

*Alexis de Tocqueville*

DEMOCRACY  
IN AMERICA

Historical-Critical Edition of  
*De la démocratie en Amérique*



Edited by Eduardo Nolla

Translated from the French by James T. Schleifer

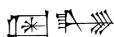
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(1840)

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## PART II

Until now, I have examined the institutions, I have surveyed the written laws, I have depicted the current forms of political society in the United States.

But above all institutions and beyond all forms resides a sovereign power, that of the people, which destroys or modifies institutions and forms as it pleases.

I have yet to make known by what paths this power, which dominates the laws, proceeds; what its instincts, its passions are; what secret motivating forces push, slow or direct it in its irresistible march; what effects its omnipotence produces, and what future is reserved for it.<sup>a</sup>

a. In the margin:

≠Of freedom of the press.

Of associations.

Of parties.

Of elections. Democratic choices. Electoral mores.

Democratic omnipotence, omnipotence of the majority.

Its tyrannical effects. Political demoralization.

Its counterweights in the *laws*,<sup>1</sup> in the *mores* and in the *local circumstances*.

*Jury*.

1. Judicial power, above all that of the Union, in that it prevents retroactive laws.  
Lack of administrative centralization.≠



## CHAPTER I

### *How It Can Be Strictly Said That in the United States It Is the People Who Govern*

In America, the people name the one who makes the law and the one who executes it; the people themselves form the jury that punishes infractions of the law. Institutions are democratic not only in their principle, but in all their developments as well; thus the people name their representatives *directly* and generally choose them *every year*, in order to keep them more completely dependent. So it is really the people who lead, and, although the form of the government is representative, clearly the opinions, prejudices, interests, and even the passions of the people cannot encounter any lasting obstacles that can prevent them from appearing in the daily leadership of society.

In the United States, as in all countries where the people rule, the majority governs in the name of the people.<sup>b</sup>

This majority is composed principally of peaceful citizens who, either by taste or by interest, sincerely desire the good of the country. In constant motion around them, parties seek to draw them in and gain their support.<sup>c</sup>

b. In the margin: “#An action external to society exercised on society resembles the medicine that often aids nature but still more often harms it. Despotism often appears useful, but I mistrust its benefits.#”

c. Cf. note a of p. 402.



CHAPTER 2

*Of Parties in the United States*

*A great division among parties must be made.—Parties that differ among themselves like rival nations.—Parties strictly speaking.—Difference between great and small parties.—In what times they arise.—Their different characters.—America had great parties.—It no longer has them.—Federalists.—Republicans.—Defeat of the Federalists.—Difficulty of creating parties in the United States.—What is done to succeed in creating them.—Aristocratic or democratic character that is found in all parties.—Struggle of General Jackson against the Bank.*

First I must establish a great division among parties.

There are countries so vast that the different populations living there, though united under the same sovereignty, have contradictory interests that give rise to a permanent opposition among them. Then, the various portions of the same people do not form parties strictly speaking, but distinct nations; and if civil war happens to break out, there is a conflict between rival peoples rather than a struggle between factions.

[≠What I call truly a party is a gathering of men who, without sharing the bond of a common birth, view certain points in a certain way.≠]

But when citizens differ among themselves on points that interest all portions of the country equally, such as the general principles of government, for example, then what I will call truly parties are seen to arise.

Parties are an evil inherent in free governments; but they do not have the same character and the same instincts in all periods of time.

There are periods of time when nations feel tormented by such great ills that the idea of a total change in their political constitution occurs to their mind. There are other periods when the malaise is even more profound and when the social state itself is compromised. That is the time of great revolutions and great parties.

Between these centuries of disorders and miseries, you find others when societies are at rest and when the human race seems to catch its breath. In truth, that is still only outward appearance. The march of time does not stop for peoples any more than for men; both advance each day toward an unknown future; and when we believe them stationary, it is because their movements escape us. They are men who are walking; to those who are running, they seem immobile.

[<Similar to the hand that marks the hours; everyone can tell the path it has already followed, but the hand must be watched for a long time to discover that it is moving.>]

Be that as it may, there are periods when the changes that take place in the political constitution and social state of peoples are so slow and so imperceptible, that men think they have arrived at a final state; the human mind then believes itself firmly seated on certain foundations and does not look beyond a certain horizon.

This is the time of intrigues and of small parties.

What I call great political parties are those that are attached to principles more than to their consequences, to generalities and not to particular cases, to ideas and not to men. In general, these parties have more noble traits, more generous passions, more real convictions, a more candid and bold appearance than the others. Here, particular interest, which always plays the greatest role in political passions, hides more cleverly behind the veil of public interest; sometimes it even manages to hide from the view of those whom it arouses and brings into action.

Small parties, on the contrary, are generally without political faith. Since they do not feel elevated and sustained by great objectives, their character is stamped by an egoism that occurs openly in each of their acts. They get worked up from a cold start; their language is violent, but their course is

timid and uncertain. The means they use are miserable, like the very end that they propose. That is why, when a time of calm follows a violent revolution, great men seem suddenly to disappear and souls withdraw into themselves.

Great parties turn society upside down; small ones trouble it; the ones tear it apart and the others deprave it. [Both have a common trait, however: to reach their ends, they hardly ever use means that conscience approves completely. There are honest men in nearly all parties, but it can be said that no party should be called an honest man.] The first sometimes save society by shaking it up; the second always disturb it to no profit.

America had great parties; today they no longer exist. From that it has gained a great deal in happiness, but not in morality.<sup>a</sup>

a. The ideas of this paragraph and the three preceding ones are found again almost literally in a note of 14 January 1832 from Notebook E of the American journey (YTC, BIIa, and *Voyage, OC*, V, 1, pp. 260–61) and in a nearly identical note from pocket notebooks 4 and 5 (YTC, BIIa, and *Voyage, OC*, V, 1, pp. 197–98). The last paragraph continues in this way:

I do not know of a more miserable and more shameful spectacle in the world than the one presented by the different coteries (they do not deserve the name parties) that divide the Union today. Within them, you see stirring, in full view, all the petty and shameful passions that ordinarily take care to hide deep within the human heart. As for the interest of the country, no one considers it; and if someone speaks about it, it is a matter of form. The parties put it at the head of their articles of association, just as their fathers did, in order to conform to long-standing usage. It has no more relation to the rest of the work than the license of the king that our fathers printed on the first page of their books.

It is pitiful to see what a flood of coarse insults, what petty, malicious gossip, and what coarse slanders fill the newspapers that all serve as organs of the parties; with what shameless contempt for social proprieties, they bring the honor of families and the secrets of the domestic hearth before the court of opinion each day.

In a letter dated 1 October 1858 and addressed to William R. Greg (*OCB*, VI, pp. 455–56), Tocqueville comments on an article by the latter on political parties (“The State of the Parties,” *National Review* 7, no. 13 (1858): 220–43). He notes as well another danger tied to the absence of great political parties:

When there are no more great parties, well bound together by shared interests and passions, foreign policy hardly ever fails to become the primary element of parliamentary activity. . . . Now, I regard such a state of things as contrary to the dignity

When the War of Independence finally ended and it was a matter of establishing the foundations of the new government, the nation found itself divided between two opinions. These opinions were as old as the world, and they are found under different forms and given various names in all free societies. One wanted to limit popular power; the other, to expand it indefinitely.

Among the Americans, the struggle between these two opinions never took on the violent character that has often marked it elsewhere. In America, the two parties were in agreement on the most essential points. Neither one had to destroy an old order or turn an entire social state upside down in order to win. Consequently, neither one bound a large number of individuals' lives to the triumph of its principles. But they touched upon non-material interests of the first order, such as love of equality and of independence. That was enough to arouse violent passions.

The party that wanted to limit popular power sought, above all, to apply its doctrines to the Constitution of the Union, which earned it the name *Federalist*.

The other, which claimed to be the exclusive lover of liberty, took the title *Republican*.<sup>b</sup>

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and security of nations. Foreign affairs, more than all other matters, need to be treated by a small number of men, *with consistency*, in secret.

And further on he adds:

I find that, with rare sagacity, you have indicated the conditions under which great parties, well disciplined, can exist in a free country. As you say, each of them must be the representative of one of the two great principles that eternally divide human societies, and that, to be brief, can be designated by the names aristocracy and democracy.

b. The history of the Federalists and the Republicans owes a great deal to a conversation with Mr. Biddle, President of the Bank of the United States (non-alphabetic notebooks 2 and 3, YTC, BIIa, and *Voyage, OC*, V, 1, pp. 122–23). The idea that, in America, there are no real parties had already appeared in April 1831, in a conversation with Mr. Schermerhorn on the *Havre*, during the crossing of the Atlantic (notebook E, YTC, BIIa, and *Voyage, OC*, V, 1, pp. 292–93). Beaumont will report this conversation to his father in a letter of 16 May 1831 (*Lettres d'Amérique*, p. 40), and will mention it in *Marie* (I, p. 360).

On Tocqueville's theory of parties, see especially Nicola Matteucci, "Il problema de partito politico nelle riflessioni d'Alexis de Tocqueville," *Pensiero politico* 1, no. 1 (1968):

America is the land of democracy. So the Federalists were always a minority; but they counted in their ranks nearly all the great men who had emerged from the War of Independence, and their moral power was very extensive. Circumstances, moreover, favored them. The ruin of the first confederation made the people afraid of falling into anarchy, and the Federalists profited from this temporary frame of mind. For ten or twelve years, they led affairs and were able to apply, not all of their principles, but some of them; for, day by day, the opposing current became too violent for anyone to dare to struggle against it.

In 1801, the Republicans finally took possession of the government. Thomas Jefferson was named President; he brought them the support of a celebrated name, a great talent, and an enormous popularity.

The Federalists had only survived thanks to artificial means and with the aid of temporary resources; the virtue or talents of their leaders, as well as the good fortune of circumstances, had brought them to power. When the Republicans, in turn, gained power, the opposing party was as if enveloped by a sudden flood. An immense majority declared against it, and the party found itself at once in such a small minority that it immediately gave up hope. From that moment, the Republican or Democratic party has marched from conquest to conquest and has taken possession of the entire society.

The Federalists, feeling defeated, without resources, and finding themselves isolated within the nation, divided; some joined the victors; others put down their banner and changed their name. They entirely ceased to exist as a party a fairly great number of years ago.

The transitional period when the Federalists held power is, in my opinion, one of the most fortunate events that accompanied the birth of the great American union. The Federalists struggled against the irresistible inclination of their century and country. Their theories, however excellent or flawed, had the fault of being inapplicable as a whole to the society that the Federalists wanted to govern; so what happened under Jefferson would

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39–92; and Gerald M. Bonetto, “Alexis de Tocqueville’s Concept of Political Parties,” *American Studies*, 22, no. 2 (1981): 59–79.

have happened sooner or later. But at least their government let the new republic have time to get established and allowed it afterward to bear, without difficulty, the rapid development of the doctrines that they had fought. A great number of their principles ended up, moreover, being accepted into the creed of their adversaries; and the federal Constitution, which still continues to exist in our time, is a lasting monument to their patriotism and wisdom.<sup>c</sup>

So today great political parties are not seen in the United States. Parties that threaten the future of the Union abound there; but none exist that appear to attack the present form of government and the general course of society. The parties that threaten the Union rest, not on principles, but on material interests. In the different provinces of so vast an empire, these interests constitute rival nations rather than parties.<sup>d</sup> That is how the North

c. Parties./

... great parties that shared the first times of the Union ... but their principles are found again. That one of the two, it is true, attained an immense superiority. That from there came the miserable party spirit of today. Principles no longer being in question, but men, or at least principles forced to hide behind interests and men. Analogous example in France. There was grandeur in the struggle of the liberal party with the royalist party. But since the first triumphed, there is only pettiness in the debates that stir within it (YTC, CVh, 4, p. 35).

d. Gustave de Beaumont:

Is this a theory safe from criticism? So you call *great parties* only those that rest on a political theory, and you deny this name to those that have *immense interests* for their base. That is arbitrary.

I see clearly that the *moral* and political consequences of the different parties are not the same. They are parties nonetheless.

Do you get out of it well by saying: these are *rival nations rather than parties*?

But the parties concerned (for example, those for and against free trade) are not only from province to province, but also in each province, from citizen to citizen.

It would have been more correct, I believe, to establish a distinction between *great* parties that have political theories as objectives and *great* parties that are tied to material interests. Certainly America, turned upside down and threatened with dissolution by the question of free trade, has within it *great parties*; though different from ours, they are no less great. Note that these parties would be powerful among us, if we did not have others. After all, the developments of the author lead to the same result (YTC, CIIIb, 2, pp. 57–58).

was recently seen to uphold the system of commercial tariffs, and the South, to take arms in favor of free trade. The sole reason is that the North engages in manufacturing and the South in agriculture,<sup>e</sup> and the restrictive system works to the profit of the one and to the detriment of the other.

For lack of great parties, the United States swarms with small ones, and public opinion splinters infinitely on questions of details. The pain that is taken there to create parties cannot be imagined; it is not an easy thing to do in our time.<sup>f</sup> In the United States, there is no religious hatred, because religion is universally respected and no one sect is dominant; no class hatred, because the people are everything and no one still dares to struggle against them; finally there are no public miseries to exploit, because the material state of the country offers such an enormous scope to industry that leaving man to himself is enough for him to work wonders. But [particular] ambition must indeed succeed in creating parties, because it is difficult to throw someone who holds power out of office for the sole reason that you want to take his place. So all the skill of politicians consists of forming parties. A politician, in the United States, seeks first to discern his interest and to see what analogous interests could be grouped around his; then he busies himself finding out if, by chance, a doctrine or principle exists in the world that could be placed conveniently at the head of the new association, to give it the right to come into being and to circulate freely. It amounts to what would be called the license of the king that our fathers used to print on the first sheet of their works and incorporated into the book, even though it was not part of it.<sup>g</sup>

e. The manuscript says: “. . . and the South only in producing and the restrictive system . . .”

Édouard de Tocqueville: “Economists will find that this term *only in producing* is incorrect. Manufacturers being producers, like farmers or makers of sugar” (YTC, CIIIb, 2, p. 51).

f. “Cite the birth of the masons and the anti-masons to show how parties form and recruit in the United States” (YTC, CVh, 4, p. 35). See the story of the freemason Morgan in Beaumont, *Marie*, I, pp. 353–55.

g. In the manuscript: “. . . had no relation to the object of the book.”

Gustave de Beaumont: “I beg your pardon; all the licenses of the king were related to the book and to its objective. So say: *that our fathers used to print on the first sheet of their works and incorporated into the book, even though it was not part of it*” (YTC, CIIIb, 2, p. 59).

This done, the new power is introduced into the political world.

To a foreigner, nearly all the domestic quarrels of the Americans seem, at first view, incomprehensible or childish, and you do not know if you should pity a people who seriously keeps itself busy with such miseries or envy it the good fortune of being able to keep busy in that way.

But when you come carefully to study the secret instincts that govern factions in America, you easily discover that most of them are more or less linked with one or the other of the two great parties that have divided men since free societies have existed. As you enter more profoundly into the intimate thought of these parties, you notice that some of them work to narrow the use of public power, others, to expand it.

I am not saying that American parties always have as their open aim, or even as their hidden aim, making aristocracy or democracy prevail in the country. I am saying that aristocratic or democratic passions are easily found at the bottom of all the parties, and, although hidden from view, they form the tender spot and the soul of the parties.

I will cite a recent example. The President attacks the Bank of the United States. The country is aroused and divided; the enlightened classes generally side with the Bank; the people favor the President. Do you think that the people knew how to discern the reasons for their opinion in the middle of the twists and turns of such a difficult question, where experienced men hesitate? Not at all. But the Bank is a great establishment that has an independent existence; the people, who destroy or raise all powers, can do nothing to it; that astonishes them. Amid the universal movement of society, this immobile point shocks their sight, and they want to see if they cannot succeed in getting it moving like the rest.

## Of the Remnants of the Aristocratic Party in the United States

*Secret opposition of the rich to democracy.—They withdraw into private life.—Taste that they show inside their residences for exclusive pleasures and luxury.—Their simplicity outside.—Their affected condescension for the people.*

Sometimes among a people divided by opinions, when the equilibrium among parties is broken, one of them acquires an irresistible preponderance. It crushes all obstacles, overwhelms its adversary and exploits the entire society to its profit. The vanquished, then despairing of success, hide or fall silent. A universal immobility and silence develop. The nation seems united by the same idea. The conquering party stands up and says: "I have brought peace to the country; you owe me thanks."

But beneath this apparent unanimity, profound divisions and a real opposition are still hidden.

This is what happened in America. When the democratic party gained preponderance, you saw it take exclusive possession of the leadership of public affairs. Since then, it has not ceased to model the mores and laws after its desires.<sup>h</sup>

Today you can say that, in the United States, the wealthy classes of society are almost entirely out of public affairs, and that wealth, far from being a right, is a real cause of disfavor and an obstacle to reaching power.

So the rich prefer abandoning the contest to sustaining an often unequal struggle against the poorest of their fellow citizens. Not being able to take a rank in public life analogous to the one they occupy in private life, they

h. There is an often very effective means to reestablish peace in a country divided by opinion; it is to give so complete a preponderance to one of the parties that the other disappears or falls into silence. Experience has proved that this was buying peace at a high price. When Ferdinand and Isabella chased the Moors from Spain, they made a great cause of internal troubles disappear; but they impoverished the country and delivered a blow to its industry from which it has never recovered.

The democratic party acted in the same way in America. Once in power, it took exclusive possession of the leadership of public affairs and modeled the mores and laws after its desires (YTC, CVh, 4, pp. 40–41).

abandon the first in order to concentrate on the second. In the middle of the State, they form something like a society apart with its own tastes and enjoyments.

The rich man submits to this state of things as to an evil without remedy; with great care, he even avoids showing that it wounds him. So you hear him publicly praise the sweet pleasures of republican government and the advantages of democratic forms. For, next to hating their enemies, what is more natural to men than flattering them?

Do you see this opulent citizen? Wouldn't you say, a Jew of the Middle Ages who is afraid of arousing suspicion of his wealth? His attire is simple; his gait is modest. Within the four walls of his dwelling, he adores luxury; into this sanctuary, he lets only a few chosen guests that he arrogantly calls his equals. You meet no nobleman in Europe who appears more exclusive in his pleasures than he, more envious of the slightest advantages that a privileged position assures. But here he is, leaving his house, to go to work in a tiny, dusty room that he occupies in the business center of the city, where everyone is free to come to meet him. Along his path, his shoemaker happens by, and they stop. They begin to converse with each other. What can they be saying? These two citizens are dealing with the affairs of the State, and they will not part without shaking hands.

At the bottom of this enthusiasm for convention and in the midst of these obsequious forms toward the dominant power, it is easy to notice in the rich a great disgust for the democratic institutions of their country. The people are a power that they fear and despise. If, one day, the bad government of democracy led to a political crisis, if monarchy ever presented itself in the United States as something feasible, you would soon discover the truth of what I am advancing.

The two great weapons that parties use to succeed are newspapers and associations.<sup>j</sup>

j. "General picture. A mass, not impassioned, wanting the good. In the middle of it, parties that seek to create a majority to *legalize* their ideas" (YTC, CVh, 4, p. 40).



CHAPTER 3

*Of Freedom of the Press in the United States*

*Difficulty of limiting freedom of the press.—Particular reasons that certain peoples have for valuing this liberty.—Freedom of the press is a necessary consequence of the sovereignty of the people as it is understood in America.—Violence of the language of the periodical press in the United States.—The periodical press has its own instincts; the example of the United States proves it.—Opinion of the Americans about the judicial suppression of the crimes of the press.—Why the press is less powerful in the United States than in France.*

Freedom of the press not only makes its power felt over political opinions, but also over all of the opinions of men. It modifies not only laws, but also mores. In another part of this work, I will seek to determine the degree of influence that freedom of the press has exercised over civil society in the United States; I will try to discern the direction it has given to ideas, the habits it has imparted to the mind and sentiments of the Americans.<sup>a</sup> For now, I only want to examine the effects produced by freedom of the press in the political world.

[{The greatest problem of modern societies is to know how to use freedom of the press.} I love freedom of the press enough to have the courage to say everything that I think about it.]

I admit that to freedom of the press I do not bring that complete and instantaneous love that is given to things supremely good by their nature.

a. See chapter VI of the second part of the third volume.

[I do not see freedom of the press in the same way that I consider *patriotism* or *virtue*, for example.]<sup>b</sup> I love it much more from consideration of the evils it prevents than for the good things that it does.<sup>c</sup>

If someone showed me an intermediate position where I could hope to stand firm between complete independence and total subservience of thought, I would perhaps take my position there; but who will find this intermediate position?<sup>d</sup> You start from license of the press, and you march in rank order; what do you do? First, you submit writers to juries. But the juries acquit them, and what was only the opinion of an isolated man becomes the opinion of the country. So you have done too much and too little. You have to move further. You deliver authors to permanent magistrates; but judges are obliged to hear before condemning. What someone was afraid to avow in a book, is proclaimed with impunity in the defense plea. Thus, what was said obscurely in one account is found repeated in a thousand others. The expression is the external form, and, if I can express myself in this way, the body of the thought; but it is not the thought itself. Your courts arrest the body, but the soul escapes them and subtly slips through their hands. So you have done too much and too little; you must

b. Gustave de Beaumont: "Patriotism is a virtue, so there is no alternative. Moreover, why compare a political institution to a virtue? If you want to make your comparison with a political institution that you consider as essentially and absolutely good, begin by searching your mind. Is there a principle, an institution that appears so to you? Why don't you take individual liberty?" (YTC, CIIIb, 2, p. 60).

c. Hervé de Tocqueville:

In general the author should stay in the background in order to allow only his book to speak. His opinions should be appreciated by the reader because of a deduction of the ideas that the work develops. If you depart from this rule, it must at least be in the briefest possible way. I believe that the two paragraphs, the one beginning with the words *I admit*, the second with the words *I love it*, could be deleted. They have the disadvantage of delineating the author too openly, but without giving this picture very clear contours. There is a bit of obscurity both in the thought and in its expression. My proposition accepted, you will pass immediately to the paragraph that begins with the words: *if someone*" (YTC, CIIIb, 2, pp. 42–43).

