measures he takes are so combined as to accomplish the object he has in view with the least possible expense of time and exertion, the law may be well drawn up although its purpose is bad; and the more efficacious it is, the more dangerous it will be.

Democratic laws generally tend to promote the welfare of the greatest possible number; for they emanate from the majority of the citizens, who are subject to error, but who cannot have an interest opposed to their own advantage. The laws of an aristocracy tend, on the contrary, to concentrate wealth and power in the hands of the minority; because an aristocracy, by its very nature, constitutes a minority. It may therefore be asserted, as a general proposition, that the purpose of a democracy in its legislation is more useful to humanity than that of an aristocracy. This, however, is the sum total of its advantages.

Aristocracies are infinitely more expert in the science of legislation than democracies ever can be. They are possessed of a self-control that protects them from the errors of temporary excitement; and they form far-reaching designs, which they know how to mature till a favorable opportunity arrives. Aristocratic government proceeds with the dexterity of art; it understands how to make the collective force of all its laws converge at the same time to a given point. Such is not the case with democracies, whose laws are almost always ineffective or inopportune. The means of democracy are therefore more imperfect than those of aristocracy, and the measures that it unwittingly adopts are frequently opposed to its own cause; but the object it has in view is more useful.

Let us now imagine a community so organized by nature or by its constitution that it can support the transitory action of bad laws, and that it can await, without destruction, the general tendency of its legislation: we shall then conceive how a democratic government, notwithstanding its faults, may be best fitted to produce the prosperity of this community. This is precisely what has occurred in the United States; and I repeat, what I have before remarked, that the great advantage of the Americans consists in their being able to commit faults which they may afterwards repair.

## Chapter XV

### UNLIMITED POWER OF THE MAJORITY IN THE UNITED STATES, AND ITS CONSEQUENCES

NATURAL STRENGTH of the majority in democracies — Most of the American constitutions have increased this strength by artificial means — How this has been done — Pledged delegates — Moral power of the majority — Opinion as to its infallibility — Respect for its rights, how augmented in the United States.

2 // **T**HE very essence of democratic government consists in the absolute sovereignty of the majority; for there is nothing in democratic states that is capable of resisting it. Most of the American constitutions have sought to increase this natural strength of the majority by artificial means.<sup>1</sup>

Of all political institutions, the legislature is the one that is most easily swayed by the will of the majority. The Americans determined that the members of the legislature should be elected by the people *directly*, and for a *very brief term*, in order to subject them, not only to the general convictions, but even to the daily passions, of their constituents. The members of both houses are taken from the same classes in society and nominated in the same manner; so that the movements of the legislative bodies are almost as rapid, and quite as irresistible, as those of a single assembly. It is to a legislature thus constituted that almost all the authority of the government has been entrusted.

At the same time that the law increased the strength of those authorities which of themselves were strong, it enfeebled more and more those which were naturally weak. It deprived the representatives of the executive power of all stability and independence; and by subjecting them completely to the caprices of the legisla-

1 We have seen, in examining the Federal Constitution, that the efforts of the legislators of the Union were directed against this absolute power. The consequence has been that the Federal government is more independent in its sphere than that of the states. But the Federal government scarcely ever interferes in any but foreign affairs; and the governments of the states in reality direct society in America.

### The Unlimited Power of the Majority

ture, it robbed them of the slender influence that the nature of a democratic government might have allowed them to exercise. In several states the judicial power was also submitted to the election of the majority; and in all of them its existence was made to depend on the pleasure of the legislative authority, since the representatives were empowered annually to regulate the stipend of the judges.

Custom has done even more than law. A proceeding is becoming more and more general in the United States which will, in the end, do away with the guarantees of representative government: it frequently happens that the voters, in electing a delegate, point out a certain line of conduct to him and impose upon him certain positive obligations that he is pledged to fulfill. With the exception of the tumult, this comes to the same thing as if the majority itself held its deliberations in the market-place. X

Several particular circumstances combine to render the power of the majority in America not only preponderant, but irresistible. The moral authority of the majority is partly based upon the notion that there is more intelligence and wisdom in a number of men united than in a single individual, and that the number of the legislators is more important than their quality. The theory of equality is thus applied to the intellects of men; and human pride is thus assailed in its last retreat by a doctrine which the minority hesitate to admit, and to which they will but slowly assent. Like all other powers, and perhaps more than any other, the authority of the many requires the sanction of time in order to appear legitimate. At first it enforces obedience by constraint; and its laws are not *respected* until they have been long maintained.

The right of governing society, which the majority supposes itself to derive from its superior intelligence, was introduced into the United States by the first settlers; and this idea, which of itself would be sufficient to create a free nation, has now been amalgamated with the customs of the people and the minor incidents of social life.

The French under the old monarchy held it for a maxim that the king could do no wrong; and if he did do wrong, the blame was imputed to his advisers. This notion made obedience very easy; it enabled the subject to complain of the law without ceasing to love and honor the lawgiver. The Americans entertain the same opinion with respect to the majority. X

*This, and not just one!*

The moral power of the majority is founded upon yet another principle, which is that the interests of the many are to be preferred to those of the few. It will readily be perceived that the respect here professed for the rights of the greater number must naturally increase or diminish according to the state of parties. When a nation is divided into several great irreconcilable interests, the privilege of the majority is often overlooked, because it is intolerable to comply with its demands.

If there existed in America a class of citizens whom the legislating majority sought to deprive of exclusive privileges which they had possessed for ages and to bring down from an elevated station to the level of the multitude, it is probable that the minority would be less ready to submit to its laws. But as the United States was colonized by men holding equal rank, there is as yet no natural or permanent disagreement between the interests of its different inhabitants.

There are communities in which the members of the minority can never hope to draw the majority over to their side, because they must then give up the very point that is at issue between them. Thus an aristocracy can never become a majority while it retains its exclusive privileges, and it cannot cede its privileges without ceasing to be an aristocracy.

In the United States, political questions cannot be taken up in so general and absolute a manner; and all parties are willing to recognize the rights of the majority, because they all hope at some time to be able to exercise them to their own advantage. The majority in that country, therefore, exercise a prodigious actual authority, and a power of opinion which is nearly as great; no obstacles exist which can impede or even retard its progress, so as to make it heed the complaints of those whom it crushes upon its path. This state of things is harmful in itself and dangerous for the future.

HOW THE OMNIPOTENCE OF THE MAJORITY INCREASES, IN AMERICA, THE INSTABILITY OF LEGISLATION AND ADMINISTRATION INHERENT IN DEMOCRACY. *The Americans increase the mutability of law that is inherent in a democracy by changing the legislature every year, and investing it with almost unbounded authority — The same effect is produced upon the administration — In America the pressure for social improvements is vastly greater, but less continuous, than in Europe.*

I HAVE already spoken of the natural defects of democratic institutions; each one of them increases in the same ratio as the power of the majority. To begin with the most evident of them all, the mutability of the laws is an evil inherent in a democratic government, because it is natural to democracies to raise new men to power. But this evil is more or less perceptible in proportion to the authority and the means of action which the legislature possesses.

In America the authority exercised by the legislatures is supreme; nothing prevents them from accomplishing their wishes with celerity and with irresistible power, and they are supplied with new representatives every year. That is to say, the circumstances which contribute most powerfully to democratic instability, and which admit of the free application of caprice to the most important objects, are here in full operation. Hence America is, at the present day, the country beyond all others where laws last the shortest time. Almost all the American constitutions have been amended within thirty years; there is therefore not one American state which has not modified the principles of its legislation in that time. As for the laws themselves, a single glance at the archives of the different states of the Union suffices to convince one that in America the activity of the legislator never slackens. Not that the American democracy is naturally less stable than any other, but it is allowed to follow, in the formation of the laws, the natural instability of its desires.<sup>2</sup>

<sup>2</sup> The legislative acts promulgated by the state of Massachusetts alone from the year 1780 to the present time already fill three stout volumes; and it must not be forgotten that the collection to which I allude was revised in 1823, when many old laws which had fallen into disuse were omitted. The state of Massachusetts, which is not more populous than a department of France, may be considered as the most stable, the most consistent, and the most sagacious in its undertakings of the whole Union.

## The Unlimited Power of the Majority

*ceiving a mixed government — The sovereign power must exist somewhere — Precautions to be taken to control its action — These precautions have not been taken in the United States — Consequences.*

I HOLD it to be an impious and detestable maxim that, politically speaking, the people have a right to do anything; and yet I have asserted that all authority originates in the will of the majority. Am I, then, in contradiction with myself?

A general law, which bears the name of justice, has been made and sanctioned, not only by a majority of this or that people, but by a majority of mankind. The rights of every people are therefore confined within the limits of what is just. A nation may be considered as a jury which is empowered to represent society at large and to apply justice, which is its law. Ought such a jury, which represents society, to have more power than the society itself whose laws it executes?

When I refuse to obey an unjust law, I do not contest the right of the majority to command, but I simply appeal from the sovereignty of the people to the sovereignty of mankind. Some have not feared to assert that a people can never outstep the boundaries of justice and reason in those affairs which are peculiarly its own; and that consequently full power may be given to the majority by which it is represented. But this is the language of a slave.

A majority taken collectively is only an individual, whose opinions, and frequently whose interests, are opposed to those of another individual, who is styled a minority. If it be admitted that a man possessing absolute power may misuse that power by wronging his adversaries, why should not a majority be liable to the same reproach? Men do not change their characters by uniting with one another; nor does their patience in the presence of obstacles increase with their strength.<sup>3</sup> For my own part, I cannot believe it; the power to do everything, which I should refuse to one of my equals, I will never grant to any number of them.

I do not think that, for the sake of preserving liberty, it is possible to combine several principles in the same government so as

<sup>3</sup> No one will assert that a people cannot forcibly wrong another people; but parties may be looked upon as lesser nations within a great one, and they are aliens to each other. If, therefore, one admits that a nation can act tyrannically towards another nation, can it be denied that a party may do the same towards another party?

really to oppose them to one another. The form of government that is usually termed *mixed* has always appeared to me a mere chimera. Accurately speaking, there is no such thing as a *mixed government*, in the sense usually given to that word, because in all communities some one principle of action may be discovered which preponderates over the others. England in the last century, which has been especially cited as an example of this sort of government, was essentially an aristocratic state, although it comprised some great elements of democracy; for the laws and customs of the country were such that the aristocracy could not but preponderate in the long run and direct public affairs according to its own will. The error arose from seeing the interests of the nobles perpetually contending with those of the people, without considering the issue of the contest, which was really the important point. When a community actually has a mixed government — that is to say, when it is equally divided between adverse principles — it must either experience a revolution or fall into anarchy.

I am therefore of the opinion that social power superior to all others must always be placed somewhere; but I think that liberty is endangered when this power finds no obstacle which can retard its course and give it time to moderate its own vehemence.

Unlimited power is in itself a bad and dangerous thing. Human beings are not competent to exercise it with discretion. God alone can be omnipotent, because his wisdom and his justice are always equal to his power. There is no power on earth so worthy of honor in itself or clothed with rights so sacred that I would admit its uncontrolled and all-predominant authority. When I see that the right and the means of absolute command are conferred on any power whatever, be it called a people or a king, an aristocracy or a democracy, a monarchy or a republic, I say there is the germ of tyranny, and I seek to live elsewhere, under other laws.

In my opinion, the main evil of the present democratic institutions of the United States does not arise, as is often asserted in Europe, from their weakness, but from their irresistible strength. I am not so much alarmed at the excessive liberty which reigns in that country as at the inadequate securities which one finds there against tyranny.

When an individual or a party is wronged in the United States, to whom can he apply for redress? If to public opinion, public

opinion constitutes the majority; if to the legislature, it represents the majority and implicitly obeys it; if to the executive power, it is appointed by the majority and serves as a passive tool in its hands. The public force consists of the majority under arms; the jury is the majority invested with the right of hearing judicial cases; and in certain states even the judges are elected by the majority. However iniquitous or absurd the measure of which you complain, you must submit to it as well as you can.<sup>4</sup>

If, on the other hand, a legislative power could be so constituted as to represent the majority without necessarily being the slave of its passions, an executive so as to retain a proper share of authority, and a judiciary so as to remain independent of the other two powers, a government would be formed which would still be democratic while incurring scarcely any risk of tyranny.