The phrasing of the last sentence of this paragraph is by Beaumont (YTC, CIIIb, 2, p. 60). In the manuscript, it finishes this way: ". . . from consideration of the evils that follow its ruin than for the good things that it does."

d. The manuscript says *a marker*. Beaumont suggested putting *an intermediate position* (YTC, CIIIb, 2, p. 60).

continue to move.<sup>e</sup> Finally you abandon writers to censors. Very good; we are getting closer. But isn't the political rostrum free? So you still haven't done anything. I am wrong; you have made things worse. Would you, by chance, take thought for one of those material powers that grow with the number of their agents? Would you count writers like soldiers in an army? In contrast to all material powers, the power of thought often increases with the small number of those who express it. The spoken word of a powerful man, which spreads alone through the passions of a silent assembly, has more power than the confused cries of a thousand orators. And if only someone can speak freely in a single public place, it is as if he has spoken publicly in each village. So you must destroy the freedom to speak as well as to write. This time, here you are at your destination: everyone is quiet. But where have you arrived? You began from the abuses of liberty, and I find you under the feet of a despot.

You have gone from extreme independence to extreme servitude without finding, on such a long journey, a single place where you could rest.

Some peoples, apart from the general reasons that I have just set forth, have particular reasons that must attach them to freedom of the press.

In certain nations claiming to be free, each of the agents of power can violate the law with impunity, and the constitution of the country does not give the oppressed the right to complain to the judicial system. Among these peoples, the independence of the press must no longer be considered as one of the guarantees, but as the sole remaining guarantee for liberty and for the security of the citizens.

So if the men who govern these nations spoke about taking independence away from the press, the whole people could respond to them: Allow

e. This reflection is similar to the one that appears in the discussion about Malesherbes and freedom of the press in *Essai sur la vie, les écrits et les opinions de M. de Malesherbes* (Paris: Treuttel et Würtz, 1819–1821, I, pp. 179–83) of Count Boissy-d'Anglas. On the general ideas of this chapter, see the conversation with Spencer (non-alphabetic notebook I, YTC, BIIa, and *Voyage, OC*, V, 1, pp. 69–70), and Beaumont, *Lettres d'Amérique*, p. 101.

us to prosecute your crimes before ordinary judges, and perhaps then we will consent not to appeal to the court of opinion.<sup>f</sup>

In a country where the dogma of sovereignty of the people openly reigns, censorship is not only a danger, but also a great absurdity.<sup>g</sup>

When you grant each person a right to govern society, you must recognize his capacity to choose between the different opinions that trouble his contemporaries and to appreciate the different facts, the knowledge of which can guide him.

So sovereignty of the people and freedom of the press are two entirely correlative things. Censorship and universal suffrage are, on the contrary, two things that contradict each other and that cannot exist together for long in the political institutions of the same people. Among the twelve million men who live within the territory of the United States, *not a single one* has yet dared to propose limiting freedom of the press.

When I arrived in America, the first newspaper that came before my eyes contained the following article, which I translate faithfully:

Throughout the whole of this affair, the tone and language of Jackson [the President] was that of a heartless despot, alone intent on preserving his power. Ambition is his crime and will yet prove his curse. Intrigue is his vocation, and will yet overthrow and confound him. Corruption is his element and will yet react upon him to his utter dismay and confusion. He has been a successful as well as a desperate political gangster, but the hour of retribution is at hand; he must disgorge his winnings, throw away his false dice, and seek the hermitage, there to blaspheme and execrate his folly, for to repent is not a virtue within the capacity of his heart to obtain (*Vincennes Gazette*).

f. "Freedom of the press is the sole guarantee for a people who cannot attack the agents of power through the courts, something seen among us. If the men who govern us allow us to prosecute their misdeeds and crimes before ordinary judges, perhaps we will consent not to attack their absurdities and their vices before the court of public opinion" (YTC, CVh, 3, p. 93).

g. In the margin: "≠After the people themselves, the press is the most irresistible power that exists in America.≠"

Many men in France imagine that the violence of the press among us is due to the instability of the social state, to our political passions and to the general malaise that follows. So they are constantly waiting for a time when, after society has regained a tranquil footing, the press in turn will become calm. As for me, I would willingly attribute the extreme ascendancy that the press has over us to the causes indicated above; but I do not think that these causes influence its language much. The periodical press seems to me to have its own instincts and passions, apart from the circumstances in which it works. What happens in America really proves it for me.

America is perhaps at this moment the country in the world that contains within it the fewest seeds of revolution. In America, nevertheless, the press has the same destructive tastes as in France, and the same violence without the same reasons for anger. [≠Most often it feeds on hate and envy; it speaks more to passions than to reason; it spreads falsehood and truth all jumbled together. ≠] In America, as in France, the press is an extraordinary power, a strange mixture of good and evil; liberty cannot live without it and order can hardly be maintained with it.<sup>h</sup>

What must be said is that the press has much less power in the United States than among us. Nothing, however, is rarer in that country than seeing a judicial proceeding directed against the press. The reason is simple: the Americans, while accepting among themselves the dogma of sovereignty of the people, have applied it sincerely. They did not have the idea of establishing, with elements that change every day, constitutions that endured forever. So to attack existing laws is not criminal, as long as you do not want to evade them by violence.

They believe, moreover, that the courts are powerless to moderate the press; that because the flexibility of human languages constantly escapes judicial analysis, crimes of this nature in a way slip out of the hand that reaches out to seize them. They think that to be able to act effectively on the press, a court would have to be found that was not only devoted to the

h. Variant: "The American press, like ours, is a power that you can speak ill of in quiet and that you bow before in public, that you can fight by surprise, but that no power can attack head on" Cf. note o of p. 78.

existing order, but was also able to stand above the public opinion that stirs around it, a court that judged without allowing publicity, ruled without justifying its decisions, and punished the intention even more than the words. Whoever had the power to create and to maintain such a court would waste his time pursuing freedom of the press; for then he would be absolute master of society itself and would be able to rid himself of writers and their writings at the same time. In the matter of the press, therefore, there is really not a middle ground between servitude and license. To reap the inestimable advantages that freedom of the press assures, you must know how to submit to the inevitable evils that it produces. Wanting to gain the first while escaping from the second is to give yourself over to one of these illusions that usually delude sick nations when, tired by struggles and exhausted by efforts, they seek the means to allow hostile opinions and opposite principles to coexist at the same time on the same soil.

The little power of newspapers in America is due to several causes; here are the principal ones:

The freedom to write, like all other freedoms, is that much more to be feared, the newer it is. A people who has never heard the affairs of State treated in front of it believes the first popular orator who appears. Among the Anglo-Americans, this liberty is as old as the founding of the colonies. Moreover, the press, which knows so well how to inflame human passions, cannot create those passions by itself. [What feeds freedom of the press, what gives it a hold on human will are political passions.] Now, in America, political life is active, varied, even agitated, but it is rarely troubled by profound passions; rarely do the latter arise when material interests are not jeopardized, and in the United States these interests prosper. To judge the difference that exists on this point between the Anglo-Americans and us, I have only to glance at the newspapers of the two peoples. In France, the commercial advertisements occupy a very limited space; even the news items are few; the vital part of a newspaper is where the political discussions are found. In America, three quarters of the immense newspaper put before your eyes are filled by advertisements; the rest is usually occupied by political news or simple stories; only now and then, in an obscure corner, do you notice one

of those heated discussions that among us are the daily food of the reader.

Every power augments the action of its forces as their control is centralized; that is a general law of nature that examination demonstrates to the observer and that an even more certain instinct has always shown to the least of despots.

In France, the press combines two distinct types of centralization.

Nearly all of its power is concentrated in the same place and, so to speak, in the same hands, for the organs of the press are very few in number.

Constituted in this way, in the middle of a skeptical nation, the power of the press is necessarily almost without limit. It is an enemy with which a government can reach a shorter or longer truce; but it is difficult for a government to live in confrontation with the press for long.

Neither one nor the other of the two types of centralization that I have just spoken about exists in America.

The United States has no capital.<sup>j</sup> [≠In America the press is even less centralized than the government it attacks.≠] Enlightenment, like power, is disseminated in all the parts of this vast country. There, the beams of human intelligence, instead of coming from a common center, cut across each other in all directions; the Americans have placed the general direction of thought nowhere, any more than they have that of public affairs.

That is due to local circumstances that do not depend on men. But here are the ones that come from the laws:

In the United States, there are no licenses for printers, no stamps or registration for newspapers; the rule of surety bonds is unknown.

As a result, the creation of a newspaper is a simple and easy undertaking; a few<sup>k</sup> subscribers suffice for the journalist to cover his expenses. The

j. In the manuscript: "is fortunate enough not to have a capital."

Hervé de Tocqueville: "I would remove *fortunate enough*. With a single phrase, the author comes to a decision offhandedly on a question that is very susceptible to controversy. That is at least unnecessary" (YTC, CIIb, 2, p. 45).

k. In the manuscript a blank indicates that Tocqueville thought about putting here the precise number of subscribers. Following this sentence you find: "The most reliable reports put it at [blank (ed.)] in 1832."

number of periodical or semi-periodical writings in the United States therefore surpasses all belief. The most enlightened Americans attribute the little power of the press to this incredible scattering of its forces. It is an axiom of political science in the United States that the only means to neutralize the effects of newspapers is to multiply their number. I cannot imagine that a truth so obvious has not yet become more common among us. I understand without difficulty that those who want to make revolutions with the aid of the press try to give it only a few powerful organs; but what I absolutely cannot conceive is that the official partisans of the established order and the natural supporters of existing laws believe that, by concentrating the press, its action can be attenuated. The governments of Europe seem to me to act toward the press in the same way that knights used to act toward their enemies. They had noticed from their own experience that centralization was a powerful weapon, and they wanted to provide it to their enemy, most probably to gain more glory in resisting him.

In the United States, there is hardly any small town without its newspaper. It can be easily understood that, among so many combatants, neither discipline nor unity of action can be established. Therefore each one raises his banner. Not that all the political newspapers of the Union are lined up for or against the administration; but they attack and defend it in a hundred different ways. So in the United States newspapers cannot establish those great waves of opinions that rise up or overwhelm the most powerful dikes. This division of the forces of the press produces still other no less remarkable effects. Because the creation of a newspaper is so easy, everyone can do it. On the other hand, competition means that a newspaper cannot hope for very great profits; this prevents great industrial talents from getting involved in enterprises of this type. Even if newspapers were a source of riches, they are so excessively numerous that there would not be enough talented writers to run them. So in general journalists in the United States do not have a very high [social] position; their education is only rudimentary; and the turn of their ideas is often vulgar. Now, in all things the majority makes the law; it establishes certain behaviors to which each person then conforms. The ensemble of these common habits

is called a spirit;<sup>m</sup> there is the spirit of the bar, the spirit of the court. The spirit of the journalist, in France, is to discuss in a violent, but elevated and often eloquent way, the great interests of the State; if this is not always so, it is because every rule has its exceptions. The spirit of the journalist, in America, is to attack in a coarse way, unaffectedly and without art, the passions of those whom he addresses, to leave principles behind in order to grab men, to follow men in their private life, and to lay bare their weaknesses and their vices [treat the secrets of the domestic hearth and the honor of the marital bed].

Such an abuse of thought must be deplored. Later I will have the opportunity to inquire into what influence newspapers have on the taste and morality of the American people; but I repeat that at the moment I am only dealing with the political world. You cannot hide from the fact that the political effects of this license of the press contribute indirectly to the maintenance of public tranquillity. The result is that men who already have an elevated position in the opinion of their fellow citizens do not dare to write in the newspapers; and they thereby lose the most formidable weapon that they could use to stir popular passion to their profit.<sup>1</sup> The result is, above all, that the personal views expressed by journalists have no weight, so to speak, in the eyes of readers. What readers seek in a newspaper is knowledge of facts; only by altering or misrepresenting these facts can a journalist gain some influence for his opinion.

Reduced to these resources alone, the press still exercises an immense power in America. It makes political life circulate in all parts of this vast territory. Always watchful, the press constantly lays bare the secret

m. In the manuscript: "what is called a spirit."

Gustave de Beaumont:

I do not like that. Here is how I would conceive the sentence: I would delete *what is called a spirit*, which is certainly bad (there are many other things that are called a *spirit*, without counting the author) and I would say: in all, there is what is called the *spirit of the thing*. There is the *spirit of the bar*, the *spirit of the court*. Journalism also has its own. In France it consists . . ." (YTC, CIIIb, 2, p. 62).

1. *They write in newspapers only in the rare cases when they want to address the people and speak in their own name; when, for example, slanderous charges have been spread about them, and they want to reestablish the true facts.*

motivating forces of politics and compels public men, one by one, to appear before the court of opinion. It rallies interests around certain doctrines and formulates the creed of parties. Through the press, interests speak together without seeing each other, agree without having contact. When a large number of the organs of the press manage to follow the same path, their influence eventually becomes nearly irresistible; and public opinion, always struck from the same side, ends by yielding to their blows.

In the United States, each newspaper individually has little power; but the periodical press, after the people, is still the first of powers.<sup>A</sup>

That the Opinions Established under the Dominion  
of Freedom of the Press in the United States Are  
Often More Tenacious Than Those That Are Found  
Elsewhere under the Dominion of Censorship.<sup>n</sup>

In the United States, democracy constantly leads new men to the leadership of public affairs; so the government has little coherence and order in its measures. But the general principles of government there are more stable than in many other countries, and the principal opinions that rule society are more lasting. When an idea, whether sound or unreasonable, takes hold of the mind of the American people, nothing is more difficult than to eradicate it.

The same fact has been observed in England, the European country in which, for a century, the greatest freedom of thought and the most invincible prejudices have been seen.

I attribute this effect to the very cause that, at first view, should seemingly prevent it, freedom of the press. Peoples among whom this freedom exists are attached to their opinions by pride as much as by conviction. They love them because they seem sound to them, and also because they have chosen

n. In the margin: “<sup>≠</sup>But this is due to the political institutions and not to freedom of the press.<sup>≠</sup>”

them. And they hold them not only as something true, but also as something of their own.

There are still several other reasons.

A great man has said that *ignorance is at the two ends of knowledge*.<sup>o</sup> Perhaps it would have been more true to say that deep convictions are found only at the two ends, and that doubt is in the middle. In fact, you can consider human intelligence in three distinct and often successive states.

A man strongly believes, because he adopts a belief without going deeper. When objections appear, he doubts. Often he succeeds in resolving all these doubts; and then he begins to believe again. This time, he no longer grasps truth haphazardly and in the shadows; but he faces it and walks directly toward its light.<sup>2</sup>

When freedom of the press finds men in the first state, it leaves them for yet a long time with this habit of believing strongly without reflection; only it changes the object of their unthinking beliefs each day. So, over the whole intellectual horizon, the mind of man continues to see only one point at a time; but this point is constantly changing. This is the time of sudden revolutions. Woe to the generations that are the first suddenly to allow freedom of the press!

Soon, however, the circle of new ideas is nearly covered. Experience arrives, and man is plunged into doubt and a universal distrust.

You can be assured that the majority of men will always stop at one of these two states. The majority will believe without knowing why, or will not know exactly what should be believed.

As for the other type of thoughtful and self-confident conviction that is born out of knowledge and arises from the very midst of the agitations of doubt, it will never be granted except in response to the efforts made by a very small number of men to attain it.

o. Pascal, *Pensées*, number 83 in Lafuma edition.

2. *Still, I do not know if this thoughtful and self-confident conviction ever elevates man to the degree of ardor and devotion that dogmatic beliefs inspire.*

Now, it has been observed that, in centuries of religious fervor, men sometimes changed belief; while in centuries of doubt, each one stubbornly kept his belief. This is how things happen in politics, under the rule of freedom of the press. Since all social theories, one by one, have been contested and fought, those who are attached to one of them keep it, not so much because they are sure that it is good, as because they are not sure that there is a better one.

In these centuries, you do not risk death as easily for your opinions; but you do not change them. And, at the very same time, fewer martyrs and fewer apostates are found.

To this reason, add another still more powerful. When opinions are doubted, men end up being attached solely to instincts and to material interests, which are much more visible, more tangible and more permanent by their nature than opinions are.

To know whether democracy or aristocracy governs better is a very difficult question to decide. But clearly democracy hinders one man and aristocracy oppresses another.<sup>P</sup>

That is a self-evident truth; there is no need to discuss it; you are rich and I am poor.

[≠When, as often happens, freedom of the press is combined with sovereignty of the people, the majority is sometimes seen to decide clearly in favor of an opinion. Then, the opposite opinion no longer has a way to be heard; those who share it fall silent, while their adversaries triumph out loud.

Suddenly there is an unimaginable silence of which we Europeans can have no idea. Certain thoughts seem suddenly to disappear from the memory of men. Then freedom of the press exists in name, but in fact censorship

p. In the manuscript: "that democracy hinders you and aristocracy oppresses me."

Gustave de Beaumont: "It is not the author's intention to enter on stage and to appear as a proletarian crushed by the aristocrats. So this form must be dropped; say: *But clearly democracy hinders one man and aristocracy oppresses another*. Then you could finish by saying: *You are rich and I am poor*. Why? Because then it is clearly seen that this is only a convention of language" (YTC, CIIIb, e, pp. 63, 54).

reigns, a censorship a thousand times more powerful than that exercised by power./

*Note.* I know of no country where freedom of the press exists less than in America on certain questions. There are few despotic countries where censorship does not concern the form rather than the substance of thought. But in America there are subjects that cannot be touched upon in any way<sup>≠</sup>].



CHAPTER 4

*Of Political Association in the United States*

*Daily use that the Anglo-Americans make of the right of association.—Three types of political associations.—How the Americans apply the representative system to associations.—Dangers that result for the State.—Great convention of 1831 relating to the tariff.—Legislative character of this convention.—Why the unlimited exercise of the right of association is not as dangerous in the United States as elsewhere.—Why it can be considered necessary there.—Utility of associations among democratic peoples.*

Of all the countries in the world, America has taken greatest advantage of association and has applied this powerful means of action<sup>a</sup> to the greatest variety of objectives.

Apart from permanent associations created by the law, known as towns, cities and counties, a multitude of others owe their birth and development only to individual wills.

The inhabitant of the United States learns from birth that he must depend on himself in the struggle against the ills and difficulties of life; he looks upon social authority only with a defiant and uneasy eye, and calls upon its power only when he cannot do without it. This begins to be noticed as early as school where children, even in their games, submit to their

a. Variant: “#Of all the countries in the world, America is where government is least centralized. It is also the one that has taken greatest advantage of association. There is a correlation between these two things.#”

own rules and punish their own infractions.<sup>b</sup> The same spirit is found in all the actions of social life. An obstruction occurs on the public road; the way is interrupted; traffic stops; the neighbors soon get together as a deliberative body; out of this improvised assembly will come an executive power that will remedy the difficulty, before the idea of an authority pre-dating that of those interested has occurred to anyone's imagination. If it is a matter of pleasure, the Americans will associate to give more splendor and order to the festival. Lastly, they unite to resist entirely intellectual enemies: together they fight intemperance. In the United States, they associate for purposes of public security, commerce and industry, [pleasure], morality and religion. There is nothing that human will despairs of achieving by the free action of the collective power of individuals.

Later I will have the opportunity to speak about the effects that association produces in civil life.<sup>c</sup> At the moment, I must stay within the political world.

[≠After the press, association is the great means that parties use to get into public affairs and to gain the majority.

In America the freedom of association for political ends is unlimited. The freedom of assembly in order to discuss together the views of the association is equally unlimited.≠]

Once the right of association is recognized, citizens can use it in different ways.

An association consists only of the public support that a certain number of individuals give to such and such doctrines and of the promise that they make to work in a particular way toward making those doctrines prevail. Thus the right to associate almost merges with freedom to

b. "So how to move hearts and develop love of country and its laws? Dare I say? By the games of children; by institutions, pointless in the eyes of superficial men, but which form cherished habits and invincible attachments" (Rousseau, *Considérations sur le gouvernement de Pologne*, chapter I, in *Ceuvres complètes* [Paris: Pléiade, 1964], III, p. 955).

c. In the margin: "≠Perhaps the chapter should begin here and what precedes should be kept for the chapter on ordinary associations?≠"

write;<sup>d</sup> but the association already has more power than the press. When an opinion is represented by an association, it is forced to take a clearer and more precise form. It counts its partisans and involves them in its cause. The latter learn to know each other, and their ardor increases with their number. The association gathers the efforts of divergent minds into a network and vigorously pushes them toward a single, clearly indicated goal [*<even if it did not provide material means of action, its moral force would still be very formidable>*].

The second level in the exercise of the right of association is the power to assemble. When a political association is allowed to locate centers of action at certain important points of the country, its activity becomes greater and its influence more extensive. There, men see each other; the means of action combine; opinions are expressed with the force and heat that written thought can never attain.

Finally, in the exercise of the right of association in political matters, there is a last level. The partisans of the same opinion can meet in electoral colleges and name representatives to go to represent them in a central assembly. Strictly speaking, this is the representative system applied to a party.

So, in the first case, men who profess the same opinion establish a purely intellectual bond among themselves; in the second, they meet in small assemblies that represent only a fraction of the party; finally, in the third, they form, so to speak, a separate nation within the nation, a government within the government.<sup>e</sup> Their representatives, similar to the representatives of the majority, represent in themselves alone the whole collective force of their partisans; just like the representatives of the majority, they arrive with an

d. In the manuscript: "This type of association almost merges with freedom of the press."

Hervé de Tocqueville: "This sentence lacks clarity. The idea is not well developed, and its expression is not good. What is an association that merges with a liberty, a material thing with something not material?" (YTC, CIIIb, 2, p. 48).

e. Note in the margin: "≠Government within the government. Printing there [illegible word (ed.)]. See conversation with Ingersol [Ingersoll (ed.)].≠" It concerns Charles J. Ingersoll. See George W. Pierson, *Tocqueville and Beaumont in America*, pp. 480–82.

appearance of nationhood and all the moral power that results from that. It is true that, unlike the representatives of the majority, they do not have the right to make laws; but they have the power to attack the laws that exist and to formulate in advance those that should exist.

I assume a people who is not perfectly used to the practice of liberty or among whom deep political passions are stirring. Alongside the majority that makes the laws, I put a minority that only attends to *preambles* and stops at *plans of action*; and I cannot keep myself from believing that public order is exposed to great hazards [≠for man is made in such a way that, in his mind, there is only a step, the easiest of all to take, between proving that something is good and doing it.≠>]

Between proving that one law is better in itself than another, and proving that it must be substituted for the other, there is certainly a great distance. But where the minds of enlightened men see a great distance remaining, the imagination of the crowd no longer sees any. There are times, moreover, when the nation is almost equally divided between two parties, each claiming to represent the majority. If, next to the governing power, a power arises whose moral authority is almost as great, can we believe that it will limit itself for long to speaking without acting?