I do not say that there is a frequent use of tyranny in America

<sup>4</sup> A striking instance of the excesses that may be occasioned by the despotism of the majority occurred at Baltimore during the War of 1812. At that time the war was very popular in Baltimore. A newspaper that had taken the other side excited, by its opposition, the indignation of the inhabitants. The mob assembled, broke the printing-presses, and attacked the house of the editors. The militia was called out, but did not obey the call; and the only means of saving the wretches who were threatened by the frenzy of the mob was to throw them into prison as common malefactors. But even this precaution was ineffectual; the mob collected again during the night; the magistrates again made a vain attempt to call out the militia; the prison was forced, one of the newspaper editors was killed upon the spot, and the others were left for dead. The guilty parties, when they were brought to trial, were acquitted by the jury.

I said one day to an inhabitant of Pennsylvania: "Be so good as to explain to me how it happens that in a state founded by Quakers, and celebrated for its toleration, free blacks are not allowed to exercise civil rights. They pay taxes; is it not fair that they should vote?"

"You insult us," replied my informant, "if you imagine that our legislators could have committed so gross an act of injustice and intolerance."

"Then the blacks possess the right of voting in this country?"

"Without doubt."

"How comes it, then, that at the polling-booth this morning I did not perceive a single Negro?"

"That is not the fault of the law. The Negroes have an undisputed right of voting, but they voluntarily abstain from making their appearance."

"A very pretty piece of modesty on their part!" rejoined I.

"Why, the truth is that they are not disinclined to vote, but they are afraid of being maltreated; in this country the law is sometimes unable to maintain its authority without the support of the majority. But in this case the majority entertains very strong prejudices against the blacks, and the magistrates are unable to protect them in the exercise of their legal rights."

"Then the majority claims the right not only of making the laws, but of breaking the laws it has made?"

POWER EXERCISED BY THE MAJORITY IN AMERICA UPON OPINION.

*In America, when the majority has once irrevocably decided a question, all discussion ceases — Reason for this — Moral power exercised by the majority upon opinion — Democratic republics have applied despotism to the minds of men.*

It is in the examination of the exercise of thought in the United States that we clearly perceive how far the power of the majority surpasses all the powers with which we are acquainted in Europe. Thought is an invisible and subtle power that mocks all the efforts of tyranny. At the present time the most absolute monarchs in Europe cannot prevent certain opinions hostile to their authority from circulating in secret through their dominions and even in their courts. It is not so in America; as long as the majority is still undecided, discussion is carried on; but as soon as its decision is irrevocably pronounced, everyone is silent, and the friends as well as the opponents of the measure unite in assenting to its propriety. The reason for this is perfectly clear: no monarch is so absolute as to combine all the powers of society in his own hands and to conquer all opposition, as a majority is able to do, which has the right both of making and of executing the laws.

The authority of a king is physical and controls the actions of men without subduing their will. But the majority possesses a power that is physical and moral at the same time, which acts upon the will as much as upon the actions and represses not only all contest, but all controversy.

I know of no country in which there is so little independence of mind and real freedom of discussion as in America. In any constitutional state in Europe every sort of religious and political theory may be freely preached and disseminated; for there is no country in Europe so subdued by any single authority as not to protect the man who raises his voice in the cause of truth from the consequences of his hardihood. If he is unfortunate enough to live under an absolute government, the people are often on his side; if he inhabits a free country, he can, if necessary, find a shelter behind the throne. The aristocratic part of society supports him in some countries, and the democracy in others. But in a nation where democratic institutions exist, organized like those of the United States, there is but one authority, one element of strength and success, with nothing beyond it.

In America the majority raises formidable barriers around the liberty of opinion; within these barriers an author may write what he pleases, but woe to him if he goes beyond them. Not that he is in danger of an auto-da-fé, but he is exposed to continued obloquy and persecution. His political career is closed forever, since he has offended the only authority that is able to open it. Every sort of compensation, even that of celebrity, is refused to him. Before making public his opinions he thought he had sympathizers; now it seems to him that he has none any more since he has revealed himself to everyone; then those who blame him criticize loudly and those who think as he does keep quiet and move away without courage. He yields at length, overcome by the daily effort which he has to make, and subsides into silence, as if he felt remorse for having spoken the truth.

Fetters and headsmen were the coarse instruments that tyranny formerly employed; but the civilization of our age has perfected despotism itself, though it seemed to have nothing to learn. Monarchs had, so to speak, materialized oppression; the democratic republics of the present day have rendered it as entirely an affair of the mind as the will which it is intended to coerce. Under the absolute sway of one man the body was attacked in order to subdue the soul; but the soul escaped the blows which were directed against it and rose proudly superior. Such is not the course adopted by tyranny in democratic republics; there the body is left free, and the soul is enslaved. The master no longer says: "You shall think as I do or you shall die"; but he says: "You are free to think differently from me and to retain your life, your property, and all that you possess; but you are henceforth a stranger among your people. You may retain your civil rights, but they will be useless to you, for you will never be chosen by your fellow citizens if you solicit their votes; and they will affect to scorn you if you ask for their esteem. You will remain among men, but you will be deprived of the rights of mankind. Your fellow creatures will shun you like an impure being; and even those who believe in your innocence will abandon you, lest they should be shunned in their turn. Go in peace! I have given you your life, but it is an existence worse than death."

Absolute monarchies had dishonored despotism; let us beware lest democratic republics should reinstate it and render it less odi-

ous and degrading in the eyes of the many by making it still more onerous to the few.

Works have been published in the proudest nations of the Old World expressly intended to censure the vices and the follies of the times: Labruyère inhabited the palace of Louis XIV when he composed his chapter upon the Great, and Molière criticized the courtiers in the plays that were acted before the court. But the ruling power in the United States is not to be made game of. The smallest reproach irritates its sensibility, and the slightest joke that has any foundation in truth renders it indignant; from the forms of its language up to the solid virtues of its character, everything must be made the subject of encomium. No writer, whatever be his eminence, can escape paying this tribute of adulation to his fellow citizens. The majority lives in the perpetual utterance of self-applause, and there are certain truths which the Americans can learn only from strangers or from experience.

If America has not as yet had any great writers, the reason is given in these facts; there can be no literary genius without freedom of opinion, and freedom of opinion does not exist in America. The Inquisition has never been able to prevent a vast number of anti-religious books from circulating in Spain. The empire of the majority succeeds much better in the United States, since it actually removes any wish to publish them. Unbelievers are to be met with in America, but there is no public organ of infidelity. Attempts have been made by some governments to protect morality by prohibiting licentious books. In the United States no one is punished for this sort of books, but no one is induced to write them; not because all the citizens are immaculate in conduct, but because the majority of the community is decent and orderly.

In this case the use of the power is unquestionably good; and I am discussing the nature of the power itself. This irresistible authority is a constant fact, and its judicious exercise is only an accident.

EFFECTS OF THE TYRANNY OF THE MAJORITY UPON THE NATIONAL CHARACTER OF THE AMERICANS — THE COURTIER SPIRIT IN THE UNITED STATES. *Effects of the tyranny of the majority more sensibly felt hitherto on the manners than on the conduct of society — They check the development of great characters —*

give him their daughters and their wives to be raised at his pleasure to the rank of his concubines; but by sacrificing their opinions they prostitute themselves. Moralists and philosophers in America are not obliged to conceal their opinions under the veil of allegory; but before they venture upon a harsh truth, they say: "We are aware that the people whom we are addressing are too superior to the weaknesses of human nature to lose the command of their temper for an instant. We should not hold this language if we were not speaking to men whom their virtues and their intelligence render more worthy of freedom than all the rest of the world." The sycophants of Louis XIV could not flatter more dexterously.

For my part, I am persuaded that in all governments, whatever their nature may be, servility will cower to force, and adulation will follow power. The only means of preventing men from degrading themselves is to invest no one with that unlimited authority which is the sure method of debasing them.

THE GREATEST DANGERS OF THE AMERICAN REPUBLICS PROCEED FROM THE OMNIPOTENCE OF THE MAJORITY. *Democratic republics liable to perish from a misuse of their power, and not from impotence — The governments of the American republics are more centralized and more energetic than those of the monarchies of Europe — Dangers resulting from this — Opinions of Madison and Jefferson upon this point.*

GOVERNMENTS usually perish from impotence or from tyranny. In the former case, their power escapes from them; it is wrested from their grasp in the latter. Many observers who have witnessed the anarchy of democratic states have imagined that the government of those states was naturally weak and impotent. The truth is that when war is once begun between parties, the government loses its control over society. But I do not think that a democratic power is naturally without force or resources; say, rather, that it is almost always by the abuse of its force and the misemployment of its resources that it becomes a failure. Anarchy is almost always produced by its tyranny or its mistakes, but not by its want of strength.

It is important not to confuse stability with force, or the greatness of a thing with its duration. In democratic republics the power

that directs<sup>5</sup> society is not stable, for it often changes hands and assumes a new direction. But whichever way it turns, its force is almost irresistible. The governments of the American republics appear to me to be as much centralized as those of the absolute monarchies of Europe, and more energetic than they are. I do not, therefore, imagine that they will perish from weakness.<sup>6</sup>

If ever the free institutions of America are destroyed, that event may be attributed to the omnipotence of the majority, which may at some future time urge the minorities to desperation and oblige them to have recourse to physical force. Anarchy will then be the result, but it will have been brought about by despotism.

Mr. Madison expresses the same opinion in *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 right under the popular form of government within such narrow limits would be displayed by such reiterated oppressions of the 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."

<sup>5</sup> This power may be centralized in an assembly, in which case it will be strong without being stable; or it may be centralized in an individual, in which case it will be less strong, but more stable.

<sup>6</sup> I presume that it is scarcely necessary to remind the reader here, as well as throughout this chapter, that I am speaking, not of the Federal government, but of the governments of the individual states, which the majority controls at its pleasure.

XII

Jefferson also said: "The executive power in our government is not the only, perhaps not even the principal, object of my solicitude. The tyranny of the legislature is really the danger most to be feared, and will continue to be so for many years to come. The tyranny of the executive power will come in its turn, but at a more distant period."<sup>7</sup>

I am glad to cite the opinion of Jefferson upon this subject rather than that of any other, because I consider him the most powerful advocate democracy has ever had.

<sup>7</sup> Letter from Jefferson to Madison, March 15, 1789.

### *Mitigations of the Tyranny of the Majority*

general cause, which it is useful to investigate, as it may be reproduced elsewhere.

The members of the legal profession have taken a part in all the movements of political society in Europe for the last five hundred years. At one time they have been the instruments of the political authorities, and at another they have succeeded in converting the political authorities into their instruments. In the Middle Ages they afforded a powerful support to the crown; and since that period they have exerted themselves effectively to limit the royal prerogative. In England they have contracted a close alliance with the aristocracy; in France they have shown themselves its most dangerous enemies. Under all these circumstances have the members of the legal profession been swayed by sudden and fleeting impulses, or have they been more or less impelled by instincts which are natural to them and which will always recur in history? I am incited to this investigation, for perhaps this particular class of men will play a prominent part in the political society that is soon to be created.

Men who have made a special study of the laws derive from this occupation certain habits of order, a taste for formalities, and a kind of instinctive regard for the regular connection of ideas, which naturally render them very hostile to the revolutionary spirit and the unreflecting passions of the multitude.

The special information that lawyers derive from their studies ensures them a separate rank in society, and they constitute a sort of privileged body in the scale of intellect. This notion of their superiority perpetually recurs to them in the practice of their profession: they are the masters of a science which is necessary, but which is not very generally known; they serve as arbiters between the citizens; and the habit of directing to their purpose the blind passions of parties in litigation inspires them with a certain contempt for the judgment of the multitude. Add to this that they naturally constitute *a body*; not by any previous understanding, or by an agreement that directs them to a common end; but the analogy of their studies and the uniformity of their methods connect their minds as a common interest might unite their endeavors.