Will it always stop before the metaphysical consideration that the purpose of associations is to lead opinions and not to force them, to recommend law and not to make it?

The more I contemplate the principal effects of the independence of the press, the more I am convinced that among modern peoples independence of the press is the capital and, so to speak, the constituent element of liberty. So a people who wants to remain free has the right to require that the independence of the press be respected at all cost. But the *unlimited* freedom of association in political matters cannot be completely confused with the freedom to write. The first is both less necessary and more dangerous than the second. A nation can set limits on the first without losing control over itself; sometimes it must set limits in order to continue to be in control.

In America, the freedom of association for political ends is unlimited.

An example will show, better than all I could add, the degree to which it is tolerated.

You recall how the question of the tariff or free trade has stirred minds up in America. The tariff favored or attacked not only opinions, but also very powerful material interests. The North attributed a portion of its prosperity to the tariff; the South, nearly all of its misfortunes. It can be said that, for a long time, the only political passions that have agitated the Union have arisen from the tariff.

In 1831, when the quarrel was most bitter, an obscure citizen of Massachusetts thought to propose, in the newspapers, that all the enemies of the tariff send deputies to Philadelphia, in order to consult together about the ways to reestablish free trade. In a few days, the proposal circulated from Maine to New Orleans due to the power of the printed word. The enemies of the tariff adopted it ardently. They met everywhere and named deputies. Most of these were men who were known, and some of them were famous. South Carolina, seen afterward to take up arms in the same cause, sent sixty-three delegates on its behalf. The first of October 1831, the assembly, which, following the American habit, had taken the name "convention," formed in Philadelphia; it numbered more than two hundred members. The discussions were public and, from the first day, took on an entirely legislative character. The deputies examined the extent of congressional powers, the theories of free trade, and finally the various provisions of the tariff. At the end of ten days, the assembly dispersed after having drafted an address to the American people. This address stated: 1. that Congress did not have the right to pass a tariff and that the existing tariff was unconstitutional; 2. that the lack of free trade was not in the interest of any people, and particularly not the American people.

It must be recognized that, until now, unlimited freedom of association in political matters has not produced, in the United States, the harmful results that could perhaps be expected elsewhere. There, the right of association is an English import, and it has existed in America since the beginning. Today, the use of this right has passed into the habits and into the mores. [perhaps today it has even become a necessary guarantee against parliamentary tyranny as well].

In our time, freedom of association has become a necessary<sup>f</sup> guarantee against the tyranny of the majority.<sup>g</sup> In the United States, once a party has become dominant, all public power passes into its hands; its particular friends hold all posts and have the use of all organized forces. Not able to break through the barrier that separates them from power, the most distinguished men of the opposite party must be able to establish themselves outside of it; with its whole moral strength, the minority must resist the material power that oppresses it. So one danger is set against another more to be feared.

The omnipotence of the majority appears to me to be such a great peril for the American republics that the dangerous means used to limit it still seem good to me.

Here I will express a thought that will recall what I said elsewhere about town liberties. There are no countries where associations are more necessary, to prevent the despotism of parties or the arbitrariness of the prince, than those where the social state is democratic. Among aristocratic nations, secondary bodies form natural associations that stop the abuses of power.<sup>h</sup> In countries where such associations do not exist, if individuals cannot artificially and temporarily create something that resembles those natural associations, I no longer see any dike against any sort of tyranny; and a great people can be oppressed with impunity by a factious handful of individuals or by a man.

[≠There is a cause that is hardly suspected and that, in my view, renders political associations less dangerous in America than elsewhere; it is uni-

f. The manuscript reads “almost necessary.”

g. Cf. note a for p. 402.

h. Aristocracy to democracy./

Aristocracies are *natural* associations that need neither enlightenment nor calculations to resist the great national association that is called the government. As a result they are more favorable to liberty than democracy is. It is possible for associations to be formed in a democracy, but by dint of enlightenment and talents; and they are never enduring. In general, when an oppressive government has been able to form in a democracy, it finds itself facing only isolated men and no collective forces. Hence its irresistible strength. What gives the judicial system that immeasurable force over the person on trial? It has the use of the forces of the entire society against one man. Extreme example of the power of association and the weakness of isolation (YTC, CVh, 1, p. 82).

versal suffrage. In Europe, associations act in two ways: by the material strength that their organization brings to them, or by the moral power given to them by the support of the majority that they always claim to represent. In the United States this last element of strength is lacking. In countries where universal suffrage is allowed, there is never a doubtful majority, because no party can establish itself as the representative of those who did not vote.

Thus, in America, associations can never pretend to represent the majority; they only aim to convince it. They do not want to act, but to persuade; in that, above all, they are different from the political associations of Europe. #]

The meeting of a great political convention (for there are conventions of all types) can often become a necessary measure. Even in America, such a meeting is a serious event, one that the friends of their country can only contemplate with fear.

This was seen very clearly in the convention of 1831, where all the efforts of the distinguished men who were part of the assembly tended to moderate its language and to limit its objectives. Probably, the convention of 1831 exercised, in fact, a great influence on the mind of the discontented and prepared them for the open revolt that took place in 1832 against the commercial laws of the Union.

You cannot conceal the fact that, of all liberties, the unlimited freedom of association, in political matters, is the last one that a people can bear. j] If unlimited freedom of association does not make a people fall into anarchy, it puts a people on the brink, so to speak, at every moment. This

j. Nations are not able in all periods of their history to bear the same degree of freedom of association. You find some peoples among whom the relative positions and the strength of parties make certain associations dangerous; among others, despotism has taken care to keep men in such great ignorance that they do not understand what can be done by associating together. Only time and the gradual development of free institutions can teach them.

The society that cannot take the right of association away from citizens without destroying itself is, therefore, sometimes required to modify it, depending on the times and mores (YTC, CVh, 3, pp. 92–93).

See José María Sauca Cano, *La ciencia de la asociación de Tocqueville* (Madrid: Centro de Estudios Constitucionales, 1995).

liberty, so dangerous, offers guarantees on one point, however; in countries where associations are free, secret societies are unknown. In America, there are agitators, but not conspirators.

### Different Ways in Which the Right of Association Is Understood in Europe and in the United States, and the Different Use That Is Made of That Right

After the liberty of acting alone, the liberty most natural to man is to combine his efforts with the efforts of his fellows and to act in common. So to me, the right of association seems almost as inalienable by nature as individual liberty. The legislator would not want to destroy it without attacking society itself. But if there are some peoples among whom the liberty to unite together is only beneficial and fruitful in prosperity, there are also others who, by their excesses, distort it and turn an element of life into a cause of destruction. It seemed to me that a comparison of the different paths that associations follow, in countries where the liberty is understood and in those where this liberty turns into license, would be useful both to governments and to parties.

Most Europeans still see the association as a weapon that is hastily made to try out immediately on the field of battle.

They join together for the purpose of talking, but the next thought, that of acting, preoccupies all minds. An association is an army; they talk in order to take stock and to come to life; and then they march on the enemy. In the eyes of those who compose the association, legal resources can appear to be means, but they are never the only means of success.

That is not the way the right of association is understood in the United States. In America, citizens who form the minority join together, first, to determine their number and, in this way, to weaken the moral dominion of the majority; the second objective of those associated is to test and, in this way, to discover the arguments most suitable for making an impression on the majority; for they always hope to attract the majority and then, in its name, to have the use of power. [≠So in America, the purpose of associations is to convince and not to compel.≠]

Political associations in the United States therefore are peaceful in their objective and legal in their means; and when they claim to want to triumph only through law they are, in general, speaking the truth.

On this point the noticeable difference between the Americans and us is due to several causes.

In Europe parties exist that differ so much from the majority that they can never hope to gain their support; and these very parties believe they are strong enough by themselves to struggle against the majority. When a party of this type forms an association, it does not want to convince, but to fight. In America, men<sup>k</sup> who are so removed from the majority by their opinion can do nothing against the power of the majority; all others hope to win it over.

So the exercise of the right of association becomes dangerous in proportion to how impossible it is for great parties to become the majority. In a country like the United States, where opinions differ only by nuances, the right of association can, so to speak, remain unlimited.

What still leads us to see, in freedom of association, only the right to make war against those governing, is our inexperience in liberty. When a party gains strength, the first idea that comes to its mind, as to that of a man, is the idea of violence. The idea of persuasion only comes later; it arises from experience.

The English, who are divided among themselves in so profound a way, rarely abuse the right of association, because they have used it longer.

In addition, among us, such a passionate taste for war exists that no undertaking, however insane, even if it must turn the State upside down, lacks adherents who see themselves as glorious for dying on the field of battle.

But of all the causes in the United States that work together to moderate the violence of political association, perhaps the most powerful is universal suffrage. In countries where universal suffrage is accepted, the majority is never in doubt, because no party can reasonably set itself up as the representative of those who have not voted. So the associations know, and everyone knows, that they do not represent the majority. This results from

k. The manuscript reads: "the parties."

the very fact of their existence; for, if they represented the majority, they would change the law themselves instead of asking for its reform.

The moral force of the government they are attacking is greatly increased; theirs, much weakened.

In Europe, there is hardly any association that does not claim to represent or believe it represents the will of the majority. This claim or this belief prodigiously increases their strength, and serves marvelously to legitimate their actions. For what is more excusable than violence in order to gain victory for the oppressed cause of right?

Thus, in the immense complication of human laws, sometimes extreme liberty corrects the abuses of liberty, and extreme democracy prevents the dangers of democracy.

In Europe, associations consider themselves, in a way, the legislative and executive council of the nation that cannot speak for itself; starting from this idea, they act and command. In America, where, in everyone's eyes, associations represent only a minority of the nation, they talk and petition.

The means used by associations in Europe agree with the end that they propose.

Since the principal end of these associations is to act and not to talk, to fight and not to persuade, they are led naturally to adopt an organization that is not at all civil and to introduce military habits and maxims. Thus you can see them centralize the control of their forces, as much as possible, and deliver the power of all into the hands of a very small number of men.<sup>m</sup>

The members of these associations respond to an order like soldiers at war; they profess the dogma of passive obedience, or rather, by uniting together, they have at one stroke made the complete sacrifice of their judgment and free will. Thus, within these associations, a tyranny often reigns that is more unbearable than the one exercised within the society in the name of the government that is attacked.

This greatly diminishes their moral force. In this way, they lose the sacred

m. In the margin: “≠They use legal resources as a stopgap means and not as the means.≠”

character attached to the struggle of the oppressed against the oppressors. For how can he who, in certain circumstances, consents to obey slavishly a few of his fellows, to surrender his will to them and to submit even his thoughts to them, how can that man possibly claim that he wants to be free?

The Americans have also established a government within associations. But, if I can express myself in this way, it is a civil government. Individual independence plays a role. As in society, all men there march at the same time toward the same end. But no one is forced to march exactly in the same path. No one sacrifices his will and his reason; but his will and his reason are applied to making the common enterprise succeed.



## CHAPTER 5

### *Of the Government of Democracy in America*

I know that I am walking here on fiery ground. Each of the words of this chapter must in some respects offend the different parties dividing my country. I will, nonetheless, express my whole thought.

In Europe, we have difficulty judging the true character and permanent instincts of democracy, because in Europe there is a struggle between two opposite principles. And we do not know precisely what should be attributed to the principles themselves or to the passions that the conflict has produced.

It is not the same in America. There, the people dominate without obstacles; there are no dangers to fear or wrongs to revenge.

So, in America, democracy is given over to its own inclinations. Its pace is natural, and all its movements are free. That is where it must be judged. And for whom would this study be interesting and profitable, if not for us, who are dragged along each day by an irresistible movement and who march blindly, perhaps toward despotism, perhaps toward the republic, but definitely toward a democratic social state?

#### Of Universal Suffrage

I said previously that all the states of the Union had allowed universal suffrage. It is also found among populations situated at different levels of [{{civilization}}] the social scale. I have had the opportunity to see its effects in various places and among races of men made nearly strangers to each other by their language, their religion, or their mores, in Louisiana as in New England, in Georgia as in Canada. I noted that, in America,

universal suffrage was far from producing all the good and all the evil that are expected in Europe, and that, in general, its effects were other than those supposed.<sup>a</sup>

## Of the Choices of the People and of the Instincts of American Democracy in Its Choices

*In the United States the most outstanding men are rarely called to the leadership of public affairs.—Causes of this phenomenon.—The envy that animates the lower classes in France against the upper classes is not a French sentiment, but democratic.—Why, in America, distinguished men often move away on their own from political careers.*

Many people in Europe believe without saying, or say without believing, that one of the great advantages of universal suffrage is to call men worthy of public confidence to the leadership of public affairs.<sup>b</sup> It is said that a people cannot govern itself, but always sincerely wants the good of the State, and its instinct hardly ever fails to point out those who are animated by the same desire and who are most capable of holding power.<sup>c</sup>

I must say that, for me, what I saw in America does not authorize me to think that this is so. Upon my arrival in the United States, I was struck

a. Marginal note: “≠For that I do not know what to do. The interests that divide men are innumerable, but truth is singular and has only one way to come about.≠”

b. “≠What is most important to a nation is not that those who govern are men of talent, but that they have no interests contrary to the mass of their fellow citizens≠” (YTC, CVh, 4, p. 90).

c. Repetition of an argument from Montesquieu, who asserts in chapter II of book II of the *Esprit des lois*:

The people are admirable for choosing those to whom they must entrust some part of their authority. In order to decide they have only things that they cannot ignore and facts that are tangible. . . . But would they be able to conduct a matter, to know the places, the occasions, the moments, how to profit from them? No, they will not. . . . The people, who have enough capacity to understand the management of others, are not fit to manage by themselves (*Œuvres complètes* [Paris: Pléiade, 1951], II, pp. 240–41. Cf. note e for p. 93).

with surprise to find out how common merit was among the governed and how uncommon it was among those governing.<sup>d</sup> Today it is a constant fact in the United States that the most outstanding men are rarely called to public office, and we are forced to recognize that this has occurred as democracy has gone beyond all its former limits. Clearly the race of American statesmen has grown singularly smaller over the past half century.

Several causes of this phenomenon can be indicated.

It is impossible, no matter what you do, to raise the enlightenment of the people above a certain level. Whatever you do to make human learning more accessible, improve the methods of instruction and make knowledge more affordable, you will never be able to have men learn and develop their intelligence without devoting time to the task.

So the greater or lesser facility that the people have for living without working sets the necessary limit to their intellectual progress. This limit is further away in certain countries, closer in certain others; but for there to be no limit, it would be necessary for the people not to have to be occupied with the material cares of life; that is, for them no longer to be the people.<sup>e</sup> So it is as difficult to imagine a society in which all men are very enlightened, as a State in which all citizens are rich; these are two correlative difficulties. I will admit without difficulty that the mass of citizens very sincerely wants the country's good. I go even further, and I say that, in general, the lower classes of society seem to me to mingle fewer calculations of personal interest with this desire than do the upper classes; but what they always more or less lack is the art of judging the means while sincerely desiring the end.

d. Why, when civilization spreads, do prominent men decline in number? Why, when learning becomes the privilege of all, do great intellectual talents become more rare? Why, when there are no more lower classes, are there not more upper classes? Why, when understanding of government reaches the masses, are great geniuses missing from the leadership of society? America clearly poses these questions. But who will be able to resolve them? (pocket notebook 3, 6 November 1831, YTC, BIIa, and *Voyage, OC*, V, 1, p. 188).

e. "As the cares of material life demand less time, the development of the intelligence of the people will be greater. The one concerned with none of these cares will always have an intellectual advantage over those who are obliged to be concerned with them" (YTC, CVh, 4, p. 37).

What long study, what diverse notions are necessary to get an exact idea of the character of a single man! There the greatest geniuses go astray, and the multitude would succeed! The people never find the time and the means to give themselves to this work. They must always judge in haste and attach themselves to the most salient objects. As a result, charlatans of all types know very well the secret of pleasing the people, while their true friends most often fail. [In most of the states of the Union I saw positions occupied by men who had succeeded in gaining them only by flattering the slightest passions and bowing before the smallest caprices of the people.]

Moreover, it is not always the capacity to choose men of merit that democracy lacks, but the desire and the taste.

The fact must not be concealed that democratic institutions develop the sentiment of envy in the human heart to a very high degree, not so much because they offer each person the means to become equal to others, but because these means constantly fail those who use them. Democratic institutions awaken and flatter the passion for equality without ever being able to satisfy it entirely. Every day, at the moment when people believe they have grasped complete equality, it escapes from their hands and flees, as Pascal says,<sup>f</sup> in an eternal flight. People become heated in search of this good, all the more precious since it is close enough to be known, but far enough away not to be savored. The chance to succeed rouses the people; the uncertainty of success irritates them. They get agitated, grow weary, become embittered. Then, everything that is in some way beyond them seems an obstacle to their desires, and there is no superiority, however legitimate, that they do not grow tired of seeing.

Many people imagine among us that the secret instinct that leads the lower classes to keep the upper classes away from the leadership of public affairs as much as they can is found only in France. That is an error: the instinct that I am speaking about is not French, it is democratic. Political circumstances have been able to give it a particular character of bitterness, but they did not give birth to it.

In the United States, the people have no hatred for the upper classes of society; but they feel little goodwill toward them and carefully keep them

f. *Pensées*, number 390 in the Lafuma edition.

out of power; they do not fear great talents, but they appreciate them little.<sup>8</sup> In general, you notice that everything that arises without their support gains their favor with difficulty.

While the natural instincts of democracy lead the people to keep distinguished men away from power, an instinct no less strong leads the latter to remove themselves from a political career in which it is so difficult for them to remain entirely themselves, and to operate without debasing themselves. This thought is very ingenuously expressed by Chancellor Kent. The celebrated author about whom I am speaking, after giving great praise to the part of the Constitution that grants the nomination of judges to the executive power, adds: "The fittest men would probably have too much reservedness of manners, and severity of morals, to secure an elec-

g. Here Tocqueville seems to invoke the difference that Guizot and most of the *Doctrinaires* establish between democracy, the political form that destroys the legitimate inequality of intelligence and virtue existing among men and that leads to the despotism of the greatest number, and representative government that divides power according to reason. "Representative government therefore is not that of the numerical majority pure and simple, it is that of the majority of those who are capable (*des capables*)," writes François Guizot (*Journal des cours publics*, Paris: au bureau du journal, 1821–1822, vol. I, lecture 7, p. 98). If Tocqueville radically rejects Guizot's conclusion that makes the middle class the most capable class, his problem remains nonetheless the same: how to make the best govern? This question, which marks the entire history of political thought, had been explained in this way by Tocqueville to Louis de Kergorlay: "The most rational government is not the one in which *all* those interested take part, but the one that the most enlightened and most moral classes of society lead" (Letter from Yonkers, 29 June 1831, *Correspondance avec Kergorlay*, OC, XIII, I, p. 234). Four years later, just after the publication of the first part of his book, Tocqueville wrote to Mill:

It is much less a matter for the friends of democracy to find the means to make the people govern than to make the people choose those most capable of governing, and to give the people enough authority over the latter for the people to be able to direct the whole of their conduct and not the detail of actions or the means of execution. That is the problem. I am deeply persuaded that on its resolution depends the future fate of modern nations (letter of 3 December 1835, *Correspondance anglaise*, OC, VI, I, pp. 303–4).

Tocqueville, however, seems only to repeat what Mill had written in his review of the first part of *Democracy*: "The best government [. . .] must be the government of the wisest" (John Stuart Mill, "De Tocqueville on Democracy in America," *London and Westminster Review*, 30, 1835, pp. 110–11). See Luíz Díez del Corral, "Tocqueville and the Political Thought of the *Doctrinaires*," *Alexis de Tocqueville. Livre du centenaire* (Paris: Editions du CNRS, 1960), pp. 57–70.

tion resting on universal suffrage” (*Kent’s Commentaries*, vol. I, p. 272 [273 (ed.)].) This was published without contradiction in America in the year 1830.

This demonstrated to me that those who regard universal suffrage as a guarantee for good choices are under a complete illusion. Universal suffrage has other advantages, but not that one.

### Of the Causes That Can Partially Correct These Democratic Instincts

*Opposite effects produced on peoples as on men  
by great perils.—Why America saw so many remarkable men  
at the head of its public affairs fifty years ago.—  
Influence that enlightenment and mores exercise on the choices of  
the people.—Example of New England.—States of  
the Southwest.—How certain laws influence the choices of  
the people.—Indirect election.—Its effects on the  
composition of the Senate.*

When great perils threaten the State, you often see people happily choose the citizens most appropriate to save them.

It has been remarked that, in pressing danger, man rarely remains at his usual level; he rises well above, or falls below. The same thing happens to peoples themselves. Extreme perils, instead of elevating a nation, sometimes finish demoralizing it; they arouse its passions without guiding them; and, far from enlightening its mind, they trouble it. The Jews still slit their own throats amid the smoking ruins of the Temple. But, among nations as among men, it is more common to see extraordinary virtues arise from very present dangers. Then great characters appear like those monuments, hidden by the darkness of night, that suddenly stand out against the glow of a fire. Genius is no longer averse to reappearing on its own, and the people, struck by their own dangers, temporarily forget their envious passions. Then, it is not uncommon to see celebrated names emerge from the electoral urn. I said above that in America the statesmen

of today seem<sup>h</sup> greatly inferior to those who appeared at the head of public affairs fifty years ago. This is due not only to laws, but also to circumstances. When America fought for the most just of causes, that of one people escaping from the yoke of another people; when it was a matter of having a new nation emerge in the world, all souls rose to reach the lofty goal of their efforts. In this general excitement, superior men courted the people and the people, embracing them, placed them at their head. But such events are rare; judgment must be based on the ordinary course of things.

If temporary events sometimes succeed in combating the passions of democracy, enlightenment and, above all, mores exercise a no less powerful and more enduring influence on its inclinations. This is clearly noticed in the United States.

In New England, where education and liberty are the daughters of morality and religion, where society, already old and long settled, has been able to form maxims and habits, the people, while escaping from all the superiorities that wealth and birth have ever created among men, have become used to respecting and submitting to intellectual and moral superiorities without displeasure; consequently, you see democracy in New England make better choices than anywhere else.