Some of the tastes and the habits of the aristocracy may consequently be discovered in the characters of lawyers. They participate in the same instinctive love of order and formalities; and they entertain the same repugnance to the actions of the multitude, and

*Mitigations of the Tyranny of the Majority*

power. But whenever an aristocracy consents to impart some of its privileges to these same individuals, the two classes coalesce very readily and assume, as it were, family interests.

I am in like manner inclined to believe that a monarch will always be able to convert legal practitioners into the most serviceable instruments of his authority. There is a far greater affinity between this class of persons and the executive power than there is between them and the people, though they have often aided to overturn the former; just as there is a greater natural affinity between the nobles and the monarch than between the nobles and the people, although the higher orders of society have often, in concert with the lower classes, resisted the prerogative of the crown.

Lawyers are attached to public order beyond every other consideration, and the best security of public order is authority. It must not be forgotten, also, that if they prize freedom much, they generally value legality still more: they are less afraid of tyranny than of arbitrary power; and, provided the legislature undertakes of itself to deprive men of their independence, they are not dissatisfied.

I am therefore convinced that the prince who, in presence of an encroaching democracy, should endeavor to impair the judicial authority in his dominions, and to diminish the political influence of lawyers, would commit a great mistake: he would let slip the substance of authority to grasp the shadow. He would act more wisely in introducing lawyers into the government; and if he entrusted despotism to them under the form of violence, perhaps he would find it again in their hands under the external features of justice and law.

The government of democracy is favorable to the political power of lawyers; for when the wealthy, the noble, and the prince are excluded from the government, the lawyers take possession of it, in their own right, as it were, since they are the only men of information and sagacity, beyond the sphere of the people, who can be the object of the popular choice. If, then, they are led by their tastes towards the aristocracy and the prince, they are brought in contact with the people by their interests. They like the government of democracy without participating in its propensities and without imitating its weaknesses; whence they derive a twofold authority from it and over it. The people in democratic states do

not mistrust the members of the legal profession, because it is known that they are interested to serve the popular cause; and the people listen to them without irritation, because they do not attribute to them any sinister designs. The lawyers do not, indeed, wish to overthrow the institutions of democracy, but they constantly endeavor to turn it away from its real direction by means that are foreign to its nature. Lawyers belong to the people by birth and interest, and to the aristocracy by habit and taste; they may be looked upon as the connecting link between the two great classes of society.

X | The profession of the law is the only aristocratic element that can be amalgamated without violence with the natural elements of democracy and be advantageously and permanently combined with them. I am not ignorant of the defects inherent in the character of this body of men; but without this admixture of lawyer-like sobriety with the democratic principle, I question whether democratic institutions could long be maintained; and I cannot believe that a republic could hope to exist at the present time if the influence of lawyers in public business did not increase in proportion to the power of the people.

This aristocratic character, which I hold to be common to the legal profession, is much more distinctly marked in the United States and in England than in any other country. This proceeds not only from the legal studies of the English and American lawyers, but from the nature of the law and the position which these interpreters of it occupy in the two countries. The English and the Americans have retained the law of precedents; that is to say, they continue to found their legal opinions and the decisions of their courts upon the opinions and decisions of their predecessors. In the mind of an English or American lawyer a taste and a reverence for what is old is almost always united with a love of regular and lawful proceedings.

This predisposition has another effect upon the character of the legal profession and upon the general course of society. The English and American lawyers investigate what has been done; the French advocate inquires what should have been done; the former produce precedents, the latter reasons. A French observer is surprised to hear how often an English or an American lawyer quotes the opinions of others and how little he alludes to his own, while the reverse occurs in France. There the most trifling litiga-

tion is never conducted without the introduction of an entire system of ideas peculiar to the counsel employed; and the fundamental principles of law are discussed in order to obtain a rod of land by the decision of the court. This abnegation of his own opinion and this implicit deference to the opinion of his forefathers, which are common to the English and American lawyer, this servitude of thought which he is obliged to profess, necessarily give him more timid habits and more conservative inclinations in England and America than in France.

The French codes are often difficult to comprehend, but they can be read by everyone; nothing, on the other hand, can be more obscure and strange to the uninitiated than a legislation founded upon precedents. The absolute need of legal aid that is felt in England and the United States, and the high opinion that is entertained of the ability of the legal profession, tend to separate it more and more from the people and to erect it into a distinct class. The French lawyer is simply a man extensively acquainted with the statutes of his country; but the English or American lawyer resembles the hierophants of Egypt, for like them he is the sole interpreter of an occult science.

The position that lawyers occupy in England and America exercises no less influence upon their habits and opinions. The English aristocracy, which has taken care to attract to its sphere whatever is at all analogous to itself, has conferred a high degree of importance and authority upon the members of the legal profession. In English society, lawyers do not occupy the first rank, but they are contented with the station assigned to them: they constitute, as it were, the younger branch of the English aristocracy; and they are attached to their elder brothers, although they do not enjoy all their privileges. The English lawyers consequently mingle the aristocratic tastes and ideas of the circles in which they move with the aristocratic interests of their profession.

And, indeed, the lawyer-like character that I am endeavoring to depict is most distinctly to be met with in England: there laws are esteemed not so much because they are good as because they are old; and if it is necessary to modify them in any respect, to adapt them to the changes that time operates in society, recourse is had to the most inconceivable subtleties in order to uphold the traditionary fabric and to maintain that nothing has been done

which does not square with the intentions and complete the labors of former generations. The very individuals who conduct these changes disclaim any desire for innovation and had rather resort to absurd expedients than plead guilty to so great a crime. This spirit appertains more especially to the English lawyers; they appear indifferent to the real meaning of what they treat, and they direct all their attention to the letter, seeming inclined to abandon reason and humanity rather than to swerve one tittle from the law. English legislation may be compared to the stock of an old tree upon which lawyers have engrafted the most dissimilar shoots in the hope that, although their fruits may differ, their foliage at least will be confused with the venerable trunk that supports them all.

In America there are no nobles or literary men, and the people are apt to mistrust the wealthy; lawyers consequently form the highest political class and the most cultivated portion of society. They have therefore nothing to gain by innovation, which adds a conservative interest to their natural taste for public order. If I were asked where I place the American aristocracy, I should reply without hesitation that it is not among the rich, who are united by no common tie, but that it occupies the judicial bench and the bar.

The more we reflect upon all that occurs in the United States, the more we shall be persuaded that the lawyers, as a body, form the most powerful, if not the only, counterpoise to the democratic element. In that country we easily perceive how the legal profession is qualified by its attributes, and even by its faults, to neutralize the vices inherent in popular government. When the American people are intoxicated by passion or carried away by the impetuosity of their ideas, they are checked and stopped by the almost invisible influence of their legal counselors. These secretly oppose their aristocratic propensities to the nation's democratic instincts, their superstitious attachment to what is old to its love of novelty, their narrow views to its immense designs, and their habitual procrastination to its ardent impatience.

The courts of justice are the visible organs by which the legal profession is enabled to control the democracy. The judge is a lawyer who, independently of the taste for regularity and order that he has contracted in the study of law, derives an additional love of stability from the inalienability of his own functions. His

legal attainments have already raised him to a distinguished rank among his fellows; his political power completes the distinction of his station and gives him the instincts of the privileged classes.

Armed with the power of declaring the laws to be unconstitutional,<sup>1</sup> the American magistrate perpetually interferes in political affairs. He cannot force the people to make laws, but at least he can oblige them not to disobey their own enactments and not to be inconsistent with themselves. I am aware that a secret tendency to diminish the judicial power exists in the United States; and by most of the constitutions of the several states the government can, upon the demand of the two houses of the legislature, remove judges from their station. Some other state constitutions make the members of the judiciary elective, and they are even subjected to frequent re-elections. I venture to predict that these innovations will sooner or later be attended with fatal consequences; and that it will be found out at some future period that by thus lessening the independence of the judiciary they have attacked not only the judicial power, but the democratic republic itself.

It must not be supposed, moreover, that the legal spirit is confined in the United States to the courts of justice; it extends far beyond them. As the lawyers form the only enlightened class whom the people do not mistrust, they are naturally called upon to occupy most of the public stations. They fill the legislative assemblies and are at the head of the administration; they consequently exercise a powerful influence upon the formation of the law and upon its execution. The lawyers are obliged, however, to yield to the current of public opinion, which is too strong for them to resist; but it is easy to find indications of what they would do if they were free to act. The Americans, who have made so many innovations in their political laws, have introduced very sparing alterations in their civil laws, and that with great difficulty, although many of these laws are repugnant to their social condition. The reason for this is that in matters of civil law the majority are obliged to defer to the authority of the legal profession, and the American lawyers are disinclined to innovate when they are left to their own choice.

It is curious for a Frenchman to hear the complaints that are

<sup>1</sup> See Chapter VI, on "The Judicial Power in the United States."

made in the United States against the stationary spirit of legal men and their prejudices in favor of existing institutions.

The influence of legal habits extends beyond the precise limits I have pointed out. Scarcely any political question arises in the United States that is not resolved, sooner or later, into a judicial question. Hence all parties are obliged to borrow, in their daily controversies, the ideas, and even the language, peculiar to judicial proceedings. As most public men are or have been legal practitioners, they introduce the customs and technicalities of their profession into the management of public affairs. The jury extends this habit to all classes. The language of the law thus becomes, in some measure, a vulgar tongue; the spirit of the law, which is produced in the schools and courts of justice, gradually penetrates beyond their walls into the bosom of society, where it descends to the lowest classes, so that at last the whole people contract the habits and the tastes of the judicial magistrate. The lawyers of the United States form a party which is but little feared and scarcely perceived, which has no badge peculiar to itself, which adapts itself with great flexibility to the exigencies of the time and accommodates itself without resistance to all the movements of the social body. But this party extends over the whole community and penetrates into all the classes which compose it; it acts upon the country imperceptibly, but finally fashions it to suit its own purposes.

TRIAL BY JURY IN THE UNITED STATES CONSIDERED AS A POLITICAL INSTITUTION. *Trial by jury, which is one of the forms of the sovereignty of the people, ought to be compared with the other laws which establish that sovereignty — Composition of the jury in the United States — Effect of trial by jury upon the national character — It educates the people — How it tends to establish the influence of the magistrates and to extend the legal spirit among the people.*

SINCE my subject has led me to speak of the administration of justice in the United States, I will not pass over it without referring to the institution of the jury. Trial by jury may be considered in two separate points of view: as a judicial, and as a political institution. If it was my purpose to inquire how far trial by jury, especially in civil cases, ensures a good administration of justice, I admit that its utility might be contested. As the jury was first

*Mitigations of the Tyranny of the Majority*

teaches every man not to recoil before the responsibility of his own actions and impresses him with that manly confidence without which no political virtue can exist. It invests each citizen with a kind of magistracy; it makes them all feel the duties which they are bound to discharge towards society and the part which they take in its government. By obliging men to turn their attention to other affairs than their own, it rubs off that private selfishness which is the rust of society.

The jury contributes powerfully to form the judgment and to increase the natural intelligence of a people; and this, in my opinion, is its greatest advantage. It may be regarded as a gratuitous public school, ever open, in which every juror learns his rights, enters into daily communication with the most learned and enlightened members of the upper classes, and becomes practically acquainted with the laws, which are brought within the reach of his capacity by the efforts of the bar, the advice of the judge, and even the passions of the parties. I think that the practical intelligence and political good sense of the Americans are mainly attributable to the long use that they have made of the jury in civil causes.

I do not know whether the jury is useful to those who have lawsuits, but I am certain it is highly beneficial to those who judge them; and I look upon it as one of the most efficacious means for the education of the people which society can employ.

What I have said applies to all nations, but the remark I am about to make is peculiar to the Americans and to democratic communities. I have already observed that in democracies the members of the legal profession and the judicial magistrates constitute the only aristocratic body which can moderate the movements of the people. This aristocracy is invested with no physical power; it exercises its conservative influence upon the minds of men; and the most abundant source of its authority is the institution of the civil jury. In criminal causes, when society is contending against a single man, the jury is apt to look upon the judge as the passive instrument of social power and to mistrust his advice. Moreover, criminal causes turn entirely upon simple facts, which common sense can readily appreciate; upon this ground the judge and the jury are equal. Such is not the case, however, in civil causes; then the judge appears as a disinterested arbiter between the conflicting passions of the parties. The jurors look up to him with con-

fidence and listen to him with respect, for in this instance, his intellect entirely governs theirs. It is the judge who sums up the various arguments which have wearied their memory, and who guides them through the devious course of the proceedings; he points their attention to the exact question of fact that they are called upon to decide and tells them how to answer the question of law. His influence over them is almost unlimited.

If I am called upon to explain why I am but little moved by the arguments derived from the ignorance of jurors in civil causes, I reply that in these proceedings, whenever the question to be solved is not a mere question of fact, the jury has only the semblance of a judicial body. The jury only sanctions the decision of the judge; they sanction this decision by the authority of society which they represent, and he by that of reason and of law.<sup>9</sup>

In England and in America the judges exercise an influence upon criminal trials that the French judges have never possessed. The reason for this difference may easily be discovered; the English and American magistrates have established their authority in civil causes and only transfer it afterwards to tribunals of another kind, where it was not first acquired. In some cases, and they are frequently the most important ones, the American judges have the right of deciding causes alone.<sup>10</sup> On these occasions they are accidentally placed in the position that the French judges habitually occupy, but their moral power is much greater; they are still surrounded by the recollection of the jury, and their judgment has almost as much authority as the voice of the community represented by that institution. Their influence extends far beyond the limits of the courts; in the recreations of private life, as well as in the turmoil of public business, in public, and in the legislative assemblies, the American judge is constantly surrounded by men who are accustomed to regard his intelligence as superior to their own; and after having exercised his power in the decision of causes, he continues to influence the habits of thought, and even the characters, of those who acted with him in his official capacity.

The jury, then, which seems to restrict the rights of the judiciary, does in reality consolidate its power; and in no country are the judges so powerful as where the people share their privileges.

<sup>9</sup> See Appendix S.

<sup>10</sup> The Federal judges decide almost always only such questions as touch directly the government of the country.

### *Causes Which Tend to Maintain Democracy*

States. Some of these are known, the others may easily be pointed out; but I shall confine myself to the principal ones.

The Americans have no neighbors and consequently they have no great wars, or financial crises, or inroads, or conquest, to dread; they require neither great taxes, nor large armies, nor great generals; and they have nothing to fear from a scourge which is more formidable to republics than all these evils combined: namely, military glory. It is impossible to deny the inconceivable influence that military glory exercises upon the spirit of a nation. General Jackson, whom the Americans have twice elected to be the head of their government, is a man of violent temper and very moderate talents; nothing in his whole career ever proved him qualified to govern a free people; and, indeed, the majority of the enlightened classes of the Union has always opposed him. But he was raised to the Presidency, and has been maintained there, solely by the recollection of a victory which he gained, twenty years ago, under the walls of New Orleans; a victory which was, however, a very ordinary achievement and which could only be remembered in a country where battles are rare. Now the people who are thus carried away by the illusions of glory are unquestionably the most cold and calculating, the most unmilitary, if I may so speak, and the most prosaic of all the nations of the earth.

America has no great capital<sup>1</sup> city, whose direct or indirect

<sup>1</sup> The United States has no metropolis, but it already contains several very large cities. Philadelphia reckoned 161,000 inhabitants, and New York 202,000, in the year 1830. The lower ranks which inhabit these cities constitute a rabble even more formidable than the populace of European towns. They consist of freed blacks, in the first place, who are condemned by the laws and by public opinion to a hereditary state of misery and degradation. They also contain a multitude of Europeans who have been driven to the shores of the New World by their misfortunes or their misconduct; and they bring to the United States all our greatest vices, without any of those interests which counteract their baneful influence. As inhabitants of a country where they have no civil rights, they are ready to turn all the passions which agitate the community to their own advantage; thus, within the last few months, serious riots have broken out in Philadelphia and New York. Disturbances of this kind are unknown in the rest of the country, which is not alarmed by them, because the population of the cities has hitherto exercised neither power nor influence over the rural districts.

Nevertheless, I look upon the size of certain American cities, and especially on the nature of their population, as a real danger which threatens the future security of the democratic republics of the New World; and I venture to predict that they will perish from this circumstance, unless the government succeeds in creating an armed force which, while it remains under the

influence is felt over the whole extent of the country; this I hold to be one of the first causes of the maintenance of republican institutions in the United States. In cities men cannot be prevented from concerting together and awakening a mutual excitement that prompts sudden and passionate resolutions. Cities may be looked upon as large assemblies, of which all the inhabitants are members; their populace exercise a prodigious influence upon the magistrates, and frequently execute their own wishes without the intervention of public officers.

To subject the provinces to the metropolis is therefore to place the destiny of the empire not only in the hands of a portion of the community, which is unjust, but in the hands of a populace carrying out its own impulses, which is very dangerous. The preponderance of capital cities is therefore a serious injury to the representative system; and it exposes modern republics to the same defect as the republics of antiquity, which all perished from not having known this system.

It would be easy for me to enumerate many secondary causes that have contributed to establish, and now concur to maintain, the democratic republic of the United States. But among these favorable circumstances I discern two principal ones, which I hasten to point out. I have already observed that the origin of the Americans, or what I have called their point of departure, may be looked upon as the first and most efficacious cause to which the present prosperity of the United States may be attributed. The Americans had the chances of birth in their favor; and their forefathers imported that equality of condition and of intellect into the country whence the democratic republic has very naturally taken its rise. Nor was this all; for besides this republican condition of society, the early settlers bequeathed to their descendants the customs, manners, and opinions that contribute most to the success of a republic. When I reflect upon the consequences of this primary fact, I think I see the destiny of America embodied in the first Puritan who landed on those shores, just as the whole human race was represented by the first man.

The chief circumstance which has favored the establishment and the maintenance of a democratic republic in the United States is the nature of the territory that the Americans inhabit. Their

control of the majority of the nation, will be independent of the town population and able to repress its excesses.

ancestors gave them the love of equality and of freedom; but God himself gave them the means of remaining equal and free, by placing them upon a boundless continent. General prosperity is favorable to the stability of all governments, but more particularly of a democratic one, which depends upon the will of the majority, and especially upon the will of that portion of the community which is most exposed to want. When the people rule, they must be rendered happy or they will overturn the state; and misery stimulates them to those excesses to which ambition rouses kings. The physical causes, independent of the laws, which promote general prosperity are more numerous in America than they ever have been in any other country in the world, at any other period of history. In the United States not only is legislation democratic, but Nature herself favors the cause of the people.

In what part of human history can be found anything similar to what is passing before our eyes in North America? The celebrated communities of antiquity were all founded in the midst of hostile nations, which they were obliged to subjugate before they could flourish in their place. Even the moderns have found, in some parts of South America, vast regions inhabited by a people of inferior civilization, who nevertheless had already occupied and cultivated the soil. To found their new states it was necessary to extirpate or subdue a numerous population, and they made civilization blush for its own success. But North America was inhabited only by wandering tribes, who had no thought of profiting by the natural riches of the soil; that vast country was still, properly speaking, an empty continent, a desert land awaiting its inhabitants.

Everything is extraordinary in America, the social condition of the inhabitants as well as the laws; but the soil upon which these institutions are founded is more extraordinary than all the rest. When the earth was given to men by the Creator, the earth was inexhaustible; but men were weak and ignorant, and when they had learned to take advantage of the treasures which it contained, they already covered its surface and were soon obliged to earn by the sword an asylum for repose and freedom. Just then North America was discovered, as if it had been kept in reserve by the Deity and had just risen from beneath the waters of the Deluge.

That continent still presents, as it did in the primeval time, rivers that rise from never failing sources, green and moist soli-

tudes, and limitless fields which the plowshare of the husbandman has never turned. In this state it is offered to man, not barbarous, ignorant, and isolated, as he was in the early ages, but already in possession of the most important secrets of nature, united to his fellow men, and instructed by the experience of fifty centuries. At this very time thirteen millions of civilized Europeans are peaceably spreading over those fertile plains, with whose resources and extent they are not yet themselves accurately acquainted. Three or four thousand soldiers drive before them the wandering races of the aborigines; these are followed by the pioneers, who pierce the woods, scare off the beasts of prey, explore the courses of the inland streams, and make ready the triumphal march of civilization across the desert.

Often, in the course of this work, I have alluded to the favorable influence of the material prosperity of America upon the institutions of that country. This reason had already been given by many others before me, and is the only one which, being palpable to the senses, as it were, is familiar to Europeans. I shall not, then, enlarge upon a subject so often handled and so well understood, beyond the addition of a few facts. An erroneous notion is generally entertained that the deserts of America are peopled by European emigrants who annually disembark upon the coasts of the New World, while the American population increase and multiply upon the soil which their forefathers tilled. The European settler usually arrives in the United States without friends and often without resources; in order to subsist, he is obliged to work for hire, and he rarely proceeds beyond that belt of industrious population which adjoins the ocean. The desert cannot be explored without capital or credit; and the body must be accustomed to the rigors of a new climate before it can be exposed in the midst of the forest. It is the Americans themselves who daily quit the spots which gave them birth, to acquire extensive domains in a remote region. Thus the European leaves his cottage for the transatlantic shores, and the American, who is born on that very coast, plunges in his turn into the wilds of central America. This double emigration is incessant; it begins in the middle of Europe, it crosses the Atlantic Ocean, and it advances over the solitudes of the New World. Millions of men are marching at once towards the same horizon; their language, their religion, their manners differ; their

object is the same. Fortune has been promised to them somewhere in the West, and to the West they go to find it.

No event can be compared with this continuous removal of the human race, except perhaps those irruptions which caused the fall of the Roman Empire. Then, as well as now, crowds of men were impelled in the same direction, to meet and struggle on the same spot; but the designs of Providence were not the same. Then every new-comer brought with him destruction and death; now each one brings the elements of prosperity and life. The future still conceals from us the remote consequences of this migration of the Americans towards the West; but we can readily apprehend its immediate results. As a portion of the inhabitants annually leave the states in which they were born, the population of these states increases very slowly, although they have long been established. Thus in Connecticut, which yet contains only fifty-nine inhabitants to the square mile, the population has not been increased by more than one quarter in forty years, while that of England has been augmented by one third in the same period. The European emigrant always lands, therefore, in a country that is but half full, and where hands are in demand; he becomes a workman in easy circumstances, his son goes to seek his fortune in unpeopled regions and becomes a rich landowner. The former amasses the capital which the latter invests; and the stranger as well as the native is unacquainted with want.

The laws of the United States are extremely favorable to the division of property; but a cause more powerful than the laws prevents property from being divided to excess.<sup>2</sup> This is very perceptible in the states which are at last beginning to be thickly peopled. Massachusetts is the most populous part of the Union, but it contains only eighty inhabitants to the square mile, which is much less than in France, where one hundred and sixty-two are reckoned to the same extent of country. But in Massachusetts estates are very rarely divided; the eldest son generally takes the land, and the others go to seek their fortune in the wilderness. The law has abolished the right of primogeniture, but circumstances have concurred to re-establish it under a form of which none can complain and by which no just rights are impaired.

<sup>2</sup> In New England estates are very small, but they are rarely divided further.

fields; yet already the population of Ohio is proceeding westward, and most of the settlers who descend to the fertile prairies of Illinois are citizens of Ohio. These men left their first country to improve their condition; they quit their second to ameliorate it still more; fortune awaits them everywhere, but not happiness. The desire of prosperity has become an ardent and restless passion in their minds, which grows by what it feeds on. They early broke the ties that bound them to their natal earth, and they have contracted no fresh ones on their way. Emigration was at first necessary to them; and it soon becomes a sort of game of chance, which they pursue for the emotions it excites as much as for the gain it procures.

Sometimes the progress of man is so rapid that the desert reappears behind him. The woods stoop to give him a passage, and spring up again when he is past. It is not uncommon, in crossing the new states of the West, to meet with deserted dwellings in the midst of the wilds; the traveler frequently discovers the vestiges of a log house in the most solitary retreat, which bear witness to the power, and no less to the inconstancy, of man. In these abandoned fields and over these ruins of a day the primeval forest soon scatters a fresh vegetation; the beasts resume the haunts which were once their own; and Nature comes smiling to cover the traces of man with green branches and flowers, which obliterate his ephemeral track.