In contrast, as you descend toward the south, in the states where the social bond is less ancient and less powerful, where instruction is less widespread, and where the principles of morality, religion, and liberty are less happily combined, you notice that talents and virtues become more and more rare among those governing.

When, finally, you enter the new states of the Southwest, where the social body, formed yesterday, still presents only an agglomeration of adventurers or speculators, you are astounded to see what hands hold the public power, and you wonder by what force independent of legislation and men the State can grow and society prosper there.

h. The manuscript says "were."

There are certain laws of a democratic nature, however, that succeed in partially correcting these dangerous democratic instincts.

When you enter the House chamber in Washington, you feel struck by the vulgar aspect of the great assembly. Often your eye searches in vain for a celebrated man within the assembly. Nearly all its members are obscure persons, whose names bring no image to mind. They are, for the most part, village lawyers, tradesmen, or even men belonging to the lowest classes. In a country where instruction is nearly universal, it is said that the representatives of the people do not always know how to write correctly.<sup>j</sup>

[<If they speak, their language is usually without dignity and the ideas they express are devoid of scope and loftiness.>]

Two steps from there opens the Senate chamber, whose narrow enclosure contains a large portion of the famous men of America. You notice hardly a single man there who does not evoke the idea of recent celebrity. They are eloquent lawyers, distinguished generals, skilled magistrates, or known statesmen. All the words that issue from this [august] assembly would do honor to the greatest parliamentary debates of Europe.

What causes this bizarre contrast? Why is the nation's elite found in this chamber rather than in the other? Why does the first assembly gather so many vulgar elements, while the second seems to have a monopoly of talents and enlightenment? Both come from the people, however; both are

j. The manuscript says: "the representatives of the people do not know . . ."

Elections./

When the right to vote is *universal*, and deputies are *paid* by the State, the choices of the people can descend and stray to a singular degree.

Two years ago, the inhabitants of the district in which Memphis is the capital, sent to the House of Representatives of Congress an individual named David Crockett, who has no education, can scarcely read, has no property, no fixed abode, but spends his life hunting, selling his game to make a living, and living constantly in the woods. His competitor was a man of talent and moderate wealth who lost. Memphis, 20 December 1831 (YTC, BIIa, notebook E, and *Voyage, OC*, V, 1, pp. 274–75).

the result of universal suffrage, and, until now, no voice has been raised in America to maintain that the Senate might be the enemy of popular interests. So what causes such an enormous difference? I see only a single fact that explains it. The election that produces the House of Representatives is direct; the one producing the Senate is subject to two stages. The universality of citizens names the legislature of each state, and the federal Constitution, transforming each of these legislatures into electoral bodies, draws from them the members of the Senate. So the Senators express the result of universal suffrage, though indirectly. For the legislature, which names the Senators, is not an aristocratic or privileged body that derives its electoral right from itself; it is essentially dependent on the universality of citizens. In general it is elected by them annually, and they can always direct its choices by remaking it with new members. But it is sufficient for the popular will to pass through this chosen assembly in order, in a sense, to be transformed and to emerge clothed in more noble and more beautiful forms. So the men elected in this way always represent exactly the governing majority of the nation; but they represent only the elevated thoughts that circulate in its midst, the generous instincts that animate it, and not the small passions that often trouble it and the vices that dishonor it.

It is easy to see a moment in the future when the American republics will be forced to multiply the use of two stages in their electoral system, under pain of getting miserably lost among the pitfalls of democracy.<sup>k</sup>

I will have no difficulty in admitting it; I see in indirect election the only means to put the use of political liberty within reach of all classes of the people. Those who hope to make this means the exclusive weapon of one party, and those who fear this means, seem to me to be equally in error.

k. On the contrary, the seventeenth amendment to the American Constitution, approved 31 May 1913, establishes direct election of Senators, by regularizing in large part a preexisting situation, by which the second voters committed themselves to scrupulously following the desires expressed by the votes of the first voters.

## Influence That American Democracy Has Exercised on Electoral Laws<sup>m</sup>

*The rarity of elections exposes the State to great crises.—  
Their frequency keeps it in a feverish agitation.—  
The Americans have chosen the second of these two evils.—  
Variableness of the law.—Opinion of Hamilton,  
Madison and Jefferson on this subject.*

When election recurs only at long intervals, the State runs the risk of upheaval at each election.

Parties<sup>n</sup> then make prodigious efforts to grasp a fortune that comes so rarely within reach; and since the evil is almost without remedy for candidates who fail, everything must be feared from their ambition driven to despair. If, in contrast, the legal struggle must soon be renewed, those who are defeated wait.

When elections follow one another rapidly, their frequency maintains a feverish movement in society and keeps public affairs in a state of constant change.

Thus, on the one hand, there is a chance of uneasiness for the State; on the other, a chance of revolution; the first system harms the goodness of government, the second threatens its existence.

The Americans have preferred to expose themselves to the first evil rather than to the second. In that, they have been guided by instinct much more than by reasoning, since democracy drives the taste for variety to a passion. The result is a singular mutability in legislation.

Many Americans consider the instability of the laws as a necessary consequence of a system whose general effects are useful.<sup>o</sup> But there is no one

m. In the margin: "I believe this small chapter decidedly bad. Hackneyed ideas."

n. "Political men" in the manuscript. The change was suggested by Beaumont (YTC, CIIIb, 2, p. 30).

o. Democracy-Aristocracy./

Legislative instability in America./

I have just found one of the strongest proofs of this instability in the laws of Massachusetts (the most stable state in the Union).

in the United States, I believe, who pretends to deny that this instability exists or who does not regard it as a great evil.

Hamilton, after having demonstrated the utility of a power that could prevent or at least slow the promulgation of bad laws, adds: “It may perhaps be said that the power of preventing bad laws includes that of preventing good ones. . . . But this objection will have little weight with those who can properly estimate the mischiefs of that inconstancy and mutability in the laws, which *form the greatest blemish in the character and genius of our governments*” (*Federalist*, No. 73.)<sup>p</sup>

“[The] facility and excess of lawmaking,” says Madison, “seem to be the diseases to which our governments are most liable” (*Federalist*, No. 62).

Jefferson himself, the greatest democrat who has yet emerged from within the American democracy, pointed out the same perils.

The instability of our laws is really a very serious disadvantage, he says. I think that we will have to deal with that by deciding that there would always be an interval of a year between the proposal of a law and the definitive vote. It would then be discussed and voted, without being able to change a word, and if circumstances seemed to require a more prompt resolution, the proposed law could not be adopted by a simple majority, but by a two-thirds majority of both houses.<sup>1</sup>

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From 1803 to 1827, the administrative attributions of the Court of Sessions were changed many times in order to convey them to the Court of Common Pleas. See *Laws of Massachusetts*, vol. II, p. 98 (YTC, CVb, p. 24). The quotations included in the text follow.

p. This paragraph and the one preceding belonged to chapter VII of this second part (p. 407).

1. *Letter to Madison, 20 December 1787, translation of Mr. Conseil*.<sup>q</sup>

q. The second sentence reads differently in the French translation of *Conseil* (volume I, pp. 310–18; the citation is found on page 318).

## Of Public Officials under the Dominion of American Democracy

*Simplicity of American officials.—Lack of official dress.—All officials are paid.—Political consequences of this fact.—In America, there is no public career.—What results from that.*

Public officials in the United States remain mixed within the crowd of citizens; they have neither palaces, nor guards, nor ceremonial dress [but they are all paid]. This simplicity of those who govern is due not only to a particular turn of the American spirit, but also to the fundamental principles of the society.

In the eyes of the democracy, government is not a good, but a necessary evil. A certain power must be accorded to officials; for, without this power, what purpose would they serve? But the external appearances of power are not indispensable to the course of public affairs; they needlessly offend the sight of the public.

Officials themselves are perfectly aware that, by their power, they have not obtained the right to put themselves above others, except on the condition of descending, by their manners, to the level of all.

I can imagine nothing plainer in his ways of acting, more accessible to all, more attentive to demands, and more civil in his responses, than a public figure in the United States.

I like this natural look of the government of democracy;<sup>r</sup> in this internal

r. In the manuscript: "I like this simple look . . ."

Hervé de Tocqueville:

I am afraid that a bit of the enthusiasm of a young man may be seen in this admiration for American simplicity. In our old Europe, there is often a need to catch the imagination by a certain pomp, and the simplicities of Louis-Philippe have attracted as much scorn as his villainies. The author is bold to pronounce himself categorically against one of the most general ideas. When you have this boldness, you must at least try to justify your opinion by an example whose truth is striking and perceptible to everyone. At the end of the second paragraph, which finishes with the words *solely to his own merit*, the example would have to be cited of jurors in tail coats who are more imposing than magistrates in red robes (YTC, CIIIb, 2, pp. 24–25).

strength that is attached more to the office than to the official, more to the man than to the external signs of power, I see something manly that I admire.

As for the influence that official dress can exercise, I believe that the importance that it must have in a century such as ours is greatly exaggerated. I have not noticed that in America the official, by being reduced solely to his own merit, was greeted with less regard and respect in the exercise of his power.<sup>s</sup>

From another perspective, I strongly doubt that a particular garment leads public men to respect themselves when they are not naturally disposed to do so; for I cannot believe that they have more regard for their outfit than for their person.

When, among us, I see certain magistrates treat parties brusquely or address them with false courtesy, shrug their shoulders at the means of defense and smile with complacency at the enumeration of charges, I would like someone to try to remove their robe, in order to discover if, finding themselves dressed as simple citizens, they would not be reminded of the natural dignity of the human species.<sup>t</sup>

No public official in the United States has an official dress, but all receive a salary.<sup>u</sup>

Still more naturally than what precedes, this follows from democratic principles. A democracy can surround its magistrates with pomp and cover them with silk and gold without directly attacking the principle of its existence. Such privileges are temporary; they are attached to the position, and not to the man. But to establish unpaid offices is to create a class of rich and independent officials, to form the kernel of an aristocracy. If the

s. In the margin: “≠I do not even know if a particular costume does not make what is lacking in the one wearing it, more salient in the eyes of the public.≠”

t. Hervé de Tocqueville: “I believe this paragraph should be removed. It would be good if the book were to be read only by the French; but as it will probably be sought out by foreigners, I do not know if it is suitable to expose our base acts to them” (YTC, CIIIb, 2, p. 25).

u. This paragraph is missing in the 1835 edition. It appears in the manuscript, but the wording is a bit different.

people still retain the right to choose, the exercise of the right then has necessary limits.

When you see a democratic republic make paid officials unsalaried, I believe that you can conclude that it is moving toward monarchy. And when a monarchy begins to pay unsalaried offices, it is the sure sign that you are advancing toward a despotic state or toward a republican state.<sup>v</sup>

So the substitution of salaried offices for unpaid offices seems to me to constitute, in itself alone, a true revolution.

I regard the complete absence of unpaid offices as one of the most visible signs of the absolute dominion that democracy exercises in America. Services rendered to the public, whatever they may be, are paid there; moreover, each person has, not only the right, but also the possibility of rendering them.

If, in democratic States, all citizens can gain positions, not all are tempted to try to obtain them. It is not the conditions of candidacy, but the number and the capacity of the candidates that often limit the choice of the voters.<sup>w</sup>

For peoples among whom the principle of election extends to everything, there is no public career strictly speaking. In a way men reach offices only by chance, and they have no assurance of remaining there. That is true above all when elections are annual. As a result, in times of calm,

v. Public offices./

Little power of officials, their large number, their dependence on the people, little *stability* in their position, the mediocrity of their emoluments, the ease of making a fortune in another way, fact that few capable persons aspire to the leadership of society, except in times of crisis.

Disposition that tends to make government less skillful, but that assures liberty./

Every position that demands a certain apprenticeship and a special knowledge must usually be poorly filled in America. Who would want to prepare at length to gain what a caprice or even the ordinary order of things can take away from you from one moment to another?" (YTC, CVh, I, pp. 4–5).

w. This paragraph does not appear in the manuscript. The following note is found in the margin: "≠Influence of election and of repeated election on the personnel of officials. More public careers in ordinary times. Example of the Romans ready for anything because elected.≠"

public offices offer little lure to ambition. In the United States, it is men of moderate desires who commit themselves to the twists and turns of politics. Great talents and great passions generally move away from power, in order to pursue wealth; and often someone takes charge of leading the fortune of the State only when he feels little capable of conducting his own affairs.

The great number of vulgar men who occupy public offices must be attributed to these causes as much as to the bad choices of democracy. In the United States, I do not know if the people would choose superior men who bid for their votes, but it is certain that the latter do not bid for them.

### Of the Arbitrariness of Magistrates<sup>2</sup> under the Dominion of American Democracy<sup>x</sup>

*Why the arbitrariness of magistrates is greater under absolute monarchies and in democratic republics than in limited monarchies.—Arbitrariness of magistrates in New England.*

There are two types of government in which a great deal of arbitrariness is joined with the action of magistrates; it is so under the absolute government of one man and under the government of democracy.<sup>y</sup>

2. *Here, I understand the word magistrate in its broadest sense; I apply it to all those who are charged with executing the laws.*

x. "Put this chapter next to the one that deals with the despotism of the majority. Despotism and arbitrariness are two. For this chapter, see pocket notebook number 3, p. 15. All the main ideas are there. To find examples" (YTC, CVh, 4, p. 74). See the note for 14 October 1831, pocket notebook 3, YTC, BIIa, and *Voyage, OC*, V, 1, p. 183.

y. Hervé de Tocqueville: "Yes, there can be a great deal of arbitrariness under the absolute government of one man. Under the regular government of democracy there is free will and not arbitrariness, which is very different. I observe that despotism as the author depicts it exists only in Turkey, but is found to this extent in no other European State" (YTC, CIIIb, 2, p. 27). Hervé repeats this same observation about arbitrariness in other places (YTC, CIIIb, 2, pp. 27 and 34).

This same result comes from almost analogous causes.

In despotic States, no one's fate is assured, not that of public officials any more than that of simple individuals. The sovereign, always holding in his hand the life, fortune and sometimes the honor of the men he employs, thinks that he has nothing to fear from them; and he leaves them great freedom of action, because he thinks he is assured that they will never use that freedom against him.

In despotic States, the sovereign is so in love with his power that he fears the constraint of his own rules; and he loves to see his agents go more or less haphazardly in order to be sure never to find among them a tendency contrary to his desires.

Nor in democracies does the majority fear that power will be used against it, because every year it can remove power from the hands of those to whom power has been confided. Able at every moment to make its will known to those who govern, the majority prefers to abandon them to their own efforts rather than to bend them to an invariable rule that, by limiting those who govern, would in a sense limit the majority itself.

You even discover, looking closely, that under the dominion of democracy, the arbitrariness of the magistrate must be still greater than in despotic States.

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Hervé de Tocqueville:

This entire chapter is very obscure and the mind must work to follow the connection of ideas. That comes about partly because the author sometimes used certain words that do not exactly have the meaning that he wants to give them. Starting with the title, the word *arbitrariness* loses meaning, because arbitrariness is commonly understood as the action of a power that is placed or puts itself above the law, and acts without concern for legal prescriptions. Such is not the type of action of magistrates in America. The law leaves infinitely more to their judgment than anywhere else. But there is no arbitrariness there. I propose to put, in place of *arbitrariness*, *the free will of magistrates*, etc. Next, I do not know why the author struggles so much to tell us about despotic government, which is not in his subject, and throws himself into abstract though ingenious definitions in order to tell us a truth that could be expressed with less difficulty, to know that the Americans leave great latitude and great freedom of action to their magistrates, because frequent elections banish all fear of the abuse that they could make of it (YTC, CIIIb, 2, pp. 26–27).

In these States, the sovereign can punish in a moment all the misdeeds that he notices, but he cannot flatter himself that he notices all the misdeeds that he should punish. In democracies, on the contrary, the sovereign is simultaneously omnipotent and omnipresent. You see, therefore, that American officials are much freer within the circle of action that the law traces for them than any official in Europe. Often the Americans limit themselves to showing officials the end toward which they must aim, leaving them with the authority to choose the means.

In New England, for example, the duty to draw up the jury list is referred to the *selectmen* of each town. The only rule that is stipulated is this: they must choose the jurors from among those citizens who enjoy the right to vote and who are of good reputation.<sup>3</sup>

In France, we would believe the lives and liberty of men at risk if we confided the exercise of so fearsome a right to an official, whoever he was.

In New England, these same magistrates can have the names of drunkards posted in taverns and, by penalty of a fine, prevent the occupants from providing them with wine.<sup>4</sup>

Such a censorial power would outrage people in the most absolute monarchy; here, however, people submit without difficulty.

Nowhere has the law left a larger portion of arbitrariness than in democratic republics, because there does not seem to be any reason to fear arbitrariness. You can even say that, as the right to vote expands and as the term in office becomes more limited, the magistrate becomes freer.

3. See the law of 27 February 1813. General Collection of the Laws of Massachusetts, vol. II, p. 331. *It must be said that afterward the jurors are drawn by lot from the lists.*

4. Law of February 28, 1787. See General Collection of the Laws of Massachusetts, vol. I, p. 302. *Here is the text:*

*That the selectmen in each town shall cause to be posted up in the houses and shops of all taverners, innholders and retailers [. . . (ed.) . . .] a list of the names of all persons reputed common drunkards, [. . . (ed.) . . .] or common gamblers, misspending their time and estate in such houses. And every keeper of such house or shop, after notice given him, as aforesaid, that shall be convicted, [. . . (ed.) . . .] of entertaining or suffering any of the persons, in such a list, to drink or tipple, or game, in his or her house, [. . . (ed.) . . .] or of selling them spirituous liquor, as aforesaid, shall forfeit and pay [the sum of thirty shillings (ed.)].*

That is why it is so difficult to have a democratic republic become a monarchy. The magistrate, while ceasing to be elective, usually keeps the rights and preserves the customs of the elected magistrates. Then you arrive at despotism.<sup>z</sup>

Only in limited monarchies does the law, while drawing a circle of action around public officials, still take care at the same time to guide them at each step. The reason for this fact is easy to state.

In limited monarchies, power is divided between the people and the prince. Both are interested in having the position of the magistrate stable.

The prince does not want to put the fate of officials back into the hands of the people, for fear that the officials will betray his authority; on their side, the people are afraid that the magistrates, placed in absolute dependence on the prince, will help to crush liberty; so, in a way, the magistrates are made to depend on no one.

The same reason that leads the prince and the people to make the official independent, leads them to seek guarantees against the abuse of his independence, so that he does not turn against the authority of the one or the liberty of the other. Both agree, therefore, on the need to trace in advance a line of conduct for the public official, and find it in their interest to impose rules on him that are impossible for him to evade.

z. This idea is found in Montesquieu, who asserts: "There is no authority more absolute than that of a prince who succeeds the republic: for he finds himself with all the power of the people who were not able to limit themselves" (*Considérations sur les causes de la grandeur des Romains et de leur décadence*, chapter XV, in *Oeuvres complètes*, Paris: Pléiade, 1951, II, p. 150). In the *Republic* (Book VIII, 564), Plato had already noted that extreme liberty would necessarily be followed by extreme subjection.

## Administrative Instability in the United States

*In America, the actions of society often leave fewer traces than the actions of a family.—Newspapers, the only historical memorials.—How extreme administrative instability harms the art of governing.*

Men hold power only for an instant and then are lost in a crowd that, itself, changes face every day; as a result, the actions of society in America often leave less trace than the actions of a simple family.<sup>a</sup> Public administration there is, in a way, oral and traditional. Nothing is put in writing, or what is put in writing flies away with the slightest wind, like the leaves of the Sybil, and disappears forever.

The only historical memorials of the United States are newspapers. If an issue happens to be missing, the chain of time is as if broken: present and past are no longer joined. I do not doubt that in fifty years it will be more difficult to gather authentic documents about the details of the social existence of the Americans of today, than about the administration of the French of the Middle Ages; and if an invasion of barbarians happened to surprise the United States, it would be necessary, in order to know something about the people who live there, to resort to the history of other nations.

Administrative instability began by entering into habits; I could almost say that today each person has ended up by acquiring the taste for it. No one is worried about what was done before. No method is adopted; no collection is assembled; no documents are gathered, even when it would be easy to do so. When by chance someone has them in his possession, he hardly holds onto them. Among my papers, I have original pieces that were given to me in the offices of the public administration in order to answer some of my questions. In America, society seems to live from day to day, like an army in the field. Yet, the art of administration is definitely a science;

a. Variant: “<#. . . a singular instability in the course of administrative affairs. No one finishes what he began; no one hopes to finish what he begins.>”

and all sciences, to progress, need to link together the discoveries of different generations as they succeed each other. One man, in the short space of a life, notices a fact, another conceives an idea; this one invents a method, that one finds a formula; humanity gathers along the way these various fruits of individual experiences and forms the sciences. It is very difficult for American administrators to learn anything from one another. Therefore, they bring to the conduct of society the knowledge that they find widespread in society, but not the learning that is their own.<sup>b</sup> So democracy, pushed to its extreme limits, harms progress in the art of governing.<sup>c</sup> From this perspective, it is better suited to a people whose administrative education is already formed than to a people who are inexperienced novices in public affairs.

This, moreover, does not relate uniquely to administrative science.<sup>d</sup> Democratic government, which is based upon such a simple and natural idea, always supposes the existence of a very civilized and learned society.<sup>e</sup> At first you would think it contemporaneous with the earliest ages of the world; looking more closely, you easily discover that it could have come about only during the last.<sup>e</sup>

[If nations had begun with democratic government, I doubt they would ever have become civilized.]

b. In the margin: “≠Dem[ocratic (ed.)] government, the chef-d’oeuvre of civilization and enlightenment.#”

c. “Legislative instability in America, its effects, its causes./

“Mutability of public officials. Madison proves very ingeniously that this mutability, apart from its recognized ill effects, diminishes the responsibility of officials. New proposition, *Federalist*, p. 271 [No. 63 (ed.)]” (YTC, CVb, p. 25).

“After the electoral system, a small chapter on legislative and administrative instability in America is absolutely necessary. Show how, since nothing has any follow-up, no one can finish what he began. In this way responsibility diminished instead of increased, as is believed (*Federalist*, p. 268 [No. 62 (ed.)])” (YTC, CVh, 4, p. 27).

d. On Tocqueville and the science of administration, see Roland Drago, “Actualité de Tocqueville (Tocqueville et l’administration),” *Revue des sciences morales et politiques*, 139, 1984, pp. 633–49.

5. *It is unnecessary to say that here I am talking about democratic government applied to a people and not to a small tribe.*

e. In the margin: “Is this clear and developed enough? Ask G[ustave (ed.)] and L[ouis(ed.)]?”

## Of Public Expenses under the Dominion of American Democracy

*In all societies, citizens are divided into a certain number of classes.—Instinct that each of these classes brings to the management of the finances of the State.—Why public expenses must tend to increase when the people govern.—What renders the lavish expenditures of democracy less to fear in America.—Use of public monies under democracy.*

Is democratic government economical? First of all, we must know to what we mean to compare it.

The question would be easy to resolve if we wanted to establish a parallel between a democratic republic and an absolute monarchy [v: despotic State]. We would find that public expenditures in the first are more considerable than in the second.<sup>f</sup> But this is the case in all free States, compared to those that are not free. It is certain that despotism ruins men more by preventing them from being productive, than by taking the fruits of production from them; it dries up the source of wealth and often respects acquired wealth. Liberty, in contrast, gives birth to a thousand times more goods than it destroys, and, among nations that know liberty, the resources of the people always increase faster than taxes.<sup>g</sup>

f. In chapter VIII of book III of the *Social Contract* (*Contrat social*), Rousseau had asserted, on the contrary, that the democratic form was the least costly.

g. Édouard de Tocqueville:

This entire paragraph seems to me to leave much to be desired. The first sentence presents, with the tone of affirmation, a proposition that is in no way evident; there have been and there still are very economical absolute monarchies; witness Austria, Prussia today. What I criticize most in this piece is that you seem to confuse two perfectly distinct things: the comparatively high level of public expenses and the sources of wealth; it is certain that generally the latter must increase with liberty; as for the reduction of public expenses, that is less sure. All that one can say is that, with an absolute government, economy can never be permanent because a prodigal prince may succeed an economical prince, but this economical prince can be found and is found often enough. So I would propose softening the beginning of this paragraph

What is important to me at this moment is to compare free peoples, and among the latter to note what influence democracy exercises on the finances of the State.

Societies, just as organized bodies do, follow certain rules in their formation that they cannot evade. They are composed of certain elements that are found everywhere and in all times.

It will always be easy to divide each people ideally into three classes.

The first class will be composed of the rich. The second will include those who, without being rich, live well-off in all things. The third will contain all those who have only few or no properties and who live particularly from the work provided to them by the first two classes.

The individuals included in these different categories can be more or less numerous, depending on the social state [added: and the laws]; but you cannot make these categories cease to exist.

It is evident that each of these classes will bring its own distinctive instincts to the handling of the finances of the State.

Suppose that the first makes the laws. Probably it will be little concerned with economizing public monies, because a tax that happens to strike a considerable fortune only takes what is superfluous and produces an effect that is little felt.<sup>h</sup>

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and finishing the first page as follows: Still this principle can have some exceptions, *but what is beyond doubt is that despotism ruins peoples much more by preventing them from being productive than by taking the fruits of production from them.* That way the two ideas are distinct (YTC, CIIb, 2, pp. 6–7).

h. Édouard de Tocqueville:

This proposition can be and will be contested; in most States, the rich are not so *rich* as to be indifferent to the total amount of the tax that strikes their fortune. I do not even know if they have ever been seen to be so; and in France in the time of the great lords and great fortunes, it was the rich who screamed the most when taxes were increased. So this paragraph is applicable only to the class of courtiers that one tried hard to confuse with all of the nobility, but that had never been more than a very small portion. All the nobles of the provinces and the rich who did not dissipate their income at the court desired economy in finances and saw public expenses increase with great disgust (YTC, CIIb, 2, p. 7).

Assume, on the contrary, that the middle classes alone make the law. You can count on the fact that they will not be lavish with taxes, because there is nothing so disastrous as a heavy tax that happens to strike a small fortune.

It seems to me that, among free governments, the government of the middle classes must be,<sup>k</sup> I will not say the most enlightened, nor, especially, the most generous, but the most economical.<sup>m</sup>

Now I suppose that the last class is exclusively charged with making the law; I clearly see the chance for public expenses to increase instead of decrease, and this for two reasons.

Since the greatest portion of those who in that case vote the law have no taxable property, all the money expended in the interest of society seems to be only to their profit, never to their harm; and those who have some bit of property easily find the means to fix the tax so that it hits only the rich and profits only the poor, something that the rich cannot do in their case when they are in control of the government.

So countries in which the poor<sup>6</sup> would exclusively be charged with mak-

j. Hervé de Tocqueville: "The word *small* is badly used applying to the middle class. *Mediocre* or something equivalent should be used" (YTC, CIIIb, 2, p. 11).

k. In the manuscript: "... the government of the middle classes is the most economical . . ."

Gustave de Beaumont: "I find the assertion presented in much too strong a form. Theoretically that appears true to me. And yet it is only a theory. I would put 'seems to be so by its nature'" (YTC, CIIIb, 2, pp. 20–21).

m. Hervé de Tocqueville:

The assertion of the author is contradicted by the example of France. Never has more been wasted, never have there been larger budgets than since the middle class has governed. I will observe in passing that the government of the middle class is, at bottom, only a small aristocracy on a larger scale. Attached to democracy by number, to aristocracy by the insolence and harshness of the parvenu, this government would be well able to have the vices of both. I urge Alexis to reflect on this again (YTC, CIIIb, 2, p. 11).

6. You clearly understand that here, as in the rest of the chapter, the word *poor* has a relative sense and not an absolute meaning. The poor of America, compared with those of Europe, could frequently appear rich; you can correctly call them the poor, however, when you contrast them to those of their fellow citizens who are richer than they.<sup>n</sup>

n. Hervé de Tocqueville:

ing the law could not hope for great economy in public expenditures; these expenditures will always be considerable, either because taxes cannot reach those who vote, or because they are fixed so as not to reach them. In other words, the government of democracy is the only one in which the one who votes the taxes can escape the obligation to pay them.

You will object in vain that the well understood interest of the people<sup>o</sup> is to handle the fortune of the rich carefully, because it would not take long for the people to feel the effects of any difficulties caused. But isn't it also the interest of kings to make their subjects happy, and that of the nobles to know how to open their ranks opportunely? If long-term interest could prevail over the passions and needs of the moment, there would never have been tyrannical sovereigns or exclusive aristocracies.

You will stop me here, saying: Who ever imagined charging the poor alone with making the law? Who! Those who have established universal suffrage. Is it the majority or the minority that makes the law? Undoubtedly the majority; and if I prove that the poor always make up the majority, won't I be correct to add that in countries where the poor are called to vote, they alone make the law?

Now, it is certain that until now, among all the nations of the world, the greatest number has always been composed of those who had no property, or of those whose property was too limited for them to be able to live comfortably without working. So universal suffrage really gives the government of society to the poor.

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*The poor* must be deleted everywhere; on the one hand, it does not present a sufficiently clear idea and, on the other hand, does not agree with the condition in America of the class that the author wants to indicate. He says further along that this class lives in affluence, and an effort must always be made to connect ideas to America. Without that, there would be no unity in the composition. I would put here in place of *poor*, *the country in which the last class that I named*, etc.

To the side, in the handwriting of Alexis de Tocqueville according to the copyist: "The word *poor* has a relative, not an absolute meaning. The American poor could often appear rich compared to those of Europe. But they [above: count as] are always the poor [above: the class of the poor] if you compare them to those of their fellow citizens who are richer than they" (YTC, CIIIb, 2, p. 12).

o. The manuscript says "the lower classes."

The unfortunate influence that popular power can sometimes exercise over the finances of the State made itself clear in certain democratic republics of antiquity, in which the public treasury was exhausted to help indigent citizens, or to give games and spectacles to the people.

It is true to say that the representative system was almost unknown in antiquity.<sup>p</sup> Today, popular passions arise with more difficulty in public affairs; you can, however, count on the fact that, in the long run, the delegate will always end by conforming to the spirit of his constituents and by making their propensities as well as their interests prevail.

[This same tendency is even more noticeable in England with the poor tax, the only tax that is established by the people, that profits only them, and that has a democratic origin and object.]

The profusions of democracy are, moreover, less to be feared the more people become property owners, because then, on the one hand, the people have less need for the money of the rich and, on the other hand, they encounter more difficulties establishing a tax that does not hit them. From this perspective, universal suffrage would be less dangerous in France than in England, where nearly all taxable property is gathered in a few hands. America, where the great majority of citizens own property, is in a more favorable situation than France.

Still other causes can raise the sum of public expenditures in democracies.<sup>q</sup>

When the aristocracy governs, the men who conduct State affairs escape all needs by their very position; content with their lot, they ask above all

p. Of the principle of representation./

It is the principle of representation that eminently distinguishes modern republics from ancient republics.

Partially known in antiquity however. See *Federalist*, p. 273 [No. 63 (ed.)].

Superiority that it gives to the modern ones, practicability of the republic.

It tends to be weakened more and more in America.

Frequency of elections. Dependence of power on the people. Binding mandates. Public vote (YTC, CVh, I, pp. 5–6).

q. In the manuscript, what follows forms a section entitled: OTHER CAUSES THAT MAKE PUBLIC EXPENDITURES RISE HIGHER UNDER DEMOCRATIC GOVERNMENT THAN UNDER OTHERS.

for power and glory from society; and, placed above the anonymous crowd of citizens, they do not always see clearly how the general welfare necessarily works toward their own grandeur. It is not that they see the sufferings of the poor without pity; but they cannot feel the miseries of the poor as though they shared them themselves. As long as the people seem to be content with their own fortune, these men consider themselves satisfied and expect nothing more from the government. Aristocracy thinks more about maintaining than improving.<sup>r</sup>

When, on the contrary, public power is in the hands of the people, the sovereign power seeks everywhere for something better, because it has a sense of unease.

The spirit of amelioration then extends to a thousand different objects; it gets down to infinite details and is applied, above all, to types of amelioration that cannot be achieved except by paying; for it is a matter of improving the condition of the poor who cannot help themselves.

In addition there exists in democratic societies an agitation without a specific aim; a sort of permanent fever reigns there that turns toward all kinds of innovation, and innovations are nearly always costly.

r. In the manuscript: "When the aristocracy governs society, the only necessary care it has for the people is to prevent an uprising against it."

Hervé de Tocqueville:

This sentence is harsh though true. But let us not forget that the violent acts of the Revolution came from the fact that this truth had penetrated the people too deeply. Let us not once again put on the foreheads of the upper classes this mark that has been so deadly to them. It is more than useless for Alexis to alienate himself from these classes. So this sentence must be cut or softened. It can be cut without disadvantage to what follows. Then the chapter would begin in this way: *When the governing power is placed in the people, the spirit of amelioration is extended to a host of objects.*

If Alexis absolutely does not want to sacrifice it, this must be inserted: *The aristocracy has often been reproached for not having a care for the people*, etc. Then it is not he who pronounces and condemns; he is only reporting an opinion current in the world.

Édouard de Tocqueville: "This observation seems just to me" (YTC, CIIIb, 2, pp. 13–14).

Gustave de Beaumont: "Idea much too absolute that is suitable to modify" (YTC, CIIIb, 2, p. 21).

In monarchies and in aristocracies, the ambitious flatter the natural taste that carries the sovereign power toward fame and power, and they often push it therefore toward great expenditures.

In democracies, where the sovereign power is needy, you can hardly gain its good will except by increasing its well-being; that can hardly ever be done except with money.<sup>s</sup>

Moreover, when the people themselves begin to reflect on their position, a host of needs arises that they had not felt at first and that can only be satisfied by turning to the resources of the State. As a result, public expenses seem generally to increase with civilization, and you see taxes rise as enlightenment spreads.<sup>t</sup>

Finally, a last cause often makes democratic government more expensive than another. Sometimes the democracy wants to economize on its expenditures, but it cannot succeed in doing so, because it does not have the art of being economical.

As the democracy frequently changes views and, still more frequently, changes agents, it happens that enterprises are poorly conducted or remain incomplete. In the first case, the State makes expenditures disproportionate

s. In the margin: "*Isn't this subtle?*"

t. In the manuscript, this paragraph finishes in this way: ". . . taxes generally increase with enlightenment; and public expenses with civilization which should seemingly make them almost unnecessary."

Hervé de Tocqueville: "This is nothing less than clear [*sic*]. I do not understand why civilization should make public expenses nearly unnecessary."

Édouard de Tocqueville: "Nor do I" (YTC, CIIIb, 2, p. 14).

Hervé de Tocqueville:

Here are two divisions of the chapter devoted to generalities. But the author comes to no conclusion, and the reader will not fail to complain about it. He proves very well that democratic government is and must be expensive. But he does not arrive at the application that is indispensable to justify a theory. Is American democratic government proportionately more expensive than another; are public expenditures higher there? Not only must the author say so, but he must also explain why, give certain examples. If he has refrained because he is going to do so later, he must indicate it here. It is impossible for this division to end in this way, in a vague way.

Édouard de Tocqueville: "That is very true" (YTC, CIII b, 2, p. 14).

to the grandeur of the end that it wishes to achieve; in the second, it makes unproductive expenditures.

### Of the Instincts of American Democracy in Determining the Salaries of Officials

*In democracies, those who institute large salaries do not have the chance to profit from them.—Tendency of the American democracy to raise the salaries of secondary officials and to lower those of principal officials.—Why this is so.—Comparative picture of the salary of public officials in the United States and in France.*

One great reason leads democracies, in general, to economize on the salaries of public officials.

In democracies, since those who institute the salaries are very numerous, they have very little chance ever to get them.

In aristocracies, on the contrary, those who institute large salaries almost always have a vague hope to profit from them. These salaries are capital that they create for themselves, or at the very least resources that they prepare for their children.

It must be admitted, however, that democracy appears to be very parsimonious only toward its principal agents.

In America, officials of secondary rank are paid more than elsewhere, but high officials are paid much less. [There are states in which the Governor receives less money as a salary than one of our sub-prefects.]

These opposite effects are produced by the same cause; the people, in both cases, set the salaries of public officials. They think about their own needs, and this comparison guides them. Since they themselves live in great comfort, it seems natural to them that those who are serving them share it.<sup>7</sup> But when it is time to set the lot of the great officers of the State, this rule escapes them, and they proceed only haphazardly.

7. *The comfort in which secondary officials live in the United States is also due to another*

The poor man does not have a clear idea of the needs that the superior classes of society may feel. What would appear to be a modest sum to a rich man, appears to be a prodigious sum to the poor man who contents himself with what's necessary; and he considers that the Governor of the state, provided with his two thousand *écus*, should still be happy and excite envy.<sup>8</sup>

If you try to make him understand that the representative of a great nation must appear with a certain splendor in the eyes of foreigners, he will understand you at first. But when, thinking about his simple dwelling and about the modest fruits of his hard labor, he thinks about all that he could do with this very salary that you judge insufficient, he will find himself surprised and almost frightened by the sight of such riches.

Add that the secondary official is nearly at the level of the people, while the other towers above them. So the first can still excite their interest, but the other begins to arouse their envy.

This is seen very clearly in the United States, where salaries seem in a way to decrease as the power of the officials grows greater.<sup>9</sup>

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*cause. This one is foreign to the general instincts of democracy: every type of private career is highly productive. The State would not find secondary officials if it did not agree to pay them well. So it is in the position of a commercial enterprise, obliged, whatever its tastes for economy, to sustain a burdensome competition.*

8. *The state of Ohio, which has a million inhabitants, gives the Governor only 1,200 dollars in salary or 6,504 francs.*

9. *To make this truth clear to all, it is sufficient to examine the salaries of some of the agents of the federal government.<sup>11</sup> I thought the salary attached, in France, to the analogous office should be placed in juxtaposition, in order for the comparison to enlighten the reader.*

*United States*

*Treasury Department*

<i>Attendant</i>	3,734 fr.
<i>The lowest paid clerk</i>	5,420 fr.
<i>The highest paid clerk</i>	8,672 fr.
<i>Chief Clerk</i>	10,840 fr.
<i>Secretary of State [sic: of the Treasury]</i>	32,520 fr.
<i>The President</i>	135,000 fr.

Under the dominion of aristocracy, on the contrary, high officials receive very large emoluments, while lower level ones often have hardly enough on which to live. It is easy to find the reason for this fact in causes analogous to those that we have indicated above.<sup>w</sup>

If the democracy does not imagine the pleasures of the rich man or envies them, the aristocracy from its perspective does not understand the miseries of the poor man; or rather it is unaware of them. The poor man is not, strictly speaking, similar to the rich man; he is a being of another species. So the aristocracy worries very little about the fate of its lower level agents. It raises their salaries only when they refuse to serve for too small a price.

The parsimonious tendency of democracy toward principal officials has caused great economical propensities to be attributed to democracy that it does not have.

It is true that democracy gives scarcely what is needed to live honestly to those who govern it, but it spends enormous sums to relieve the needs

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*France*

*Ministry of Finance*

<i>Attendant of the Minister</i>	<i>1,500 fr.</i>
<i>The lowest paid clerk</i>	<i>1,000 to 1,800 fr.</i>
<i>The highest paid clerk</i>	<i>3,200 to 3,600 fr.</i>
<i>Chief Clerk</i>	<i>20,000 fr.</i>
<i>Minister</i>	<i>80,000 fr.</i>
<i>The King</i>	<i>12,000,000 fr.</i>

*Perhaps I was wrong to take France as the point of comparison. In France, where, daily, democratic instincts increasingly penetrate the government, you already notice a strong tendency that leads the Chambers to raise small salaries and above all to lower the large ones.<sup>v</sup> Thus the Minister of Finance, who, in 1834, receives 80,000 fr., received 160,000 under the Empire; the general directors of finance, who receive 20,000, then received 50,000.*

u. In various articles about public expenditures in the United States and in France, which we will speak about later (see note j for p. 349), comparisons of this type abound.

v. "Ask Mr. Livingston if apart from the *clerks* in the American Treasury Department, there are still lower paid employees" (YTC, CVh, 3, p. 11).

w. Hervé de Tocqueville: "I ask for the deletion of this paragraph and the following for the reason that I gave on page 135. They are, moreover, superfluous and entirely unnecessary, because the author is not treating aristocracy. In addition, they are written with a bitterness against the aristocracy that cannot come from the pen of Alexis and that will bring his impartiality into question" (YTC, CIIIb, 2, p. 15). Cf. note r for p. 338.

or to facilitate the pleasures of the people.<sup>10</sup> That is a better use of the tax revenue, not an economy.

In general, democracy gives little to those who govern and a great deal to the governed. The opposite is seen in aristocracies where the money of the State profits above all the class that leads public affairs.

### Difficulty of Discerning the Causes That Lead the American Government to Economy<sup>x</sup>

[≠In the silence of his study, the observer draws up general rules, and he believes that he has grasped the truth. But a fact, the first cause of which is often lost in the night, appears in his thoughts, and it seems to him that truth is escaping from him. ≠]

The man who searches among facts for the real influence exercised by laws on the fate of humanity is exposed to great errors, for there is nothing so difficult to appreciate as a fact.

One people is naturally thoughtless and enthusiastic; another, reflective

10. See among other items, in *American budgets, what it costs for the support of the poor and for free education*.

In 1831, in the state of New York, the sum of 1,200,000 francs was spent for the support of the poor. And the sum devoted to public education was estimated to amount to 5,420,000 francs at least (William's New York Annual Register, 1832, pp. 205 and 243).

The state of New York in 1830 had only 1,900,000 inhabitants, which is not double the population of the département du Nord.

x. Former title: THAT REASONS TAKEN FROM THE MORES OF A PEOPLE OFTEN DISRUPT OR MODIFY GENERAL ARGUMENTS.

Hervé de Tocqueville:

The title [This concerns the definitive title (ed.)] of this division does not seem good to me for two reasons. First, it establishes a sort of contradiction with the preceding chapters, which established that democratic government is not economical; then the difficulty is suddenly resolved in the chapter. I propose changing this title and putting: OF THE CAUSES FOR THE ECONOMY OF THE AMERICAN GOVERNMENT FOR CERTAIN OBJECTS. As for the rest, the chapter is very good. I will make only one observation to which I do not attach great importance; the author assumes preliminary knowledge in his reader. He reasons as if the reader already knew that the Americans like neither the luxury of festivals, nor that of buildings (YTC, CIIb, 2, p. 16).

and calculating. This is due to their physical constitution itself or to distant causes that I do not know.<sup>y</sup>

You see peoples who love show, noise and pleasure, and who do not regret spending a million that goes up in smoke. You see others who value only solitary pleasures and who seem ashamed to appear contented.

In certain countries, a great price is attached to the beauty of buildings. In certain others, no value whatsoever is placed on objects of art, and what has no return is scorned. Finally, there are some in which fame is loved, and others in which money is placed before all else.

Apart from the laws, all these causes influence in a very powerful way the management of the finances of the State.

If the Americans have never happened to spend the people's money on public festivals, it is not only because, among them, the people vote the tax; it is because the people do not like to enjoy themselves.

If they reject ornament in their architecture and prize only material and real advantages, it is not only because they are a democratic nation, but also because they are a commercial people.

The habits of private life are continued in public life; and among the Americans the economies that depend on institutions and those that follow from habits and mores must be clearly distinguished.<sup>z</sup>

y. Fragment of a first version in the manuscript:

≠There is indeed in the bent of the ideas and tastes of a people a hidden force that struggles with advantage against revolutions and time. This intellectual physiognomy of nations, which is called their character, is found throughout all the centuries of their history and amid the innumerable changes that take place in the social state, beliefs and laws. A strange thing! What is least perceptible and most difficult to define among a people is at the same time what you find most enduring among them. Everything changes among them except the character, which disappears only with nations themselves.≠

z. In the margin: “≠The beginning of the chapter does not exactly correspond to the end. The beginning contains a general idea on national character; the end contains a clear and precise observation on what gives the Americans their character.≠”

[Influence of the Government of  
Democracy on the Tax Base  
{and on the Use of the Tax Revenues}]<sup>a</sup>

[The form of government greatly influences the tax base. The instinct of the aristocracy<sup>b</sup> leads it to handle the producer carefully {and to burden the consumer} because the aristocracy holds the sources of wealth. It is the opposite for the democracy, which willingly takes on the producer and han-

a. “The advice of L[ouis (ed.)] is that the ideas of this chapter are questionable, that in any case they are presented too succinctly and in a superficial way” (YTC, CVh, 3, p. 90).