I remember that in crossing one of the woodland districts which still cover the state of New York, I reached the shores of a lake which was embosomed in forests coeval with the world. A small island, covered with woods whose thick foliage concealed its banks, rose from the center of the waters. Upon the shores of the lake no object attested the presence of man except a column of smoke which might be seen on the horizon rising from the tops of the trees to the clouds and seeming to hang from heaven rather than to be mounting to it. An Indian canoe was hauled up on the sand, which tempted me to visit the islet that had first attracted my attention, and in a few minutes I set foot upon its banks. The whole island formed one of those delightful solitudes of the New World, which almost led civilized man to regret the haunts of the savage. A luxuriant vegetation bore witness to the incomparable fruitfulness of the soil. The deep silence, which is common to the wilds of North America, was broken only by the monotonous cooing

## Causes Which Tend to Maintain Democracy

INFLUENCE OF THE LAWS UPON THE MAINTENANCE OF THE DEMOCRATIC REPUBLIC IN THE UNITED STATES. *Three principal causes of the maintenance of the democratic republic — Federal union — Township institutions — Judicial power.*

THE principal aim of this book has been to make known the laws of the United States; if this purpose has been accomplished, the reader is already enabled to judge for himself which are the laws that really tend to maintain the democratic republic, and which endanger its existence. If I have not succeeded in explaining this in the whole course of my work, I cannot hope to do so in a single chapter. It is not my intention to retrace the path I have already pursued, and a few lines will suffice to recapitulate what I have said.

Three circumstances seem to me to contribute more than all others to the maintenance of the democratic republic in the United States.

The first is that federal form of government which the Americans have adopted, and which enables the Union to combine the power of a great republic with the security of a small one.

The second consists in those township institutions which limit the despotism of the majority and at the same time impart to the people a taste for freedom and the art of being free.

The third is to be found in the constitution of the judicial power. I have shown how the courts of justice serve to repress the excesses of democracy, and how they check and direct the impulses of the majority without stopping its activity.

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

I HAVE previously remarked that the manners of the people may be considered as one of the great general causes to which the maintenance of a democratic republic in the United States is attributable. I here use the word *customs* with the meaning which the ancients attached to the word *mores*; for I apply it not only to manners properly so called — that is, to what might be termed *the habits of the heart* — but to the various notions and opinions current among men and to the mass of those ideas which constitute their character of mind. I comprise under this term, therefore, the whole moral and intellectual condition of a people.

My intention is not to draw a picture of American customs, but simply to point out such features of them as are favorable to the maintenance of their political institutions.

RELIGION CONSIDERED AS A POLITICAL INSTITUTION WHICH POWERFULLY CONTRIBUTES TO THE MAINTENANCE OF A DEMOCRATIC REPUBLIC AMONG THE AMERICANS. *North America peopled by men who professed a democratic and republican Christianity — Arrival of the Catholics — Why the Catholics now form the most democratic and most republican class.*

By the side of every religion is to be found a political opinion, which is connected with it by affinity. If the human mind be left to follow its own bent, it will regulate the temporal and spiritual institutions of society in a uniform manner, and man will endeavor, if I may so speak, to *harmonize earth with heaven.*

The greatest part of British America was peopled by men who, after having shaken off the authority of the Pope, acknowledged no other religious supremacy: they brought with them into the New World a form of Christianity which I cannot better describe than by styling it a democratic and republican religion. This contributed powerfully to the establishment of a republic and a democracy in public affairs; and from the beginning, politics and religion contracted an alliance which has never been dissolved.

About fifty years ago Ireland began to pour a Catholic population into the United States; and on their part, the Catholics of America made proselytes, so that, at the present moment more than a million Christians professing the truths of the Church of Rome are to be found in the Union. These Catholics are faithful to the observances of their religion; they are fervent and zealous in the belief of their doctrines. Yet they constitute the most republican and the most democratic class in the United States. This fact may surprise the observer at first, but the causes of it may easily be discovered upon reflection.

I think that the Catholic religion has erroneously been regarded as the natural enemy of democracy. Among the various sects of Christians, Catholicism seems to me, on the contrary, to be one of the most favorable to equality of condition among men. In the Catholic Church the religious community is composed of only two elements: the priest and the people. The priest alone rises above the rank of his flock, and all below him are equal.

On doctrinal points the Catholic faith places all human capacities upon the same level; it subjects the wise and ignorant, the man of genius and the vulgar crowd, to the details of the same creed; it imposes the same observances upon the rich and the needy, it inflicts the same austerities upon the strong and the weak; it listens to no compromise with mortal man, but, reducing all the human race to the same standard, it confounds all the distinctions of society at the foot of the same altar, even as they are confounded in the sight of God. If Catholicism predisposes the faithful to obedience, it certainly does not prepare them for inequality; but the contrary may be said of Protestantism, which generally tends to make men independent more than to render them equal. Catholicism is like an absolute monarchy; if the sovereign be removed, all the other classes of society are more equal than in republics.

It has not infrequently occurred that the Catholic priest has left the service of the altar to mix with the governing powers of society and to take his place among the civil ranks of men. This religious influence has sometimes been used to secure the duration of that political state of things to which he belonged. Thus we have seen Catholics taking the side of aristocracy from a religious motive. But no sooner is the priesthood entirely separated from the government, as is the case in the United States, than it is found that no class of men is more naturally disposed than the Catholics to transfer the doctrine of the equality of condition into the political world.

If, then, the Catholic citizens of the United States are not forcibly led by the nature of their tenets to adopt democratic and republican principles, at least they are not necessarily opposed to them; and their social position, as well as their limited number, obliges them to adopt these opinions. Most of the Catholics are poor, and they have no chance of taking a part in the government unless it is open to all the citizens. They constitute a minority, and all rights must be respected in order to ensure to them the free exercise of their own privileges. These two causes induce them, even unconsciously, to adopt political doctrines which they would perhaps support with less zeal if they were rich and preponderant.

The Catholic clergy of the United States have never attempted to oppose this political tendency; but they seek rather to justify it. The Catholic priests in America have divided the intellectual world into two parts: in the one they place the doctrines of re-

lican institutions. This opinion is not peculiar to a class of citizens or to a party, but it belongs to the whole nation and to every rank of society.

In the United States, if a politician attacks a sect, this may not prevent the partisans of that very sect from supporting him; but if he attacks all the sects together, everyone abandons him, and he remains alone.

While I was in America, a witness who happened to be called at the Sessions of the county of Chester (state of New York) declared that he did not believe in the existence of God or in the immortality of the soul. The judge refused to admit his evidence, on the ground that the witness had destroyed beforehand all the confidence of the court in what he was about to say.<sup>3</sup> The newspapers related the fact without any further comment.

The Americans combine the notions of Christianity and of liberty so intimately in their minds that it is impossible to make them conceive the one without the other; and with them this conviction does not spring from that barren, traditionary faith which seems to vegetate rather than to live in the soul.

I have known of societies formed by Americans to send out ministers of the Gospel into the new Western states, to found schools and churches there, lest religion should be allowed to die away in those remote settlements, and the rising states be less fitted to enjoy free institutions than the people from whom they came. I met with wealthy New Englanders who abandoned the country in which they were born in order to lay the foundations of Christianity and of freedom on the banks of the Missouri or in the prairies of Illinois. Thus religious zeal is perpetually warmed in the United States by the fires of patriotism. These men do not act exclusively from a consideration of a future life; eternity is only one motive of their devotion to the cause. If you converse with these missionaries of Christian civilization, you will be surprised to hear them speak so often of the goods of this world, and to meet a politician

<sup>3</sup> The New York *Spectator* of August 23, 1831 relates the fact in the following terms: "The Court of Common Pleas of Chester County (New York) a few days since rejected a witness who declared his disbelief in the existence of God. The presiding judge remarked, that he had not before been aware that there was a man living who did not believe in the existence of God; that this belief constituted the sanction of all testimony in a court of justice; and that he knew of no cause in a Christian country where a witness had been permitted to testify without such belief."

where you expected to find a priest. They will tell you that "all the American republics are collectively involved with each other; if the republics of the West were to fall into anarchy, or to be mastered by a despot, the republican institutions which now flourish upon the shores of the Atlantic Ocean would be in great peril. It is therefore our interest that the new states should be religious, in order that they may permit us to remain free."

Such are the opinions of the Americans; and if any hold that the religious spirit which I admire is the very thing most amiss in America, and that the only element wanting to the freedom and happiness of the human race on the other side of the ocean is to believe with Spinoza in the eternity of the world, or with Cabanis that thought is secreted by the brain, I can only reply that those who hold this language have never been in America and that they have never seen a religious or a free nation. When they return from a visit to that country, we shall hear what they have to say.

There are persons in France who look upon republican institutions only as a means of obtaining grandeur; they measure the immense space that separates their vices and misery from power and riches, and they aim to fill up this gulf with ruins, that they may pass over it. These men are the *condottieri* of liberty, and fight for their own advantage, whatever the colors they wear. The republic will stand long enough, they think, to draw them up out of their present degradation. It is not to these that I address myself. But there are others who look forward to a republican form of government as a tranquil and lasting state, towards which modern society is daily impelled by the ideas and manners of the time, and who sincerely desire to prepare men to be free. When these men attack religious opinions, they obey the dictates of their passions and not of their interests. Despotism may govern without faith, but liberty cannot. Religion is much more necessary in the republic which they set forth in glowing colors than in the monarchy which they attack; it is more needed in democratic republics than in any others. How is it possible that society should escape destruction if the moral tie is not strengthened in proportion as the political tie is relaxed? And what can be done with a people who are their own masters if they are not submissive to the Deity?

form of hope, and it is no less natural to the human heart than hope itself. Men cannot abandon their religious faith without a kind of aberration of intellect and a sort of violent distortion of their true nature; they are invincibly brought back to more pious sentiments. Unbelief is an accident, and faith is the only permanent state of mankind. If we consider religious institutions merely in a human point of view, they may be said to derive an inexhaustible element of strength from man himself, since they belong to one of the constituent principles of human nature.

I am aware that at certain times religion may strengthen this influence, which originates in itself, by the artificial power of the laws and by the support of those temporal institutions that direct society. Religions intimately united with the governments of the earth have been known to exercise sovereign power founded on terror and faith; but when a religion contracts an alliance of this nature, I do not hesitate to affirm that it commits the same error as a man who should sacrifice his future to his present welfare; and in obtaining a power to which it has no claim, it risks that authority which is rightfully its own. When a religion founds its empire only upon the desire of immortality that lives in every human heart, it may aspire to universal dominion; but when it connects itself with a government, it must adopt maxims which are applicable only to certain nations. Thus, in forming an alliance with a political power, religion augments its authority over a few and forfeits the hope of reigning over all.

As long as a religion rests only upon those sentiments which are the consolation of all affliction, it may attract the affections of all mankind. But if it be mixed up with the bitter passions of the world, it may be constrained to defend allies whom its interests, and not the principle of love, have given to it; or to repel as antagonists men who are still attached to it, however opposed they may be to the powers with which it is allied. The church cannot share the temporal power of the state without being the object of a portion of that animosity which the latter excites.

The political powers which seem to be most firmly established have frequently no better guarantee for their duration than the opinions of a generation, the interests of the time, or the life of an individual. A law may modify the social condition which seems to be most fixed and determinate; and with the social condition everything else must change. The powers of society are more or less

have given up the political world to the attempts of innovators, had not placed religion beyond their reach, where could it take firm hold in the ebb and flow of human opinions? Where would be that respect which belongs to it, amid the struggles of faction? And what would become of its immortality, in the midst of universal decay? The American clergy were the first to perceive this truth and to act in conformity with it. They saw that they must renounce their religious influence if they were to strive for political power, and they chose to give up the support of the state rather than to share its vicissitudes.

In America religion is perhaps less powerful than it has been at certain periods and among certain nations; but its influence is more lasting. It restricts itself to its own resources, but of these none can deprive it; its circle is limited, but it pervades it and holds it under undisputed control.

On every side in Europe we hear voices complaining of the absence of religious faith and inquiring the means of restoring to religion some remnant of its former authority. It seems to me that we must first attentively consider what ought to be *the natural state* of men with regard to religion at the present time; and when we know what we have to hope and to fear, we may discern the end to which our efforts ought to be directed.