A first version of this part is found in YTC, CVh, 3, pp. 74–80; it presents numerous differences from the manuscript version. Notably, the opening of this draft states:

I know that minds are much preoccupied with comparing the expenses of the United States with ours. If such were not the disposition of the public, I would not have done this chapter. For I am convinced that such a comparison is necessarily incomplete and, consequently, unproductive and that, were it complete, the truth would not be self-evident. It can be useful only to those who are looking for figures to support their ideas and not to those who want truth to emerge from figures (p. 74).

b. Hervé de Tocqueville:

I do not believe the word *aristocracy* is very applicable here. The same thing would happen in a democracy in which the governing party was, in the majority, composed of owners of landed properties, large or small.

This division has the same fault as one of the preceding ones; it leaves the reader almost completely wanting in terms of facts. We see clearly that the Americans have not wanted one tax, but you do not say what taxes they do want. A detailed account of this subject would be useless. But at least it would be necessary to tell us the nature of the taxes and to justify, with examples, the truth of the theory that the author is establishing. If by chance in America there was no contribution based on land, as I believe, and the producer was thus treated very carefully, then the chapter would come crashing down and it would have to be revised. I have a vague memory of having heard that there were only indirect taxes in America, and we know that indirect taxes weigh particularly on the consumer. I believe that the customs duties are the principal revenue of the American government (YTC, CIIIb, 2, pp. 16–17).

dles the consumer carefully, because the resources of the people<sup>c</sup> scarcely reach the level of the ordinary prices of objects of consumption.

Among the English, land has not been taxed and indirect taxes have been multiplied. All the exemptions have been made in favor of the rich, while taxes that hit only the poor have always continued to grow. In America, when the legislature attempted to establish a tax on fermented liquors, a revolt ensued and in 1794 the legislature was forced to repeal the law.<sup>[\*]</sup>

Only the despotism of one man is indifferent to the tax base. Its instinct leads it only to strike the taxpayer most able to give and least able to resist.]<sup>d</sup>

### [Influence of Democratic Government on the Use of Tax Revenues]

[The partisans of democracy claim that the government of democracy is more economical than any other, and I think they are mistaken. If they said, instead, that, of all governments, democratic government is the one that generally makes best use of tax revenues, they would put themselves, I believe, on their true ground.

c. Édouard de Tocqueville:

This sentence is completely unintelligible to me; the resources of the people hardly reach the level of the price of *the most ordinary objects of consumption* would seem understandable, but the thought still would not seem sound to me. Here you fall, I think, into the fault, almost inevitable for a European, of using the word *people* for low people or populace. Well, even in France the resources of the people, of the mass, often reach beyond the price of ordinary consumer objects, that is to say, food and clothing; with greater reason, can you say that in America, where the greatest comfort reigns for the mass, in such a country can you say that the *people* willingly take on the producer? I do not believe it, for they would be taking on themselves as consumers. The more economical the price of production, the more the objects of consumption fall within reach of the people; and when the latter have tasted these consumer objects, the objects become needs for them (YTC, CIIIb, 2, p. 9).

[\*]. See Marshall, *Life of Washington*, and Pitkin.

d. Cf. Montesquieu, *De l'esprit des lois*, book XIII, chapter XIV, in *Oeuvres complètes* (Paris: Pléiade, 1951), II, pp. 467–68, and Rousseau, *Discours sur l'économie politique*, in *Oeuvres complètes* (Paris: Pléiade, 1964), III, pp. 241–78.

I spoke above about the squanderings of democracy {bread and spectacles the Romans of the decline would say}, but such excesses are rare and are ordinarily found during the centuries when enlightenment is weak and corruption very great. If the government of democracy levies more considerable sums on society than another government, it generally uses public monies for objects of a more certain and more extensive utility and uses them to relieve more real needs.<sup>e</sup> Incontestably, democracies have never built the palace of Versailles, nor based the political world on money as the aristocracy of England has done.<sup>f</sup>

Apart from its direct influence on the object of public expenditures, the government of democracy exercises still another influence, no less great, on how they are handled. Democratic institutions tend to make habits simpler and to remove, if not the taste for luxury and ostentation, the usual appendage to the inequality of fortunes, at least the possibility of indulging in that taste. As a result of this general spirit of the nation, expenditures are made on more modest and more economical plans.<sup>g</sup>

e. In the margin, under a paper glued into place: “≠It uses it for schools, for roads, for measures of order and health.≠”

f. To the side:

≠Democracy shows itself parsimonious toward its agents.

This is due to two causes.

The first is that the poor man, who then makes the law, measures by his own scale the needs of those who serve him. What appears to be a modest sum to a rich man, appears to be a prodigious sum to him who has nothing; and he feels that a public official [v: the Governor of the state], with his puny salary, should still be happy and excite envy. The second is that since those who institute the salaries are very numerous under the dominion of democracy, they have very little chance to get them.

This parsimony of democracy for the principal ones among its agents gives an illusion about its economical inclinations. But if it limits itself to giving public officials what is needed to live, it spends enormous sums to relieve the needs {to establish free schools} or to facilitate the pleasures of the people {to aid the poor}. It is a better use of the tax revenue, but not an economy. In general, democracy gives little to those who govern and a great deal to the governed, against aristocratic governments where the money .-.-. above all the class that .-.-. public affairs.≠

g. In the margin, under a paper glued into place: “Perhaps put at the end of the chapter, the chapter on mores placed above.”

In all that precedes I have kept to subjects as a whole and not to details. I happened to notice many times in America that public expenditures were not applied to the most useful objects or that they were made without economy; but it appeared to me that these were particular cases and that they should be blamed much less on a natural tendency of the government of democracy than on the poor choice of its agents. For, of all masters, the people are assuredly the worst served.]<sup>h</sup>

h. Hervé de Tocqueville:

I do not believe this idea developed enough. This last division of the chapter presents a great imperfection in my eyes. The good faith of the author leads him to admit that several facts in America contradict his theory. In several of the preceding divisions, facts, unstated, did not support the theory. Here, in certain respects, they are opposed to it. Alexis has too much wisdom not to sense that by operating thus, he gives a wide scope to criticism. Overall, he has changed his way of writing, and I regret it. In the first volume, facts led naturally to theory that seemed a natural consequence. Here theory precedes facts, and sometimes does without them; that is dangerous. The reader willingly submits to the author's opinion when it seems to be a deduction, so to speak, from facts, because then the author does not seem to want to impose his opinion. It would be otherwise if it preceded facts and, above all, if facts were lacking to support it. Then the intelligence of the author exercises over that of the reader a sway to which the latter does not always adapt and against which he sometimes takes a strong stand. I acknowledge with great pleasure that this last chapter is very well written and that it contains new and ingenious insights. But this merit does not compensate for the disadvantage of the absence of facts to support the theory.

In my opinion, every time Alexis is led to develop general insights, he must hasten to connect them to America. Without that, his work would lose its unity of composition, which is a major disadvantage in works of the mind. The reader glimpses in this case two aims without being able to set exactly the limits of each of the things that relate to each other; and a kind of confusion arises in his mind that forces him to a tedious effort that displeases him.

I have conscientiously examined if the paragraphs on aristocracy are necessary to establish a useful parallel between it and democracy. I am convinced of the opposite. Not only are they unnecessary, but they come as irrelevant, because aristocracy is in no way within the author's subject. There is no point, without a pressing need, in turning the upper classes against him. Alexis has been carried away by his natural frankness and also by a generous sentiment, that of knowing how to put himself above the prejudices of his class. All that he says was appropriate when the aristocracy was powerful. At present, I believe that one must abstain from doing it. I do not need to expand on the reasons.

## Can the Public Expenditures of the United States Be Compared with Those of France?

*Two points to be established in order to appreciate the extent of public expenses: national wealth and taxation.—Fortune and expenses in France are not known exactly.—Why you cannot hope to know fortune and expenses in the Union.—Research of the author to learn the total amount of taxes in Pennsylvania.—*

*General signs by which you can recognize the extent of the expenses of a people.—Result of this examination for the Union.*

Some have been much occupied recently with comparing the public expenditures of the United States with ours. All of these efforts have been without result, and a few words will suffice, I believe, to prove that it must be so.

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To the side, written by Alexis, according to the copyist: “and that it (three illegible words) it would not have (illegible word) at State expense to buy the younger branches of certain families as the English aristocracy did” (YTC, CIIIb, 2, pp. 17–19).

Édouard de Tocqueville:

*General observation.* This entire chapter needs, in my opinion, to be altered. Economic questions are not treated in it with enough assurance; there are several propositions that can be questioned. Certain thoughts are inadequately developed. All in all, I do not find this chapter at the same level as the preceding ones. The author here does not seem to be as perfectly in control of his subject (YTC, CIIIb, 2, p. 10).

j. This section does not exist in the manuscript; it does not appear in the criticisms of family and friends. It seems to have been included following a polemic on the economy of republican government, in which the United States was generally taken as the example. In September 1831, Sebastien L. Saulnier, official voice of the government, prefect of police and editor of the *Revue Britannique*, published “Rapprochements entre les dépenses publiques de la France et celles des États-Unis” (*Revue Britannique*, n.s., VI, 1831, pp. 272–324, reprinted in various publications), in which he claimed that the United States had an extremely expensive form of government and that American finances were consequently in chaotic condition. Since the moment for discussion in the Chamber of Deputies of the proposed budget for 1832 was at hand, Lafayette saw in this article an attempt on the part of the government to influence the parliamentary debate. He solicited the opinions of James Fenimore Cooper and of General Bernard, following which

In order to be able to appreciate the extent of public expenses among a people, two operations are necessary: first, you must learn the wealth of this people, and then what portion of this wealth they devote to State expenditures. The person who researches the total amount of taxes without showing the extent of the resources that must provide them, would be pursuing unproductive work; for it is interesting to know not the expenditure, but the relation of the expenditure to the revenue.

The same tax that a wealthy taxpayer easily bears will succeed in reducing a poor man to poverty.

The wealth of peoples is made up of several elements: real estate holdings form the first, personal property constitutes the second.<sup>k</sup>

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he published a brochure that circulated among the deputies (*Le général Lafayette à ses collègues de la Chambre des députés*, Paris: Paulin, 1832, 68 pp.) The letter of Cooper had been published separately, in English (*Letter of J. Fenimore Cooper to Gen. Lafayette, on the expenditure of the United States of America*, Paris: Baudry, December 1831, pp. 50, iii, and also in the *Revue des deux mondes*, n.s., V, January 1832, pp. 145–82). Saulnier answered with two new writings: “Nouvelles observations sur les finances des États-Unis, en réponse à une brochure publiée par le Général Lafayette” (*Revue Britannique*, n.s., VIII, pp. 195–260), and a letter to the editor of the same review (n.s., IX, November 1833, pp. 164–94). In 1834, Francisque de Corcelle published an article, “Administration financière des États-Unis” (*Revue des deux mondes*, 3rd series, I, 1834, pp. 561–84), with new statistics obtained from an inquiry into the American financial system done by Edward Livingston. New data, Corcelle argued, would demonstrate that the Americans paid lower taxes than the French. The article by Corcelle had probably attracted Tocqueville’s attention, because he wrote to D. B. Warden on 21 July 1834 (YTC, CId), asking him for “the brochures of Bernard, Lafayette and Cooper.” Regarding this, the following note is also found in the drafts: “Brochure of General Bernard and of Mr. Cooper on the finances of the United States appeared in the middle of 1831. I believe that General Lafayette’s aide-de-camp published something on the same subject” (YTC, CVh, 4, pp. 21–22). See note 51 for p. 156.

k. In the 1835 edition: “The wealth of peoples is made up of several elements: population is the first; real estate holdings form the second, and personal property constitutes the third.

“Of these three elements, the first is easily discovered. Among civilized peoples you can easily reach an exact count of the citizens; but it is not the same with the other two. It is difficult to . . .”

The correction is probably due to a criticism from Nassau William Senior in a letter to Tocqueville of 17 February 1835:

I cannot think that population is an element of wealth. It may rather be said to be an element of poverty. The wealth or poverty of the *people* of a country depends on

It is difficult to know the extent of land suitable for cultivation that a nation possesses and its natural or acquired value. It is still more difficult to estimate all of the personal property that a people has at its disposal. Personal property, because of its diversity and amount, eludes almost all efforts of analysis.

Consequently we see that the oldest civilized nations of Europe, even those in which the administration is centralized, have not yet established the state of their wealth in any precise way.

In America, no one has even conceived the idea of trying. And how could you think to succeed in this new country where society has not yet peacefully and finally settled down, where the national government does not find at its disposal, as ours does, a multitude of agents whose efforts can be simultaneously commanded and directed; where, finally, statistics are not studied, because no one is found who has the power to gather the documents or the time to look through them?

So the constituent elements of our calculations cannot be obtained. We do not know the comparative wealth of France and of the Union. The wealth of the one is not yet known, and the means to establish that of the other do not exist.

But, for a moment, I agree to put aside this necessary term of comparison; I give up knowing the relationship of tax to revenue, and I limit myself to wanting to establish what the taxes are.

The reader is going to recognize that by narrowing the circle of my research, I have not made my task easier.

I do not doubt that the central administration of France, aided by all the officials at its disposal, might succeed in discovering exactly the total amount of direct or indirect taxes that weigh upon the citizens. But this

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the proportion between their numbers and the aggregate wealth of that country. Diminish their numbers, the wealth remaining the same, and they will be, individually, richer. The people of Ireland, and indeed of England, would be richer if they were fewer. I do call a country like China, where there is an immense population, individually poor, a rich country, though the aggregate wealth of China is greater than the aggregate wealth of Holland, where the population is, comparatively, individually rich (*Correspondence and Conversations of Alexis de Tocqueville with Nassau William Senior*, London: Henry S. King & Co., 1872, I, p. 4).

work, which an individual cannot undertake, the French government itself has not yet finished, or at least it has not made the results known. We know what the State expenses are; the total of the departmental expenses is known; we do not know what happens in the French towns. So no one can say, as of now, what amount public expenditures in France total.

If I now return to America, I notice difficulties that become more numerous and more insurmountable. The Union makes public the exact amount of its expenses; I can obtain for myself the individual budgets of the twenty-four states that constitute the Union; but who will teach me what the citizens spend for the administration of the county and of the town?<sup>11</sup>

Federal authority cannot extend to forcing the provincial governments to enlighten us on this point; and if these governments themselves wanted to lend us simultaneously their support, I doubt that they would be able to satisfy us. Apart from the natural difficulty of the enterprise, the political

11. *The Americans, as you see, have four types of budgets: The Union has its; the states, counties, and towns have theirs as well. During my stay in America, I did extensive research to know the total amount of public expenditures in the towns and in the counties of the principal states of the Union. I was able easily to obtain the budget of the largest towns, but it was impossible for me to get that of the small towns. So I cannot form any exact idea of town expenditures. For what concerns the expenditures of the counties, I possess some documents that, though incomplete, are perhaps the kind that are worthy of the reader's curiosity. I owe to the goodness of Mr. Richards, former<sup>m</sup> mayor of Philadelphia, the budgets of thirteen counties of Pennsylvania for the year 1830, those of Lebanon, Center, Franklin, Fayette, Montgomery, Luzerne, Dauphin, Butler, Alleghany [Allegheny (ed.)], Columbia, Northumberland, Northampton, Philadelphia. In 1830, there were 495,207 inhabitants. If you cast your eyes on a map of Pennsylvania, you will see that these thirteen counties are dispersed in all directions and subject to all the general causes that can influence the state of a country; so that it would be impossible to say why they would not provide an exact idea of the financial state of the counties of Pennsylvania. Now, these very counties spent, during the year 1830, 1,808,221 francs, which yields 3.64 fr. per inhabitant. I calculated that each of the same inhabitants, during the year 1830, devoted to the needs of the federal Union 12.70 fr., and 3.80 fr. to those of Pennsylvania; the result is that in the year 1830 the same citizens gave to society, to meet all public expenditures (except town expenditures), the amount of 20.14 fr. This result is doubly incomplete, as you see, because it applies only to a single year and to one part of public expenses; but it has the merit of being certain.*

m. The word "former" appears only after the first editions.

organization of the country would still conflict with the success of their efforts. The magistrates of the town and of the county are not appointed by administrators of the state, and do not depend on them. So it may be believed that if the state wanted to obtain the information we need, it would meet great obstacles in the carelessness of the lower level officials it would be forced to use.<sup>12</sup>

Useless, moreover, to try to find out what the Americans would be able to do in such a matter, because certainly until now they have done nothing.

So today in America or in Europe not a single man exists who can teach us what each citizen of the Union pays annually to meet the expenses of society.<sup>13</sup>

12. *Those who have wanted to establish a parallel between the expenditures of the Americans and ours have clearly felt that it was impossible to compare the total of the public expenditures of France to the total of the public expenditures of the Union; but they have sought to compare detached portions of these expenditures. It is easy to prove that this second way of operating is no less defective than the first.*

*To what will I compare, for example, our national budget? To the budget of the Union? But the Union is occupied with far fewer objects than our central government, and its expenses must naturally be much less. Will I contrast our departmental budgets to the budgets of the individual states that make up the Union? But in general the individual states attend to more important and more numerous interests than the administration of our departments; so their expenditures are naturally more considerable. As for the budgets of the counties, you find nothing in our system of finance that resembles them. Will we add expenditures made there to the budget of the state or to that of the towns? Town expenditures exist in the two countries, but they are not always analogous. In America, the town assumes several needs that in France are left to the department or to the State. How, moreover, must town expenditures in America be understood? The organization of the town differs depending on the states. Will we take as the rule what happens in New England or in Georgia, in Pennsylvania or in the state of Illinois?*

*It is easy to see, between certain budgets of two countries, a sort of analogy; but since the elements that constitute them always differ more or less, you cannot establish a serious comparison between them.*

13. *Should you succeed in knowing the precise sum that each French or American citizen pays into the public treasury, you would still have only one part of the truth.*

*Governments ask not only money from the taxpayers, but also personal efforts that have a monetary value. The State raises an army; apart from the balance that is charged to the entire nation to supply it, the soldier must still give his time, which has a greater or lesser value depending on the use that he would make of it if he remained free. I will say as much about the service of the militia. The man who is part of the militia temporarily devotes a precious*

Let us conclude that it is as difficult to compare fruitfully the social expenditures of the Americans with ours, as it is to compare the wealth of the Union to that of France. I add that it would even be dangerous to attempt it. When statistics are not based on rigorously true calculations, they mislead rather than guide. The mind is easily led astray by the false air of exactitude that statistics conserve even in their discrepancies, and it rests untroubled in the errors that it thinks are cloaked in the mathematical forms of truth.

So let us abandon numbers and try to find our proof elsewhere.

Does a country present an aspect of material prosperity; after paying the State, does the poor man still have resources and the rich man superfluity; do both appear satisfied with their lot, and do they still seek to improve it each day, so that industry never lacks capital and capital in turn does not lack industry? Lacking positive documents, it is possible to resort to such indicators to know if the public expenses that burden a people are proportionate to its wealth.

The observer who kept to this evidence would undoubtedly judge that the American of the United States gives to the State a less significant portion of his income than the Frenchman.

But how could you imagine that it would be otherwise?

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*time to public security, and really gives to the State what he fails to acquire for himself. I have cited these examples; I would have been able to cite many others. The government of France and that of America collect taxes of this nature; these taxes burden the citizens. But who can appreciate with exactitude their total amount in the two countries?*

*This is not the last difficulty that stops you when you want to compare the public expenditures of the Union to ours. The State has certain obligations in France that it does not assume in America, and reciprocally. The French government pays the clergy; the American government leaves this concern to the faithful. In America, the State takes care of the poor; in France, it leaves them to the charity of the public. We give all our officials a fixed salary; the Americans allow them to collect certain fees. In France, service charges occur only on a small number of roads; in the United States, on nearly all roads. Our roads are open to travelers who can travel on them without paying anything; in the United States there are many toll roads. All these differences in the way in which the taxpayer acquits himself of the expenses of the society make comparison between the two societies very difficult; for there are certain expenditures that the citizens would not make or that would be less, if the State did not take it upon itself to act in their name.*

One part of the French debt is the result of two invasions; the Union has nothing to fear about that. Our position obliges us as a rule to keep a numerous army under arms; the isolation of the Union allows it to have only 6,000 soldiers. We maintain nearly 300 ships; the Americans have only 52<sup>14</sup> of them. How could the inhabitant of the Union pay to the State as much as the inhabitant of France?

So there is no parallel to establish between the finances of countries so differently placed.

It is by examining what happens in the Union, and not by comparing the Union with France, that we can judge if American democracy is truly economical.

I cast my eyes on each of the various republics that form the confederation, and I discover that their government often lacks perseverance in its designs, and that it does not exercise continuous surveillance over the men it employs. From this I naturally draw the conclusion that it must often spend the money of the taxpayers uselessly, or devote more of their money than necessary to its undertakings.

I see that, faithful to its popular origin, it makes prodigious efforts to satisfy the needs of the lower classes of society, to open the paths to power to them, and to spread well-being and enlightenment among them. It supports the poor, distributes millions each year to the schools, pays for all services, and generously recompenses its least important agents. If such a means of governing seems useful and reasonable to me, I am forced to recognize that it is expensive.

I see the poor man who leads public affairs and has national resources at his disposal; and I cannot believe that, profiting from State expenditures, he does not often drag the State into new expenditures.

So I conclude, without resorting to incomplete figures and without wanting to establish risky comparisons, that the democratic government of the Americans is not, as is sometimes claimed, an inexpensive govern-

14. See the detailed budgets of the Ministry of the Navy in France, and for America, the National Calendar of 1833, p. 228.<sup>n</sup>

n. The budget of the American navy is found on pages 290–91. On page 228, the list of warships is found; the total is 53 (Tocqueville seems to have eliminated from the list a barge, a small unarmed galley with about twenty oars aboard).

ment; and I am not afraid to predict that, if great difficulties came one day to assail the peoples of the United States, you would see taxes among them rise as high as in most of the aristocracies or monarchies of Europe.

Of the Corruption and Vices of Those Who Govern  
in Democracy; Of the Effects on Public Morality  
That Result from That Corruption and Those Vices

*In aristocracies, those who govern sometimes seek to corrupt.—  
Often, in democracies, they prove to be corrupt themselves.—In  
the first, vices directly attack the morality of the people.—In the  
second, vices exercise an indirect influence on the morality of the  
people that is still more to be feared.*

Aristocracy and democracy mutually reproach each other with facilitating corruption; it is necessary to distinguish.

In aristocratic governments, the men who come to public affairs are rich men who only want power. In democracies, the statesmen are poor and have their fortune to make.

It follows that, in aristocratic States, those who govern are not very open to corruption and have only a very moderate taste for money, while the opposite happens among democratic peoples.

But, in aristocracies, since those who want to arrive at the head of public affairs have great riches at their disposal, and since the number of those who can make them succeed is often circumscribed within certain limits, the government finds itself, in a way, up for sale.<sup>o</sup> In democracies, on the

o. Hervé de Tocqueville:

It is clear that in this picture the author has England in view, but all aristocracies are not like that of England, which, however omnipotent it is, needs the people. There were other aristocracies, such as that of Venice and I believe that of Berne, that were self-sufficient, the people remaining outside; was corruption at work in the last ones? The author cites a mixed government rather than a clear-cut aristocracy. Some would probably object to him about it; to avoid it I would like him to put: "in aristocracies in which the popular vote is necessary" (YTC, CIIIb, 2, p. 5).

contrary, those who aspire to power are hardly ever rich, and the number of those who contribute to gaining power is very great. Perhaps, in democracies, men are for sale no less, but there are hardly any buyers, and, besides, too many people would have to be bought at once to achieve the end. [≠As a result of this difference, in democracies corruption acts upon those who govern and in aristocracies upon the governed. In the one, public officials are corrupted; in the other, the people themselves.≠

Thus, corruption finds some way to be exercised in the two governments: its object alone varies.]

Among the men<sup>p</sup> who have occupied power in France during the past forty years, several have been accused of having made a fortune at the expense of the State and its allies; a reproach that was rarely made to the public men of the old monarchy. But, in France, there is almost no example of someone buying the vote of an elector for money,<sup>q</sup> while this is notoriously and publicly done in England.

[In aristocracies corruption is generally exercised in order to gain power. In democracies it is linked to those who have gained power. So in demo-

p. In the manuscript: “Nearly all the men . . .”  
Edouard de Tocqueville (?):

That reproach was not addressed to anyone during the fifteen years of the Restoration. I do not know if it was generally addressed to Bonaparte’s ministers, M. de Talleyrand excepted, although it was addressed to his generals. So we are left then with the ministers of the Republic and, above all, those of the Directory. A great number of the ministers of the Restoration entered power poor and still remain so. So you cannot with justice say: *during the past forty years nearly all the men*, etc. Couldn’t you say: “Nearly all the men who have occupied power after the establishment of the French republic and during its existence, that is to say, when citizens, until then obscure and poor, suddenly found themselves carried to the head of public affairs, nearly all these men, I say, have been accused . . .”? (YTC, CIIb, 2, p. 4).

Hervé de Tocqueville: “In this paragraph what Alexis says is not true. Most of the ministers since the Directory were beyond suspicion of mischief, and several ministers under the old regime were regarded as great knaves” (YTC, CIIb, 2, p. 5).

q. Hervé de Tocqueville: “It is true that they are rarely bought for cash money, but often enough by the lure of places or other advantages, which is a corruption that differs only by the means. The government candidate at Cherbourg had promised the same place of *juge de paix* to 15 persons” (YTC, CIIb, 2, p. 6).

cratic States corruption harms the public treasury more than the morality of the people. It is the opposite in aristocracies.]

I have never heard it said that in the United States someone used his riches to win over the governed; but I have often seen the integrity of public officials called into question. Still more often I have heard their success attributed to low intrigues or to guilty maneuvers.

[It must be said, moreover, that the result is not as fearsome in America as it would be in Europe.

Great robberies can only be practiced among powerful democratic nations in which the government is concentrated in few hands and in which the State is charged with executing immense enterprises.]<sup>f</sup>

So if the men who lead aristocracies sometimes seek to corrupt, the heads of democracies are corrupted themselves. In the one, the morality of the people is directly attacked; in the other, an indirect action is exerted on the public conscience that must be feared even more.

Among democratic peoples, those who head the State are almost always exposed to deplorable suspicions; so they give the support of the government, in a way, to the crimes of which they are accused. Thus they present dangerous examples to still struggling virtue, and provide glorious comparisons to hidden vice.

You would say in vain that dishonest passions are met at all levels; that they often accede to the throne by the right of birth; that deeply despicable men can thus be found at the head of aristocratic nations as well as within democracies.

This response does not satisfy me. In the corruption of those who gain power by chance, something crude and vulgar is disclosed that makes it contagious to the crowd; on the contrary, there reigns, even in the deprav-

r. Édouard de Tocqueville (?): "What, so the United States is not a *powerful democratic nation*? And then the word *robbery* seems inadmissible to me in an elevated style; *great misappropriations* or *great embezzlements* is needed. Finally, how can power be concentrated in few hands in a *democratic nation*? That to me would seem impossible. This small paragraph must be revised" (YTC, CIIIb, 2, pp. 4–5).

What follows this paragraph, until the end of the section, does not exist in the manuscript.

ities of great lords, a certain aristocratic refinement, an air of grandeur that often prevents its spread.<sup>s</sup>

The people will never penetrate the dark labyrinth of court spirit; it will always be difficult for them to discover the baseness hidden beneath the elegance of manners, the pursuit of taste, and the grace of language. But to rob the public treasury or to sell State favors for money, that the first wretch understands and can claim to be able to do in turn.

What is to be feared, moreover, is not so much the sight of the immorality of the great as that of immorality leading to greatness. In democracy, simple citizens see a man who emerges from their ranks and who in a few years achieves wealth and power; this spectacle excites their surprise and envy; they try to find out how the one who was their equal yesterday is today vested with the right to lead them. To attribute his elevation to his talents or his virtues is uncomfortable, for it means admitting that they themselves are less virtuous and less skillful than he. So they place the principal cause in some of his vices, and often they are right to do so. In this way, I do not know what odious mixture of the ideas of baseness and power, of unworthiness and success, of utility and dishonor comes about.

s. "There, I confuse two things: corruption and embezzlements.

"There is corruption when you seek to obtain something which is not your due by sharing some stake with the one who gives it.

"There is corruption on the part of the candidate who pays for the votes of the voter.

"There is corruption on the part of the individual who obtains a favor from an official for money.

"But when officials draw for their own account from the State treasury, it is not corruption; it is *theft*" (YTC, CVh, 4, p. 88).

## Of What Efforts Democracy Is Capable

*The Union has fought for its existence only a single time.—  
Enthusiasm at the beginning of the war.—Cooling at the end.—  
Difficulty of establishing conscription or registration of sailors in  
America.—Why a democratic people is less capable than another  
of great sustained efforts.*

I forewarn the reader that here I am speaking about a government that follows the real will of the people, and not about a government that restricts itself only to commanding in the name of the people.

There is nothing so irresistible as a tyrannical power that commands in the name of the people, because, while vested with the moral power that belongs to the will of the greatest number, it acts at the same time with the decisiveness, promptitude and tenacity that a single man would have.

It is quite difficult to say what degree of effort a democratic government is capable of in time of national crisis.

A great democratic republic has never been seen until now. It would be an insult to republics to give this name to the oligarchy that reigned over France in 1793.<sup>t</sup> The United States alone presents this new spectacle.

Now, since the Union was formed a half-century ago, its existence has been put in question only once, at the time of the War of Independence. At the beginning of this long war, there were extraordinary acts of enthusiasm for serving the country.<sup>15</sup> But as the struggle continued, you saw individual egoism reappear. Money no longer arrived at the public treasury; men no longer presented themselves for the army; the people still wanted independence, but they drew back from the means to obtain

t. Variant in the margin, under a paper glued into place: "The name republic given to the oligarchy of 1793 has never been anything except a bloody veil behind which was hidden the tyranny of some and the oppression of all."

15. *One of the most singular, in my opinion, was the resolution by which the Americans temporarily renounced the use of tea. Those who know that men generally cling more to their habits than to their life will undoubtedly be astonished by this great and obscure sacrifice obtained from an entire people.*

it.<sup>[\*]</sup> [≠This languor of public spirit, the only motivating force [doubtful reading (ed.)] of democracies, put the liberty of America in danger several times, and yet the nature of the country alone and its expanse made conquest impossible. ≠] “Tax laws have in vain been multiplied; new methods to enforce the collection have in vain been tried,” says Hamilton in the *Federalist* (No. 12):

the public expectation has been uniformly disappointed, and the treasuries of the States have remained empty. The popular system of administration, inherent in the nature of popular government, coinciding with the real scarcity of money incident to a languid and mutilated state of trade, has hitherto defeated every experiment for extensive collections, and has at length taught the different legislatures the folly of attempting them.

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

To judge what sacrifices democracies know how to impose on themselves, we must therefore await the time when the American nation will be forced to put into the hands of its government half of the revenue of its property, like England, or must throw one twentieth of its population all at once onto the field of battle, as France did.

In America, conscription is unknown; men are enrolled there for money. Forced recruitment is so contrary to the ideas and so foreign to the habits of the people of the United States that I doubt that anyone would ever dare to introduce it in the laws. What is called conscription in France assuredly is the heaviest of our taxes; but, without conscription, how would we be able to sustain a great continental war?

The Americans have not adopted English impressment. They have nothing that resembles our registration of sailors. The navy, like the merchant marine, recruits by voluntary enlistments.

Now, it is not easy to conceive that a people could sustain a great maritime war without resorting to one of the two means indicated above. Consequently, the Union, which has already fought with glory at sea, has never

[\*]. See the *Life of Washington* by Marshall.

had large fleets, and the cost of manning the small number of its ships has always been very expensive.

I have heard American statesmen admit that the Union will have difficulty maintaining its rank on the seas, if it does not resort to impressment or to registration of sailors; but the difficulty is to force the people, who govern, to bear impressment or registration of sailors.<sup>u</sup>

Incontestably, free peoples, when in danger, generally display an infinitely greater energy than those who are not free, but I am led to believe that this is true, above all, for free peoples among whom the aristocratic element predominates.<sup>v</sup>

Democracy seems to me much more appropriate for leading a peaceful society, or for making a sudden and vigorous effort as needed, than for braving for a long time the great storms in the political lives of peoples. The reason for it is simple. Men expose themselves to dangers and privations out of enthusiasm, but they remain exposed for a long time only from reflection. In what is called instinctive courage itself, there is more calculation than we think; and although, in general, passions alone bring about the first efforts, efforts continue with the result in mind. You risk a portion of what is dear in order to save the rest.<sup>w</sup>

u. On the back of the page: “≠Difficulty of establishing conscription as in France. Even *impressment* does not exist, though of English origin. Impossibility, however, of navy without impressment. See opinion Gallatin, non-alphabetic notebook 1, p. 25. ≠” See YTC, BIIa, and *Voyage, OC*, V, 1, p. 62.

v. In a first version: “It is not that the first impulse of democracy is often to assist the evil. Nothing is more impetuous than the movements of democracy, but enthusiasm, like all the other passions, soon burns itself out. In men [who (ed.)] expose themselves to dangers for a long time and submit to great sacrifices to attain an end, there is a great mixture of passion and calculation.”

w. Hervé de Tocqueville:

The entire paragraph preceding these words is very well put, and yet I have an observation to make that does not seem unimportant. Free countries make more efforts when in danger, because love of country predominates there more than in monarchies; this point granted, it seems that the devotion to public things should be greater in democracies than in aristocracies, for the author has proved well in the preceding chapters that democratic government is the one in which the people

Now, this clear perception of the future, based on learning and experience, must often be missing in democracy. The people feel much more than they reason; and if the present difficulties are great, the fear is that they will forget the greater difficulties that perhaps await them in case of defeat.

Still another cause must make the efforts of a democratic government less long-lasting than the efforts of an aristocracy.

The people not only see less clearly than the upper classes what can be hoped or feared in the future, but the people also suffer the troubles of the present quite differently from the upper classes. The nobleman, by exposing his person, runs as many chances for glory as perils. By giving the State the greater part of his income, he temporarily deprives himself of some of the pleasures of his wealth. But, for the poor man, death has no prestige, and the tax that bothers the rich man often attacks the poor man's sources of life.

This relative weakness of democratic republics in time of crisis is perhaps the greatest obstacle opposing the establishment of such a republic in Europe. For the democratic republic to survive without difficulty among a European people, it would have to be established at the same time among all the other European peoples.

I believe that the government of democracy must, in the long run, increase the real forces of society; but it cannot assemble all at once, at one place, and at a given moment, as many forces as an aristocratic government or an absolute monarchy. If a democratic country remained under republican government for a century, you can believe that at the end of the century it would be richer, more populated and more prosperous than neighboring despotic States; but during this century, it would have run the risk several times of being conquered by them.

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are attached to the State by the most bonds; I know that there is nothing to bring up against the fact. But here the fact appears to me in contradiction with the theory, and the author, with Montesquieu. Perhaps it would be necessary for him to develop his idea a bit more. The following paragraph begins, moreover, to explain it well (YTC, CIIIb, 1, p. 110).

## Of the Power That American Democracy Generally Exercises over Itself

*That the American people only go along with something in the long run, and sometimes refuse to do what is useful for their well-being.—Ability that the Americans have to make mistakes that can be corrected.*

This difficulty that democracy has in vanquishing passions and silencing the needs of the moment with the future in mind is noticeable in the United States in the smallest things.

The people, surrounded by flatterers [and sycophants], succeed with difficulty in triumphing over themselves. Every time you want them to impose a privation or discomfort on themselves, even for an end their reason approves, they almost always begin by refusing. The obedience that Americans give to laws is rightly praised. It must be added that in America legislation is made by the people and for the people. So in the United States, the laws appear favorable to those who, everywhere else, have the greatest interest in violating it. Thus, it may be believed that a bothersome law, which the majority felt had no present utility, would not be put into effect or would not be obeyed.

In the United States, no legislation exists relating to fraudulent bankruptcies. Would it be because there are no bankruptcies? No, on the contrary, it is because there are many of them. The fear of being prosecuted as a bankrupt surpasses, in the mind of the majority, the fear of being ruined by bankruptcies; and in the public conscience there is a sort of culpable tolerance for the crime that each person condemns individually.

In the new states of the Southwest, the citizens almost always take justice into their own hands, and murders<sup>x</sup> happen constantly. That stems from the habits of the people being too rough and enlightenment being spread

x. In the manuscript: “are more frequent than fistfights among us.” The expression had been unanimously rejected by the readers: YTC, CIIIb, 1, p. 107 (Édouard de Tocqueville?), p. 105 (Gustave de Beaumont), and CIIIb, 2, p. 1 (Hervé de Tocqueville).

too little in these wilderness areas for anyone to feel the utility of giving the law some force. There they still prefer duels<sup>y</sup> to trials.

Someone<sup>z</sup> said to me one day, in Philadelphia, that nearly all crimes in America were caused by the abuse of strong liquors that the lower classes could use at will, because it was sold to them at a very low price. "Why," I asked, "don't you put a duty on brandy?" "Our legislators have often considered it," he replied, "but it is a difficult undertaking. They fear a revolt; and besides, the members who voted for such a law would very surely not be reelected." "So," I responded, "among you, drinkers are the majority, and temperance is unpopular."

When you point out these things to statesmen, they simply respond: Let time pass; feeling the evil will enlighten the people and will show them what they need. This is often true. If democracy has more chances to make a mistake than a king or a body of nobles, it also has more chances to return to the truth, once enlightenment comes; within a democracy there are generally no interests that are contrary to the interest of the greatest number and that fight reason. But democracy can only gain the truth by experience, and many peoples cannot wait for the results of their errors without perishing.

So the great privilege of the Americans is not only to be more enlightened than others, but also to have the ability to make mistakes that can be corrected.

Add that, in order to profit easily from the experience of the past, democracy must already have reached a certain degree of civilization and enlightenment.

We see some peoples whose first education has been so perverted, and whose character presents such a strange mixture of passions, of ignorance and erroneous notions about everything, that they cannot by themselves discern the cause of their miseries; they succumb to evils that they do not know.

y. Édouard de Tocqueville (?): "The word *duel* does not apply well to a half-civilized people. Couldn't you say: the majority still prefers *fight*s to trials?" (YTC, CIIIb, 1, pp. 107–8).

z. Mr. Washington Smith (in pocket notebook 3, 25 October 1831, YTC, BIIa, and *Voyage, OC*, V, 1, p. 184). See George W. Pierson, *Tocqueville and Beaumont in America*, p. 459.

I have traveled across vast countries formerly inhabited by powerful Indian nations that today no longer exist; I have lived among already mutilated tribes that, everyday, see their number decline and the splendor of their savage glory disappear; I have heard these Indians themselves foretell the final destiny reserved to their race. There is no European, however, who does not see what would have to be done to preserve these unfortunate peoples from inevitable destruction. But they do not see it; they feel the misfortunes that, each year, accumulate on their heads, and they will perish to the last man while rejecting the remedy. Force would have to be used to compel them to live.

We are astonished to see the new nations of South America stir, for a quarter century, amid constantly recurring revolutions; and each day we expect to see them recover what is called their *natural state*. But who can assert that today revolutions are not the most natural state of the Spanish of South America? In this country, society struggles at the bottom of an abyss from which it cannot escape by its own efforts.

The people who inhabit this beautiful half of a hemisphere seem obstinately bound to eviscerate themselves; nothing can divert them. Exhaustion makes them come to rest for an instant, and rest soon brings them back to new furies. When I consider them in this alternating state of miseries and crimes, I am tempted to believe that for them despotism would be a benefit.

But these two words will never be found united in my thought.

### Of the Manner in Which American Democracy Conducts the Foreign Affairs of the State

*Direction given to the foreign policy of the United States by Washington and Jefferson.—Nearly all the natural defects of democracy make themselves felt in the conduct of foreign affairs, and its qualities are felt little there.*

We have seen that the federal Constitution places the permanent leadership of the foreign interests of the nation in the hands of the President and of

the Senate,<sup>16</sup> which to a certain extent puts the general policy of the Union outside of the direct and daily influence of the people. So we cannot say in an absolute manner that, in America, it is democracy that conducts the foreign affairs of the State.

There are two men who gave the policy of the Americans a direction that is still followed today; the first is Washington, and Jefferson is the second.

Washington said, in this admirable letter addressed to his fellow citizens that forms the political testament of this great man:

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence therefore it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships, or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one People, under an efficient government, the period is not far off, when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest guided by justice shall Counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with

16. "[The President],” says the Constitution, art. 2, sect. II, paragraph 2, “shall have Power, by and with the Advice and Consent of the Senate, to make Treaties.” The reader must not lose sight of the fact that the term of Senators lasts six years, and that, chosen by the legislators of each state, they are the result of indirect election.

that of any part of Europe, entangle our peace and prosperity in the toils of European Ambition, Rivalship, Interest, Humour or Caprice?

'Tis our true policy to steer clear of permanent Alliances with any portion of the foreign world. So far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements (I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy). I repeat it, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary and would be unwise to extend them. Taking care always to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Previously Washington had expressed this excellent and sound idea: "The Nation, which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection."

The political action of Washington always aimed to follow his maxims. He succeeded in keeping his country at peace, when all the rest of the universe was at war, and he established as a point of doctrine that the well understood interest of Americans was never to take part in the internal quarrels of Europe.

Jefferson went still farther, and he introduced to the policy of the Union this other maxim: "That the Americans should never ask for privileges from foreign nations, so that they are never obligated themselves to grant such privileges."<sup>[\*]</sup>

These two principles, which due to their obvious soundness were easily grasped by the crowd, have extremely simplified the foreign policy of the United States.

Not mixing into Europe's affairs, the Union has, so to speak, no foreign interests to discuss, for it does not yet have powerful neighbors in America [it had to be grossly and groundlessly provoked in 1812 for it to consider taking up arms]. Placed by its situation as much as by its will outside the

[\*]. Washington had already indicated this maxim, but Jefferson put it into practice and introduced it into the ideas and mores of his country.

passions of the Old World, the Union does not have to protect itself from them anymore than to espouse them. As for the passions of the New World, they are still hidden in the future.

[The Union grows constantly larger; it appears different each year, for its prosperity has something revolutionary about it. So the clear interest of the Union, which changes daily, is not to create lasting ties. Ties useful today could soon hamper its course and compromise its future.]

The Union is free from previous commitments; so it profits from the experience of the old peoples of Europe, without being obliged, like them, to make use of the past and to adapt the past to the present;<sup>a</sup> it is not forced, as they are, to accept an immense heritage handed down by its fathers, a mixture of glory and misery, of national friendships and hatreds. The foreign policy of the United States is eminently one of wait-and-see; it consists much more of refraining from action than of doing.

So it is very difficult to know, for now, what skill American democracy will develop in the conduct of the foreign affairs of the State.<sup>b</sup> On this point, its adversaries as well as its friends must suspend their judgment.

As for me, I will have no difficulty in saying: it is in the leadership of the foreign interests of society that democratic governments seem to me decidedly inferior to others.<sup>[\*]</sup> In democracy, experience, mores, and edu-

a. In the margin: “≠America appears amid the civilized world with the strength of {youth and the experience of mature age.}≠” Cf. conversation with Mr. Latrobe, 3 November 1831 (non-alphabetic notebooks 2 and 3, YTC, BIIc, and *Voyage, OC, V, 1*, p. 120).

b. To the side: “≠So we must wait until matters become complicated and difficulties appear in order to be able to judge the degree to which American democracy will be capable of conducting the public affairs of society.≠”

Tocqueville’s short experience at the head of the Ministry of Foreign Affairs, from June to October 1849, confirmed his fears about the inferiority of democracies in foreign affairs (see his *Souvenirs, OC, XII*, p. 246). On this question, see Stephen A. Garrett, “Foreign Policy and the Democracies: De Tocqueville Revisited,” *Virginia Quarterly Review* 48, no. 4 (1972): 481–500.

[\*]. ≠Note, moreover, that the federal Constitution places the permanent leadership of the foreign interests of the nation in the hands of the President and the Senate, which to a certain extent places the general policy of the Union outside the daily influence of the democracy.≠

cation almost always end by creating the sort of everyday practical wisdom and the skill in the small events of life that is called good sense. Good sense suffices for the ordinary routine of society; and among a people whose education is already accomplished, democratic liberty applied to the internal affairs of the State produces greater good than the evil that can be caused by the errors of democratic government. But it is not always so in the relations of one people with another.