The two great dangers which threaten the existence of religion are schism and indifference. In ages of fervent devotion men sometimes abandon their religion, but they only shake one off in order to adopt another. Their faith changes its objects, but suffers no decline. The old religion then excites enthusiastic attachment or bitter enmity in either party; some leave it with anger, others cling to it with increased devotedness, and although persuasions differ, irreligion is unknown. Such, however, is not the case when a religious belief is secretly undermined by doctrines which may be termed negative, since they deny the truth of one religion without affirming that of any other. Prodigious revolutions then take place in the human mind, without the apparent co-operation of the passions of man, and almost without his knowledge. Men lose the objects of their fondest hopes as if through forgetfulness. They are carried away by an imperceptible current, which they have not the courage to stem, but which they follow with regret, since it bears them away from a faith they love to a skepticism that plunges them into despair.

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tiquity, and to infer what will happen in our time from what took place two thousand years ago, I am tempted to burn my books in order to apply none but novel ideas to so novel a condition of society.

What I have said of New England must not, however, be applied to the whole Union without distinction; as we advance towards the West or the South, the instruction of the people diminishes. In the states that border on the Gulf of Mexico a certain number of individuals may be found, as in France, who are devoid even of the rudiments of instruction. But there is not a single district in the United States sunk in complete ignorance, and for a very simple reason. The nations of Europe started from the darkness of a barbarous condition, to advance towards the light of civilization; their progress has been unequal; some of them have improved rapidly, while others have loitered in their course, and some have stopped and are still sleeping upon the way.

Such has not been the case in the United States. The Anglo-Americans, already civilized, settled upon that territory which their descendants occupy; they did not have to begin to learn, and it was sufficient for them not to forget. Now the children of these same Americans are the persons who, year by year, transport their dwellings into the wilds, and, with their dwellings, their acquired information and their esteem for knowledge. Education has taught them the utility of instruction and has enabled them to transmit that instruction to their posterity. In the United States society has no infancy, but it is born in man's estate.

The Americans never use the word *peasant*, because they have no idea of the class which that term denotes; the ignorance of more remote ages, the simplicity of rural life, and the rusticity of the villager have not been preserved among them; and they are alike unacquainted with the virtues, the vices, the coarse habits, and the simple graces of an early stage of civilization. At the extreme borders of the confederated states, upon the confines of society and the wilderness, a population of bold adventurers have taken up their abode, who pierce the solitudes of the American woods and seek a country there in order to escape the poverty that awaited them in their native home. As soon as the pioneer reaches the place which is to serve him for a retreat, he fells a few trees and builds a log house. Nothing can offer a more miserable aspect than these isolated dwellings. The traveler who approaches

free. Princes had the right, but they had neither the means nor the desire of doing whatever they pleased.

But what now remains of those barriers which formerly arrested tyranny? Since religion has lost its empire over the souls of men, the most prominent boundary that divided good from evil is overthrown; everything seems doubtful and indeterminate in the moral world; kings and nations are guided by chance, and none can say where are the natural limits of despotism and the bounds of license. Long revolutions have forever destroyed the respect which surrounded the rulers of the state; and since they have been relieved from the burden of public esteem, princes may henceforward surrender themselves without fear to the intoxication of arbitrary power.

When kings find that the hearts of their subjects are turned towards them, they are lenient, because they are conscious of their strength; and they are careful of the affection of their people because the affection of their people is the bulwark of the throne. A mutual interchange of goodwill then takes place between the prince and the people, which resembles the gracious intercourse of domestic life. The subjects may murmur at the sovereign's decree, but they are grieved to displease him; and the sovereign chastises his subjects with the light hand of parental affection.

But when once the spell of royalty is broken in the tumult of revolution, when successive monarchs have crossed the throne, so as alternately to display to the people the weakness of their right and the harshness of their power, the sovereign is no longer regarded by any as the father of the state, and he is feared by all as its master. If he is weak, he is despised; if he is strong, he is detested. He is himself full of animosity and alarm; he finds that he is a stranger in his own country, and he treats his subjects like conquered enemies.

When the provinces and the towns formed so many different nations in the midst of their common country, each of them had a will of its own, which was opposed to the general spirit of subjection; but now that all the parts of the same empire, after having lost their immunities, their customs, their prejudices, their traditions, and even their names, have become accustomed to obey the same laws, it is not more difficult to oppress them all together than it was formerly to oppress one of them separately.

While the nobles enjoyed their power, and indeed long after

that power was lost, the honor of aristocracy conferred an extraordinary degree of force upon their personal opposition. Men could then be found who, notwithstanding their weakness, still entertained a high opinion of their personal value, and dared to cope single-handed with the public authority. But at the present day, when all ranks are more and more undifferentiated, when the individual disappears in the throng and is easily lost in the midst of a common obscurity, when the honor of monarchy has almost lost its power, without being succeeded by virtue, and when nothing can enable man to rise above himself, who shall say at what point the exigencies of power and the servility of weakness will stop?

As long as family feeling was kept alive, the opponent of oppression was never alone; he looked about him and found his clients, his hereditary friends, and his kinsfolk. If this support was wanting, he felt himself sustained by his ancestors and animated by his posterity. But when patrimonial estates are divided, and when a few years suffice to confound the distinctions of race, where can family feeling be found? What force can there be in the customs of a country which has changed, and is still perpetually changing, its aspect, in which every act of tyranny already has a precedent and every crime an example, in which there is nothing so old that its antiquity can save it from destruction, and nothing so unparalleled that its novelty can prevent it from being done? What resistance can be offered by customs of so pliant a make that they have already often yielded? What strength can even public opinion have retained when no twenty persons are connected by a common tie, when not a man, nor a family, nor chartered corporation, nor class, nor free institution, has the power of representing or exerting that opinion, and when every citizen, being equally weak, equally poor, and equally isolated, has only his personal impotence to oppose to the organized force of the government?

The annals of France furnish nothing analogous to the condition in which that country might then be thrown. But it may more aptly be assimilated to the times of old, and to those hideous eras of Roman oppression when the manners of the people were corrupted, their traditions obliterated, their habits destroyed, their opinions shaken, and freedom, expelled from the laws, could find no refuge in the land; when nothing protected the citizens, and the citizens no longer protected themselves; when human nature

SITUATION OF THE BLACK POPULATION IN THE UNITED STATES,<sup>30</sup> AND DANGERS WITH WHICH ITS PRESENCE THREATENS THE WHITES. *Why it is more difficult to abolish slavery, and to efface all vestiges of it among the moderns than it was among the ancients — In the United States the prejudices of the whites against the blacks seem to increase in proportion as slavery is abolished — Situation of the Negroes in the Northern and Southern states — Why the Americans abolish slavery — Servitude, which debases the slave, impoverishes the master — Contrast between the left and the right bank of the Ohio — To what attributable — The black race, as well as slavery, recedes towards the South — Explanation of this fact — Difficulties attendant upon the abolition of slavery in the South — Dangers to come — General anxiety — Foundation of a black colony in Africa — Why the Americans of the South increase the hardships of slavery while they are distressed at its continuance.*

THE Indians will perish in the same isolated condition in which they have lived, but the destiny of the Negroes is in some measure interwoven with that of the Europeans. These two races are fastened to each other without intermingling; and they are alike unable to separate entirely or to combine. The most formidable of all the ills that threaten the future of the Union arises from the presence of a black population upon its territory; and in contemplating the cause of the present embarrassments, or the future dangers of the United States, the observer is invariably led to this as a primary fact.

Generally speaking, men must make great and unceasing efforts before permanent evils are created; but there is one calamity which penetrated furtively into the world, and which was at

<sup>30</sup> Before treating of this matter, I would call the reader's attention to a book of which I spoke at the beginning of this work, and which is about to be published. The chief aim of M. Gustave de Beaumont, my traveling-companion, was to inform Frenchmen of the position of the Negroes among the white population in the United States. M. de Beaumont has plumbed the depths of a question which my subject has allowed me merely to touch upon.

His book, the notes to which contain a great number of legislative and historical documents, extremely valuable and heretofore unpublished, furthermore presents pictures the vividness of which is ample proof of their verity. M. de Beaumont's book should be read by all those who would know into what excesses men may be driven when once they attempt to go against natural and human laws.

first scarcely distinguishable amid the ordinary abuses of power: it originated with an individual whose name history has not preserved; it was wafted like some accursed germ upon a portion of the soil; but it afterwards nurtured itself, grew without effort, and spread naturally with the society to which it belonged. This calamity is slavery. Christianity suppressed slavery, but the Christians of the sixteenth century re-established it, as an exception, indeed, to their social system, and restricted to one of the races of mankind; but the wound thus inflicted upon humanity, though less extensive, was far more difficult to cure.

It is important to make an accurate distinction between slavery itself and its consequences. The immediate evils produced by slavery were very nearly the same in antiquity as they are among the moderns, but the consequences of these evils were different. The slave among the ancients belonged to the same race as his master, and was often the superior of the two in education<sup>31</sup> and intelligence. Freedom was the only distinction between them; and when freedom was conferred, they were easily confounded together. The ancients, then, had a very simple means of ridding themselves of slavery and its consequences: that of enfranchisement; and they succeeded as soon as they adopted this measure generally. Not but that in ancient states the vestiges of servitude subsisted for some time after servitude itself was abolished. There is a natural prejudice that prompts men to despise whoever has been their inferior long after he has become their equal; and the real inequality that is produced by fortune or by law is always succeeded by an imaginary inequality that is implanted in the manners of the people. But among the ancients this secondary consequence of slavery had a natural limit; for the freedman bore so entire a resemblance to those born free that it soon became impossible to distinguish him from them.

The greatest difficulty in antiquity was that of altering the law; among the moderns it is that of altering the customs, and as far as we are concerned, the real obstacles begin where those of the ancients left off. This arises from the circumstance that among the moderns the abstract and transient fact of slavery is fatally united

<sup>31</sup> It is well known that several of the most distinguished authors of antiquity, and among them Æsop and Terence, were, or had been, slaves. Slaves were not always taken from barbarous nations; the chances of war reduced highly civilized men to servitude.

with the physical and permanent fact of color. The tradition of slavery dishonors the race, and the peculiarity of the race perpetuates the tradition of slavery. No African has ever voluntarily emigrated to the shores of the New World, whence it follows that all the blacks who are now found there are either slaves or freedmen. Thus the Negro transmits the eternal mark of his ignominy to all his descendants; and although the law may abolish slavery, God alone can obliterate the traces of its existence.

The modern slave differs from his master not only in his condition but in his origin. You may set the Negro free, but you cannot make him otherwise than an alien to the European. Nor is this all; we scarcely acknowledge the common features of humanity in this stranger whom slavery has brought among us. His physiognomy is to our eyes hideous, his understanding weak, his tastes low; and we are almost inclined to look upon him as a being intermediate between man and the brutes.<sup>32</sup> The moderns, then, after they have abolished slavery, have three prejudices to contend against, which are less easy to attack and far less easy to conquer than the mere fact of servitude: the prejudice of the master, the prejudice of the race, and the prejudice of color.

It is difficult for us, who have had the good fortune to be born among men like ourselves by nature and our equals by law, to conceive the irreconcilable differences that separate the Negro from the European in America. But we may derive some faint notion of them from analogy. France was formerly a country in which numerous inequalities existed that had been created by law. Nothing can be more fictitious than a purely legal inferiority, nothing more contrary to the instinct of mankind than these permanent divisions established between beings evidently similar. Yet these divisions existed for ages; they still exist in many places; and everywhere they have left imaginary vestiges, which time alone can efface. If it be so difficult to root out an inequality that originates solely in the law, how are those distinctions to be destroyed which seem to be based upon the immutable laws of Nature herself? When I remember the extreme difficulty with which aristocratic bodies, of whatever nature they may be, are commingled with the mass of the people, and the exceeding care

<sup>32</sup> To induce the whites to abandon the opinion they have conceived of the moral and intellectual inferiority of their former slaves, the Negroes must change; but as long as this opinion persists, they cannot change.

which they take to preserve for ages the ideal boundaries of their caste inviolate, I despair of seeing an aristocracy disappear which is founded upon visible and indelible signs. Those who hope that the Europeans will ever be amalgamated with the Negroes appear to me to delude themselves. I am not led to any such conclusion by my reason or by the evidence of facts. Hitherto wherever the whites have been the most powerful, they have held the blacks in degradation or in slavery; wherever the Negroes have been strongest, they have destroyed the whites: this has been the only balance that has ever taken place between the two races.

I see that in a certain portion of the territory of the United States at the present day the legal barrier which separated the two races is falling away, but not that which exists in the manners of the country; slavery recedes, but the prejudice to which it has given birth is immovable. Whoever has inhabited the United States must have perceived that in those parts of the Union in which the Negroes are no longer slaves they have in no wise drawn nearer to the whites. On the contrary, the prejudice of race appears to be stronger in the states that have abolished slavery than in those where it still exists; and nowhere is it so intolerant as in those states where servitude has never been known.

It is true that in the North of the Union marriages may be legally contracted between Negroes and whites; but public opinion would stigmatize as infamous a man who should connect himself with a Negress, and it would be difficult to cite a single instance of such a union. The electoral franchise has been conferred upon the Negroes in almost all the states in which slavery has been abolished, but if they come forward to vote, their lives are in danger. If oppressed, they may bring an action at law, but they will find none but whites among their judges; and although they may legally serve as jurors, prejudice repels them from that office. The same schools do not receive the children of the black and of the European. In the theaters gold cannot procure a seat for the servile race beside their former masters; in the hospitals they lie apart; and although they are allowed to invoke the same God as the whites, it must be at a different altar and in their own churches, with their own clergy. The gates of heaven are not closed against them, but their inferiority is continued to the very confines of the other world. When the Negro dies, his bones are cast aside, and the distinction of condition prevails even in the equality of death.

Thus the Negro is free, but he can share neither the rights, nor the pleasures, nor the labor, nor the afflictions, nor the tomb of him whose equal he has been declared to be; and he cannot meet him upon fair terms in life or in death.

In the South, where slavery still exists, the Negroes are less carefully kept apart; they sometimes share the labors and the recreations of the whites; the whites consent to intermix with them to a certain extent, and although legislation treats them more harshly, the habits of the people are more tolerant and compassionate. In the South the master is not afraid to raise his slave to his own standing, because he knows that he can in a moment reduce him to the dust at pleasure. In the North the white no longer distinctly perceives the barrier that separates him from the degraded race, and he shuns the Negro with the more pertinacity since he fears lest they should some day be confounded together.

Among the Americans of the South, Nature sometimes reasserts her rights and restores a transient equality between the blacks and the whites; but in the North pride restrains the most imperious of human passions. The American of the Northern states would perhaps allow the Negress to share his licentious pleasures if the laws of his country did not declare that she may aspire to be the legitimate partner of his bed, but he recoils with horror from her who might become his wife.

Thus it is in the United States that the prejudice which repels the Negroes seems to increase in proportion as they are emancipated, and inequality is sanctioned by the manners while it is effaced from the laws of the country. But if the relative position of the two races that inhabit the United States is such as I have described, why have the Americans abolished slavery in the North of the Union, why do they maintain it in the South, and why do they aggravate its hardships? The answer is easily given. It is not for the good of the Negroes, but for that of the whites, that measures are taken to abolish slavery in the United States.

The first Negroes were imported into Virginia about the year 1621.<sup>33</sup> In America, therefore, as well as in the rest of the globe, slavery originated in the South. Thence it spread from one settlement to another; but the number of slaves diminished towards

<sup>33</sup> See Beverley's *History of Virginia*. See also, in Jefferson's *Memoirs*, some curious details concerning the introduction of Negroes into Virginia, and the first Act that prohibited the importation of them, in 1778.

the Northern states, and the Negro population was always very limited in New England.<sup>34</sup>

A century had scarcely elapsed since the foundation of the colonies when the attention of the planters was struck by the extraordinary fact that the provinces which were comparatively destitute of slaves increased in population, in wealth, and in prosperity more rapidly than those which contained many of them. In the former, however, the inhabitants were obliged to cultivate the soil themselves or by hired laborers; in the latter they were furnished with hands for which they paid no wages. Yet though labor and expense were on the one side and ease with economy on the other, the former had the more advantageous system. This result seemed the more difficult to explain since the settlers, who all belonged to the same European race, had the same habits, the same civilization, the same laws, and their shades of difference were extremely slight.

Time, however, continued to advance, and the Anglo-Americans, spreading beyond the coasts of the Atlantic Ocean, penetrated farther and farther into the solitudes of the West. They met there with a new soil and an unwonted climate; they had to overcome obstacles of the most various character; their races intermingled, the inhabitants of the South going up towards the North, those of the North descending to the South. But in the midst of all these causes the same result occurred at every step; in general, the colonies in which there were no slaves became more populous and more prosperous than those in which slavery flourished. The farther they went, the more was it shown that slavery, which is so cruel to the slave, is prejudicial to the master.

But this truth was most satisfactorily demonstrated when civilization reached the banks of the Ohio. The stream that the Indians had distinguished by the name of Ohio, or the Beautiful River,

<sup>34</sup> The number of slaves was less considerable in the North, but the advantages resulting from slavery were not more contested there than in the South. In 1740 the legislature of the state of New York declared that the direct importation of slaves ought to be encouraged as much as possible, and smuggling severely punished, in order not to discourage the fair trader. (Kent's *Commentaries*, Vol. II, p. 206.) Curious researches by Belknap upon slavery in New England are to be found in the *Historical Collections of Massachusetts*, Vol. IV, p. 193. It appears that Negroes were introduced there in 1630, but that the legislation and manners of the people were opposed to slavery from the first. See also, in the same work, the manner in which public opinion, and afterwards the laws, finally put an end to slavery.

which we notice between the civilization of antiquity and that of our own time.

Upon the left bank of the Ohio labor is confounded with the idea of slavery, while upon the right bank it is identified with that of prosperity and improvement; on the one side it is degraded, on the other it is honored. On the former territory no white laborers can be found, for they would be afraid of assimilating themselves to the Negroes; all the work is done by slaves; on the latter no one is idle, for the white population extend their activity and intelligence to every kind of employment. Thus the men whose task it is to cultivate the rich soil of Kentucky are ignorant and apathetic, while those who are active and enlightened either do nothing or pass over into Ohio, where they may work without shame.

It is true that in Kentucky the planters are not obliged to pay the slaves whom they employ, but they derive small profits from their labor, while the wages paid to free workmen would be returned with interest in the value of their services. The free workman is paid, but he does his work quicker than the slave; and rapidity of execution is one of the great elements of economy. The white sells his services, but they are purchased only when they may be useful; the black can claim no remuneration for his toil, but the expense of his maintenance is perpetual; he must be supported in his old age as well as in manhood, in his profitless infancy as well as in the productive years of youth, in sickness as well as in health. Payment must equally be made in order to obtain the services of either class of men: the free workman receives his wages in money; the slave in education, in food, in care, and in clothing. The money which a master spends in the maintenance of his slaves goes gradually and in detail, so that it is scarcely perceived; the salary of the free workman is paid in a round sum and appears to enrich only him who receives it; but in the end the slave has cost more than the free servant, and his labor is less productive.<sup>38</sup> //!

<sup>38</sup> Independently of these causes, which, wherever free workmen abound, render their labor more productive and more economical than that of slaves, another cause may be pointed out which is peculiar to the United States: sugar-cane has hitherto been cultivated with success only upon the banks of the Mississippi, near the mouth of that river in the Gulf of Mexico. In Louisiana the cultivation of sugar-cane is exceedingly lucrative; nowhere does a laborer earn so much by his work; and as there is always a certain relation between the cost of production and the value of the produce, the price of slaves is very high in Louisiana. But Louisiana is one of the federal states,

population of the South. At the present time the descendants of the Europeans are the sole owners of the land and the absolute masters of all labor; they alone possess wealth, knowledge, and arms. The black is destitute of all these advantages, but can subsist without them because he is a slave. If he were free, and obliged to provide for his own subsistence, would it be possible for him to remain without these things and to support life? Or would not the very instruments of the present superiority of the white while slavery exists expose him to a thousand dangers if it were abolished?

As long as the Negro remains a slave, he may be kept in a condition not far removed from that of the brutes; but with his liberty he cannot but acquire a degree of instruction that will enable him to appreciate his misfortunes and to discern a remedy for them. Moreover, there exists a singular principle of relative justice which is firmly implanted in the human heart. Men are much more forcibly struck by those inequalities which exist within the same class than by those which may be noted between different classes. One can understand slavery, but how allow several millions of citizens to exist under a load of eternal infamy and hereditary wretchedness? In the North the population of freed Negroes feels these hardships and indignities, but its numbers and its powers are small, while in the South it would be numerous and strong.

As soon as it is admitted that the whites and the emancipated blacks are placed upon the same territory in the situation of two foreign communities, it will readily be understood that there are but two chances for the future: the Negroes and the whites must either wholly part or wholly mingle. I have already expressed my conviction as to the latter event.<sup>46</sup> I do not believe that the white and black races will ever live in any country upon an equal footing. But I believe the difficulty to be still greater in the United States than elsewhere. An isolated individual may surmount the prejudices of religion, of his country, or of his race; and if this individual is a king, he may effect surprising changes in society; but

<sup>46</sup> This opinion is sanctioned by authorities infinitely weightier than anything that I can say. Thus, for instance, it is stated in the *Memoirs* of Jefferson: "Nothing is more clearly written in the book of destiny than the emancipation of the blacks; and it is equally certain, that the two races will never live in a state of equal freedom under the same government, so insurmountable are the barriers which nature, habit, and opinion have established between them." (See *Extracts from the Memoirs of Jefferson*, by M. Conseil.)

a whole people cannot rise, as it were, above itself. A despot who should subject the Americans and their former slaves to the same yoke might perhaps succeed in commingling their races; but as long as the American democracy remains at the head of affairs, no one will undertake so difficult a task; and it may be foreseen that the freer the white population of the United States becomes, the more isolated will it remain.<sup>47</sup>

I have previously observed that the mixed race is the true bond of union between the Europeans and the Indians; just so, the mulattoes are the true means of transition between the white and the Negro; so that wherever mulattoes abound, the intermixture of the two races is not impossible. In some parts of America the European and the Negro races are so crossed with one another that it is rare to meet with a man who is entirely black or entirely white; when they have arrived at this point, the two races may really be said to be combined, or, rather, to have been absorbed in a third race, which is connected with both without being identical with either.

Of all Europeans, the English are those who have mixed least with the Negroes. More mulattoes are to be seen in the South of the Union than in the North, but infinitely fewer than in any other European colony. Mulattoes are by no means numerous in the United States; they have no force peculiar to themselves, and when quarrels originating in differences of color take place, they generally side with the whites, just as the lackeys of the great in Europe assume the contemptuous airs of nobility towards the lower orders.

The pride of origin, which is natural to the English, is singularly augmented by the personal pride that democratic liberty fosters among the Americans: the white citizen of the United States is proud of his race and proud of himself. But if the whites and the Negroes do not intermingle in the North of the Union, how should they mix in the South? Can it be supposed for an instant that an American of the Southern states, placed, as he must forever be, between the white man, with all his physical and moral superiority, and the Negro, will ever think of being confounded with the

<sup>47</sup> If the British West India planters had governed themselves, they would assuredly not have passed the Slave Emancipation Bill which the mother country has recently imposed upon them.

latter? The Americans of the Southern states have two powerful passions which will always keep them aloof: the first is the fear of being assimilated to the Negroes, their former slaves; and the second, the dread of sinking below the whites, their neighbors.

If I were called upon to predict the future, I should say that the abolition of slavery in the South will, in the common course of things, increase the repugnance of the white population for the blacks. I base this opinion upon the analogous observation I have already made in the North. I have remarked that the white inhabitants of the North avoid the Negroes with increasing care in proportion as the legal barriers of separation are removed by the legislature; and why should not the same result take place in the South? In the North the whites are deterred from intermingling with the blacks by an imaginary danger; in the South, where the danger would be real, I cannot believe that the fear would be less.

If, on the one hand, it be admitted (and the fact is unquestionable) that the colored population perpetually accumulate in the extreme South and increase more rapidly than the whites; and if, on the other hand, it be allowed that it is impossible to foresee a time at which the whites and the blacks will be so intermingled as to derive the same benefits from society, must it not be inferred that the blacks and the whites will, sooner or later, come to open strife in the Southern states? But if it be asked what the issue of the struggle is likely to be, it will readily be understood that we are here left to vague conjectures. The human mind may succeed in tracing a wide circle, as it were, which includes the future; but within that circle chance rules, and eludes all our foresight. In every picture of the future there is a dim spot which the eye of the understanding cannot penetrate. It appears, however, extremely probable that in the West Indies islands the white race is destined to be subdued, and upon the continent the blacks.

In the West Indies the white planters are isolated amid an immense black population; on the continent the blacks are placed between the ocean and an innumerable people, who already extend above them, in a compact mass, from the icy confines of Canada to the frontiers of Virginia, and from the banks of the Missouri to the shores of the Atlantic. If the white citizens of North America remain united, it is difficult to believe that the Negroes

will escape the destruction which menaces them; they must be subdued by want or by the sword. But the black population accumulated along the coast of the Gulf of Mexico have a chance of success if the American Union should be dissolved when the struggle between the two races begins. The Federal tie once broken, the people of the South could not rely upon any lasting succor from their Northern countrymen. The latter are well aware that the danger can never reach them; and unless they are constrained to march to the assistance of the South by a positive obligation, it may be foreseen that the sympathy of race will be powerless.

Yet, at whatever period the strife may break out, the whites of the South, even if they are abandoned to their own resources, will enter the lists with an immense superiority of knowledge and the means of warfare; but the blacks will have numerical strength and the energy of despair upon their side, and these are powerful resources to men who have taken up arms. The fate of the white population of the Southern states will perhaps be similar to that of the Moors in Spain. After having occupied the land for centuries, it will perhaps retire by degrees to the country whence its ancestors came and abandon to the Negroes the possession of a territory which Providence seems to have destined for them, since they can subsist and labor in it more easily than the whites.

The danger of a conflict between the white and the black inhabitants of the Southern states of the Union (a danger which, however remote it may be, is inevitable) perpetually haunts the imagination of the Americans, like a painful dream. The inhabitants of the North make it a common topic of conversation, although directly they have nothing to fear from it; but they vainly endeavor to devise some means of obviating the misfortunes which they foresee. In the Southern states the subject is not discussed: the planter does not allude to the future in conversing with strangers; he does not communicate his apprehensions to his friends; he seeks to conceal them from himself. But there is something more alarming in the tacit forebodings of the South than in the clamorous fears of the North.

This all-pervading disquietude has given birth to an undertaking as yet but little known, which, however, may change the fate of a portion of the human race. From apprehension of the dangers that I have just described, some American citizens have formed a society for the purpose of exporting to the coast of Guinea, at

their own expense, such free Negroes as may be willing to escape from the oppression to which they are subject.<sup>48</sup>

In 1820 the society to which I allude formed a settlement in Africa, on the seventh degree of north latitude, which bears the name of Liberia. The most recent intelligence informs us that two thousand five hundred Negroes are collected there. They have introduced the democratic institutions of America into the country of their forefathers. Liberia has a representative system of government, Negro jurymen, Negro magistrates, and Negro priests; churches have been built, newspapers established, and, by a singular turn in the vicissitudes of the world, white men are prohibited from establishing themselves within the settlement.<sup>49</sup>

This is indeed a strange caprice of fortune. Two hundred years have now elapsed since the inhabitants of Europe undertook to tear the Negro from his family and his home in order to transport him to the shores of North America. Now the European settlers are engaged in sending back the descendants of those very Negroes to the continent whence they were originally taken: the barbarous Africans have learned civilization in the midst of bondage and have become acquainted with free political institutions in slavery. Up to the present time Africa has been closed against the arts and sciences of the whites, but the inventions of Europe will perhaps penetrate into those regions now that they are introduced by Africans themselves. The settlement of Liberia is founded upon a lofty and fruitful idea; but, whatever may be its results with regard to Africa, it can afford no remedy to the New World.

In twelve years the Colonization Society has transported two thousand five hundred Negroes to Africa; in the same space of time about seven hundred thousand blacks were born in the United States. If the colony of Liberia were able to receive thousands of new inhabitants every year, and if the Negroes were in a state to be sent thither with advantage; if the Union were to sup-

<sup>48</sup> This society assumed the name of "The Society for the Colonization of the Blacks." See its *Annual Reports* and more particularly the fifteenth. See also the pamphlet, to which allusion has already been made, entitled: *Letters on the Colonization Society, and on Its Probable Results*, by Mr. Carey (Philadelphia, April 1833).

<sup>49</sup> This last regulation was laid down by the founders of the settlement; they believed that a state of things might arise in Africa similar to that which exists on the frontiers of the United States, and that if the Negroes, like the Indians, were brought into collision with a people more enlightened than themselves, they would be destroyed before they could be civilized.

namely, either to emancipate the Negroes and to intermingle with them, or, remaining isolated from them, to keep them in slavery as long as possible. All intermediate measures seem to me likely to terminate, and that shortly, in the most horrible of civil wars and perhaps in the extirpation of one or the other of the two races. Such is the view that the Americans of the South take of the question, and they act consistently with it. As they are determined not to mingle with the Negroes, they refuse to emancipate them.

Not that the inhabitants of the South regard slavery as necessary to the wealth of the planter; on this point many of them agree with their Northern countrymen, in freely admitting that slavery is prejudicial to their interests; but they are convinced that the removal of this evil would imperil their own existence. The instruction which is now diffused in the South has convinced the inhabitants that slavery is injurious to the slave-owner, but it has also shown them, more clearly than before, that it is almost an impossibility to get rid of it. Hence arises a singular contrast: the more the utility of slavery is contested, the more firmly is it established in the laws; and while its principle is gradually abolished in the North, that selfsame principle gives rise to more and more rigorous consequences in the South.

The legislation of the Southern states with regard to slaves presents at the present day such unparalleled atrocities as suffice to show that the laws of humanity have been totally perverted, and to betray the desperate position of the community in which that legislation has been promulgated. The Americans of this portion of the Union have not, indeed, augmented the hardships of slavery; on the contrary, they have bettered the physical condition of the slaves. The only means by which the ancients maintained slavery were fetters and death; the Americans of the South of the Union have discovered more intellectual securities for the duration of their power. They have employed their despotism and their violence against the human mind. In antiquity precautions were taken to prevent the slave from breaking his chains; at the present day measures are adopted to deprive him even of the desire for freedom. The ancients kept the bodies of their slaves in bondage, but placed no restraint upon the mind and no check upon education; and they acted consistently with their established principle, since a natural termination of slavery then existed, and one day or other the slave might be set free and become the equal of his mas-

ter. But the Americans of the South, who do not admit that the Negroes can ever be commingled with themselves, have forbidden them, under severe penalties, to be taught to read or write; and as they will not raise them to their own level, they sink them as nearly as possible to that of the brutes.

The hope of liberty had always been allowed to the slave, to cheer the hardships of his condition. But the Americans of the South are well aware that emancipation cannot but be dangerous when the freed man can never be assimilated to his former master. To give a man his freedom and to leave him in wretchedness and ignominy is nothing less than to prepare a future chief for a revolt of the slaves. Moreover, it has long been remarked that the presence of a free Negro vaguely agitates the minds of his less fortunate brethren, and conveys to them a dim notion of their rights. The Americans of the South have consequently taken away from slave-owners the right of emancipating their slaves in most cases.<sup>52</sup>

I happened to meet an old man, in the South of the Union, who had lived in illicit intercourse with one of his Negresses and had had several children by her, who were born the slaves of their father. He had, indeed, frequently thought of bequeathing to them at least their liberty; but years had elapsed before he could surmount the legal obstacles to their emancipation, and meanwhile his old age had come and he was about to die. He pictured to himself his sons dragged from market to market and passing from the authority of a parent to the rod of the stranger, until these horrid anticipations worked his expiring imagination into frenzy. When I saw him, he was a prey to all the anguish of despair; and I then understood how awful is the retribution of Nature upon those who have broken her laws.

These evils are unquestionably great, but they are the necessary and foreseen consequences of the very principle of modern slavery. When the Europeans chose their slaves from a race differing from their own, which many of them considered as inferior to the other races of mankind, and any notion of intimate union with which they all repelled with horror, they must have believed that slavery would last forever, since there is no intermediate state that can be durable between the excessive inequality produced by servitude and the complete equality that originates in independ-

<sup>52</sup> Emancipation is not prohibited, but surrounded with such formalities as to render it difficult.

It is evident that nothing but a long series of events, all having the same tendency, could substitute for this combination of laws, opinions, and manners a mass of opposite opinions, manners, and laws.

If republican principles are to perish in America, they can yield only after a laborious social process, often interrupted and as often resumed; they will have many apparent revivals and will not become totally extinct until an entirely new people have succeeded to those who now exist. There is no symptom or presage of the approach of such a revolution. There is nothing more striking to a person newly arrived in the United States than the kind of tumultuous agitation in which he finds political society. The laws are incessantly changing, and at first sight it seems impossible that a people so fickle in its desires should avoid adopting, within a short space of time, a completely new form of government. But such apprehensions are premature; the instability that affects political institutions is of two kinds, which ought not to be confounded. The first, which modifies secondary laws, is not incompatible with a very settled state of society. The other shakes the very foundations of the constitution and attacks the fundamental principles of legislation; this species of instability is always followed by troubles and revolutions, and the nation that suffers under it is in a violent and transitory state.

Experience shows that these two kinds of legislative instability have no necessary connection, for they have been found united or separate, according to times and circumstances. The first is common in the United States, but not the second: the Americans often change their laws, but the foundations of the Constitution are respected.

In our days the republican principle rules in America, as the monarchical principle did in France under Louis XIV. The French of that period not only were friends of the monarchy, but thought it impossible to put anything in its place; they received it as we receive the rays of the sun and the return of the seasons. Among them the royal power had neither advocates nor opponents. In like manner the republican government exists in America, without contention or opposition, without proofs or arguments, by a tacit agreement, a sort of *consensus universalis*.

It is my opinion, however, that by changing their administrative forms as often as they do, the inhabitants of the United States

other, it must *a fortiori* prevent the descendants of the same people from becoming aliens to one another.

The time will therefore come when one hundred and fifty million men will be living in North America,<sup>100</sup> equal in condition, all belonging to one family, owing their origin to the same cause, and preserving the same civilization, the same language, the same religion, the same habits, the same manners, and imbued with the same opinions, propagated under the same forms. The rest is uncertain, but this is certain; and it is a fact new to the world, a fact that the imagination strives in vain to grasp.

There are at the present time two great nations in the world, which started from different points, but seem to tend towards the same end. I allude to the Russians and the Americans. Both of them have grown up unnoticed; and while the attention of mankind was directed elsewhere, they have suddenly placed themselves in the front rank among the nations, and the world learned their existence and their greatness at almost the same time.

All other nations seem to have nearly reached their natural limits, and they have only to maintain their power; but these are still in the act of growth.<sup>101</sup> All the others have stopped, or continue to advance with extreme difficulty; these alone are proceeding with ease and celerity along a path to which no limit can be perceived. The American struggles against the obstacles that nature opposes to him; the adversaries of the Russian are men. The former combats the wilderness and savage life; the latter, civilization with all its arms. The conquests of the American are therefore gained by the plowshare; those of the Russian by the sword. The Anglo-American relies upon personal interest to accomplish his ends and gives free scope to the unguided strength and common sense of the people; the Russian centers all the authority of society in a single arm. The principal instrument of the former is freedom; of the latter, servitude. Their starting-point is different and their courses are not the same; yet each of them seems marked out by the will of Heaven to sway the destinies of half the globe.

<sup>100</sup> This would be a population proportionate to that of Europe, taken at a mean rate of 410 inhabitants to the square league.

<sup>101</sup> The population of Russia increases proportionately more rapidly than that of any other country in the Old World.

Rel. & P.H. x.c. viii, 306

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