Foreign policy requires the use of almost none of the qualities that belong to democracy and, on the contrary, demands the development of nearly all those qualities that it lacks. Democracy favors the growth of the internal resources of the State; it spreads comfort, develops public spirit; strengthens respect for law in the different classes of society; all things that have only an indirect influence on the position of a people vis-à-vis another. But only with difficulty can democracy coordinate the details of a great undertaking, settle on one plan and then follow it stubbornly across all obstacles. It is little capable of devising measures in secret and patiently awaiting their result. These are the qualities that belong most particularly to a man or to an aristocracy. Now, in the long run it is precisely these qualities that make a people, like an individual, predominate in the end.

If, on the contrary, you pay attention to the natural defects of aristocracy,<sup>c</sup> you will find that the effect that these defects can produce can be felt hardly at all in the leadership of the foreign affairs of the State. The capital vice for which the aristocracy is reproached is to work only for itself alone

c. Hervé de Tocqueville:

It is absolutely necessary to add the words *in internal administration* in order to establish clearly the division between internal and external, so that the author cannot be accused of praising here the institution that he blamed above. In fact, history proves that the aristocracy, very strong externally, because it is led solely by the interest of the State, commits many mistakes internally, because its personal interest misleads it. The aristocracy of Rome had been absolute in regard to the plebeians. That of France committed enormous mistakes, and that of England for fifty years has not been much wiser (YTC, CIIIb, 2, p. 3).

and not for the mass. In foreign policy, it is very rare for the aristocracy to have an interest distinct from that of the people.

The inclination that leads democracy in policy matters to obey sentiments rather than reasoning, and to abandon a long developed plan for the satisfaction of a momentary passion, clearly revealed itself in America when the French Revolution broke out. The simplest insights of reason would suffice then, as today, to make the Americans understand that it was not in their interest to get engaged in the struggle that was going to cover Europe in blood, and from which the United States could suffer no harm.

The sympathies of the people in favor of France came out with such violence, however, that nothing less was required to prevent a declaration of war against England than the unyielding character of Washington and the immense popularity that he enjoyed.<sup>d</sup> And yet, the efforts made by the austere reason of this great man to combat the generous but unthinking passions of his fellow citizens very nearly deprived him of the only recompense that he had ever expected, the love of his country. The majority pronounced against his policy; now, the whole people approve it.<sup>17</sup>

If the Constitution and public favor had not given Washington the leadership of the foreign affairs of the State, the nation would certainly have done then precisely what it condemns today.<sup>e</sup>

d. In the margin: "{see the *History of Pitkin.*}"

17. See the fifth volume of the *Life of Washington* by Marshall. "In a government established as that of the United States," he says, page 314, "the chief executive, whatever his firmness, cannot long present a barrier to the torrent of popular opinion; and the popular opinion that then prevailed seemed to lead to war. In fact, in the session of Congress held at this time, it was seen very frequently that Washington had lost the majority in the House of Representatives. Outside, the violence of the language used against him was extreme; in a political meeting, some were not afraid to compare him indirectly with the traitor Arnold (p. 265). Those who belonged to the opposing party," says Marshall again (p. 353), "claimed that the partisans of the administration were an aristocratic faction that was submissive to England and, wanting to establish a monarchy, was therefore the enemy of France; a faction whose members constituted a kind of nobility, that had shares of the Bank as titles, and that was so afraid of any measure that could influence its capital, that it was insensitive to the insults that both the honor and the interest of the nation demanded to be rejected."

e. Cf. note h for p. 190.

Nearly all the peoples who have acted strongly on the world, those who have conceived, followed and executed great designs, from the Romans to the English, were led by an aristocracy; and how can you be surprised [≠when you see the part that must be attributed to the continuous effect of the same will in human events≠]?

In this world, what is most steady in its views is an aristocracy. The mass of people can be seduced by its ignorance or its passions. You can catch the mind of a king unawares and make him vacillate in his plans; and, besides, a king is not immortal. But an aristocratic body is too numerous to be won over, too few in number to yield easily to the intoxication of unthinking passions. An aristocratic body is a firm and enlightened man who does not die.<sup>f</sup>

f. The Pennsylvania Historical Society retains a commentary by Tocqueville on the question of French indemnities in the United States and American foreign policy. (This document had been catalogued by mistake as belonging to *Democracy in America*.) The reference to the correspondence of Livingston and the possibility that the latter had not yet left France when Tocqueville wrote his commentary led to the thought that these pages date from April or the beginning of May 1835, that is, a few months after the publication of the first part of the book. Nor is there any indication in the Yale Collection that allows a relationship to be established between these pages and the manuscript of the work. Perhaps documents in the hands of the Commission charged with the edition of Tocqueville's works would be able to offer some decisive information as to the origin of this commentary. This text, to an unknown recipient, is part of the collection of manuscripts of Ferdinand Dreer, even though the catalogue of the collection, edited by Dreer himself (*A Catalogue of the Collection of Autographs formed by Ferdinand Julius Dreer*, Philadelphia: printed for private distribution, 1890, 2 vols.), mentions no document of Tocqueville. This unedited manuscript had been utilized by William E. Lingelbach, in his commentary "American Democracy and European Interpreters," *Pennsylvania Magazine of History and Biography* 61, no. 1 (January 1937): 1–25 (in pages 8 and 9).

Here is the text:

First here is what the *Constitution* says. Then I will examine the commentaries and the *practice*.

The second section of Article II of the constitution reads: "[*The President*] shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors."

In section three of the same Article, you read: "[*The President*] shall receive Ambassadors and other public Ministers."

Commentaries.

I consulted the three most respected commentaries. They are the *Federalist*, work published by three of the principal draftsmen of the federal Constitution, the commentaries of Chancellor Kent, and those of Justice Story.

[In the margin: *Federalist*, No. 43–64, vol. 2.

Story's *Commentaries*, pp. 556 and 576.]

Here are the doctrines that result. I will put my authorities in the margin.

The Senate of the United States is an assembly vested with a double character; it is at the same time a legislative body and an administrative body. In the first case, its deliberations are public; they are secret in the other case. The Senate in its quality of administrative body is charged jointly with the President with making treaties. As such it would clearly have the right to take part in negotiations,<sup>1</sup> but it has been wisely admitted in practice that the Senate had to leave to the President, *sole intermediary of the nation with foreign ministers*, the right to start, direct, and provisionally conclude treaties. They are afterward submitted to the Senate, which approves, rejects or modifies them, depending on its views.

It was a great question in the United States to know if a treaty concluded in this way still had to be submitted to Congress or if it bound the nation *ipso facto*.

The House of Representatives declared in 1796<sup>2</sup> that when the enforcement of certain clauses required the passage of a law, Congress had the right, in regard to this law, to deliberate on the treaty itself. Washington in a message that same year refused to recognize such a power in Congress.

*This opinion of Washington*, says Kent, *seems to have become the prevailing one in America. The House of Representatives in 1816 had the occasion to show that it shared it.* To a certain degree, this opinion explains the language of General Jackson; it served him as pretext and support for saying [that (ed.)] France would fail to meet its *agreements* if the Chamber of Deputies rejected the treaty.

It is clear to me from the texts, and from the commentaries that I have just cited, as well as from what I learned myself in America, that the Constitution and practice made the President of the United States the usual and sole representative of the nation vis-à-vis foreigners. Ministers address themselves to him alone; all words and all pieces pass through him to reach the Senate.

Now, if President Jackson by his message, which is after all only the speech of an official, did not involve the American nation in a quarrel with the French nation, at least it is certain that, as an individual, he gravely offended France. Can France, respecting its honor, continue to accept this man as the *sole and necessary intermediary* between itself and the American nation, at least until this man has given some honorable explanations? I do not think so, neither as an individual, nor as a Frenchman.

Far from President Jackson appearing disposed during three months to retract his outrageous insinuations, his conduct has continued to be more and more arrogant. His letter to Mr. Livingston indicated that with pleasure he would have seen the

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Ambassador of the United States immediately leave France at the moment when passports had been offered to him.

In summary, I think that the Chamber, by adopting the principle of the law, by agreeing to separate (which is not already to act like Louis XV) the American nation from its President, the Chamber, I say, can do nothing less than declare that it only acted in this way because it was persuaded that the ministers will not accredit any diplomatic agent close to the President of the United States except in the case that the latter would give a satisfactory explanation for his words.

By acting in this way, only a temporary embarrassment in relations can result, since the term of the President expires in two years.

1. Mr. Story says, p. 558: "The Senate has very rarely, if ever, been consulted before the clauses of the treaty were settled; the treaty was then submitted to the Senate for ratification."

2. See *Kent's Commentaries*, vol. I, p. 267.

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The edition of the *Federalist* cited here by Tocqueville is probably the French translation, in two volumes, published by Buisson, which appeared in Paris in 1792. See note n for p. 193.



CHAPTER 6<sup>a</sup>

*What Are the Real Advantages That  
American Society Gains from the  
Government of Democracy?*

[Before beginning this chapter I feel the need to explain myself. I do not want my thought enclosed within limits that I have not set.

When I speak generally about the advantages of {that a country can gain from} the government of democracy, I am not talking only about the government that democracy has provided for itself in America, but about all types of government that emanate from democracy.

Every time that the government of a people is the sincere and permanent

a. Édouard de Tocqueville:

I criticize this whole chapter for being very favorable to the government of democracy at the expense of other governments. It seems to me that America is too young, that its society is too new and, you could even say, still too incomplete to draw arguments so positively advantageous to the government that it is attempting; it cannot be denied that the basis of your thought in this chapter seems to be sympathetic to American institutions; now, it would be unfortunate if someone were to believe that you came back from America American, following the usual inclination of men, and of Frenchmen above all, who greatly admire what they go to seek far away, while deprecating what is found at home. So I believe it would perhaps be good to show democratic government a little less favorably and make a bit more use of the dubitative form, perhaps to be a bit more severe as well about the bad things and the vicious aspects of this government, which would make your impartiality emerge more fully; finally, remove all the expressions that seem like those of a young man and that do not constitute true warmth of style (YTC, CIIIb, 1, pp. 101–2).

expression of the will of the greatest number, that government, whatever the forms, is democratic.<sup>b</sup>

So democracy can rule over a unified nation as over a confederation, in a monarchy as in a republic.

I admit that of all governments the one that seems to me most natural to democracy is republican government. When the social state of a people turns toward democracy, the republic becomes for them a probable consequence of this social state; but I do not believe that it is a necessary consequence.

If the majority of all the citizens do violence to the instincts of equality that are natural to them and, favoring order and governmental stability, consent to vest the attributes of executive power in a family or a man who, while still leading, depends on them, there is nothing in that that shocks reason. So the rule of all and the government [v: the administration] of one man can be seen at the same time. I confess that this much reduces royal majesty, but the time is coming when, if kings do not want to take the places left [v: still offered] to them, they will no longer find any to take.<sup>c</sup>

Before beginning the present chapter, I feel the need to remind the reader of what I have already pointed out several times in the course of this book.

The political constitution of the United States seems to me one of the forms that democracy can give to its government; but I do not consider American institutions as either the only or the best that a democratic people should adopt.

So by making known what good things the Americans gain from the government of democracy, I am far from claiming or thinking that such advantages can only be obtained with the help of the same laws.

b. To the side: “To retouch all of this small chapter. *According to L[ouis (ed.)]*, my purpose is not seen clearly enough. One doesn’t know if this isn’t a carefully phrased remark in favor of despotism or of L[ouis (ed.)]. P[hilippe (ed.)].”

c. This fragment also appears in YTC, CVh, 3, pp. 38–39, accompanied (p. 38) by the following comment in the margin: “All of this preamble seems to me of questionable utility, because the thought that led to writing it does not emerge clearly. As I am going to say things favorable to democracy, I am afraid that someone might suppose that I wanted to praise the *American republic*, and given this fear, I wanted to extend what I said about America to democracy in general. But I do not know if my intention is grasped.”

Of the General Tendency of Laws under the  
Dominion of American Democracy, and Of the  
Instinct of Those Who Apply Them

*The vices of democracy are immediately apparent.—Its advantages are seen only in the long run.—American democracy is often clumsy, but the general tendency of its laws is beneficial.—Public officials, under American democracy, have no permanent interests that differ from those of the greatest number.—What results from that.*

The vices and weaknesses of the government of democracy are easily seen; they are demonstrated by obvious facts, while its salutary influence is exerted in an imperceptible and, so to speak, hidden way. Its drawbacks are striking at first sight, but its qualities are revealed only in the long run.

The laws of American democracy are often defective or incomplete; it happens that they violate vested rights or sanction dangerous ones. Were they good, their frequency would still be a great evil. All of this is seen at first glance.

So why do the American republics live on and prosper?

In laws, the end that they seek must be carefully distinguished from the way in which they move toward that end; their absolute goodness, from goodness that is only relative.<sup>d</sup>

d. In legislation, three things must be carefully discerned: 1. its *general tendency*, 2. its *perfection* (once its direction is given), and 3. the *manner* in which it is executed. A perfect law would be the one that would have the most useful tendency, that would move toward this end by the most skillful and most effective provisions, and that would be executed by the best agents. But this perfection is hardly ever found.

The laws of democracy are decidedly defective in the last two objects. But I am tempted to believe that they are superior in the first, and in this way I explain their general result, which often seems in general contradiction to reason and daily experience. See the example of England (YTC, CVh, 4, pp. 77–78).

I suppose that the purpose of the legislator is to favor the interests of the few at the expense of those of the many; his measures are devised in a way to obtain the result that he wants in the least time and with the least possible effort. The law will be well made; its aim, bad. It will be dangerous in proportion to its very effectiveness.

The laws of democracy tend, in general, toward the good of the greatest number, for they emanate from the majority of all citizens; the majority can be mistaken, but cannot have an interest against itself.

Those of aristocracy tend, on the contrary, to monopolize wealth and power in the hands of the few, because the aristocracy by its nature always forms a minority.

So we can say, in a general way, that the purpose of democracy, in its legislation, is more useful to humanity than the purpose of aristocracy in its legislation.

But its advantages end there.

Aristocracy is infinitely more skillful in the science of lawmaking than democracy can be. Having self-control, aristocracy is not subject to passing impulses; it has long-term plans that it knows how to develop until the favorable opportunity presents itself. Aristocracy proceeds skillfully; it knows the art of bringing together at the same time, toward the same point, the collective force of all its laws.

Not so with democracy; its laws are nearly always defective or ill-timed.

[In the eyes of the world, laws badly made or made at the wrong time discredit the legislative spirit of democracy.]<sup>e</sup>

e.

DEMOCRACY.

Imperfect laws. Succession of laws, a great evil.

Incapable or vice-ridden officials, but not having an interest contrary to the greatest number.

Laws badly made or made [v: interpreted] wrong on purpose, that is what discredits the legislative spirit of democracy.

ARISTOCRACY.

Tendency of laws contrary to the interests of the greatest number.

Capable and honest officials, but having an interest contrary to the greatest number and acting either with their consent or without their knowledge.

Less wisdom in each effort, but a greater result produced by the sum of efforts.

So the means of democracy are more imperfect than those of aristocracy. Democracy, without wanting to, often works against itself; but its end is more useful.

Imagine a society that nature, or its constitution, had organized in a way to bear the transient effect of bad laws, a society that, without perishing, can await the result of the *general tendency of the laws*;f and you will understand that, of all governments, the government of democracy, despite its flaws, is still the most appropriate to make this society prosper.

This is precisely what happens in the United States; here I repeat what I have already expressed elsewhere: the great privilege of the Americans is to be able to make mistakes that can be corrected.

I will say something analogous about public officials.

It is easy to see that American democracy is often wrong in its choice of the men to whom it confides power; but it is not as easy to say why the State prospers in their hands.

Note first that, in a democratic State, if those who govern are less honest or less capable, the governed are more enlightened and more attentive.

In democracies, the people, constantly occupied as they are with their affairs and jealous of their rights, prevent their representatives from departing from a certain general line drawn by the interest of the people.

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If democracy could direct the spirit of legislation and aristocracy could make the laws.

This tie that binds men with or without their knowledge to the consequences of the principle that they accepted is one of the greatest miseries and greatest humiliations of our nature (YTC, CVh, 4, p. 75).

f. Hervé de Tocqueville:

If a society made only bad laws, the effect of these laws would be to bring about bad tendencies, and everything would go to the devil.

This subject is extremely abstract, and needs to be reviewed and considered again. I believe that the difficulty comes from the fact that Alexis seems to assume that most of the American laws are bad; I imagine that it is the opposite. Without that, the system that the author puts forth would not be tenable (YTC, CIIIb, 1, p. 93).

Note too that if the democratic magistrate exercises power worse than another, he generally holds it for less time.<sup>g</sup>

But there is a more general and more satisfying reason than the latter.

It is undoubtedly important for the good of nations that those who govern have virtues and talents; but perhaps it is even more important to them that those who govern have no interests contrary to the mass of the governed; for, in this case, virtues could become nearly useless, and talents, destructive.

I said it was important that those who govern have no interests contrary to or different from the mass of the governed; I did not say it was important that they had interests similar to those of *all* the governed, for I am not aware that such a thing has yet been seen.

The political form has not yet been found that equally favors the development and the prosperity of all the classes that make up society. These classes have continued to form like so many distinct nations in the same nation, and experience has proved that it was nearly as dangerous to put the fate of the others completely in the hands of any one of them as to make one people the arbiter of the destiny of another people. When the rich alone govern, the interest of the poor is always in danger; and when the poor make the laws, the interest of the rich runs great risks. So what is the advantage of democracy? The real advantage of democracy is not, as some have said, to favor the prosperity of all, but only to serve the well-being of the greatest number.

Those charged, in the United States, with leading public affairs are often

g. Hervé de Tocqueville:

In my view, that is the true, often noted reason why, in the republics of antiquity, the more clearly it was noticed that officials abused their power, the more the term of office was shortened. Thus, in Athens the archons for life were reduced to ten years, and then to one year. In Rome, the power of the consuls, which lasted only one year, was much less dangerous than that of the tribunes, which lasted five years; the dictatorship, despite its omnipotence, only became dangerous to liberty when it dared to go beyond the limit of six months that had been set by law (YTC, CIIIb, 1, p. 94).

Here, as elsewhere, Hervé uses arguments taken from Montesquieu (cf. chapter III of book II of *L'esprit des lois*).

inferior in capacity and morality to the men whom aristocracy would bring to power; but their interest merges and is identified with that of the majority<sup>h</sup> of their fellow citizens. So they can commit frequent infidelities and serious errors, but they will never systematically follow a tendency hostile to this majority; and they can never impart an exclusive and dangerous direction to the government.

The bad administration of a magistrate, under democracy, is moreover an isolated fact that has influence only during the short term of the administration. Corruption and incompetence are not common interests that can bind men together in a permanent way.

A corrupt or incompetent magistrate will not combine his efforts with another magistrate for the sole reason that the latter is, like him, incompetent and corrupt; and these two men will never work in unison to make corruption and incompetency flower among their descendants. On the contrary, the ambition and the maneuvering of the one will serve to unmask the other. In democracies, the vices of the magistrate are, in general, entirely personal.

But public men, under the government of aristocracy, have a class interest that, if it sometimes merges with the interest of the majority, often remains distinct from it. This interest forms a common and lasting bond among these public men; it invites them to unite and to combine their efforts toward an end that is not always the happiness of the greatest number. It not only links those who govern with each other; it also links them with a considerable portion of the governed, for many citizens, without holding any office, are part of the aristocracy.

So the aristocratic magistrate finds a constant support in society, at the same time that he finds one in government.

This common objective that, in aristocracies, unites magistrates with the interest of a part of their contemporaries, also identifies them with and, so to speak, subjects them to future races. They work for the future as well as for the present. So the aristocratic magistrate is pushed simultaneously toward the same point, by the passions of the governed, by his own, and I could almost say by the passions of his posterity.

h. In the manuscript: "of the greatest number."

How can we be surprised if he doesn't resist? Consequently, in aristocracies we often see even those not corrupted by class spirit dragged along by it and unknowingly made to adapt society little by little to their own use and to prepare it for their descendants.

I do not know if an aristocracy has ever existed as liberal as that of England, and that has, without interruption, provided the government of the country with men as worthy and as enlightened.

It is easy to recognize, however, that in English legislation the good of the poor has often ended by being sacrificed to that of the rich,<sup>j</sup> and the

j. This sentence provoked the immediate reaction of two English readers. In a letter of 17 February 1835, Nassau Senior remarked:

I do not think that in England the wealth of the poor has been sacrificed to that of the rich. As far as my investigations extend, the wages of the English labourer are higher than those of any labourer. He has no landed property, because it is more profitable to him to work for another than to cultivate; but this depends on the same ground which makes it more profitable to work for a cotton manufacturer than to make stockings for his own use. It is a part of the division of labour, of which la grande culture is only an instance (*Correspondence and Conversations of Alexis de Tocqueville and Nassau William Senior*, London: Henry S. King & Co., 1872, I, pp. 4–5).

Tocqueville replied:

It seems to me that you give to the expression *le bien du pauvre* a confined sense that was not mine: you translate it *wealth*, a word especially applied to money. I meant by it all that contributes to happiness: personal consideration, political right, easy justice, intellectual enjoyments, and many other indirect sources of contentment. I shall believe, till I have proof of the contrary, that in England the rich have gradually monopolized almost all the advantages that society bestows upon mankind. Taking the question in your own restricted sense, and admitting that a poor man is better paid when he works on another man's land than when he cultivates his own, do you not think that there are political, moral, and intellectual advantages, which are a more than sufficient and, above all, a permanent compensation for the loss that you point out? (letter of 21 February 1835, *ibid.*, p. 7).

He replied in slightly different terms to Basil Hall, officer in the English navy and author of the controversial work on the United States *Travels in North America in the Years 1827 and 1828*:

You reproach me for having said *that the interests of the poor were sacrificed in England to those of the rich*. I confess that this thought, exposed in so few words, thrown out in passing, without commentary, naturally tends to present a meaning much more absolute than what I intended to give it, and my intention has always been to modify

rights of the greatest number to the privileges of a few. Therefore, within England today all the greatest extremes of fortune are present together, and miseries are found there that nearly equal its power and glory.<sup>k</sup>

In the United States, where public officials have no class interest to insist upon, the general and continuous course of government is beneficial, even though those who govern are often lacking in skill and sometimes contemptible.

So there is, at the heart of democratic institutions, a hidden tendency that often makes men work toward the general prosperity, despite their vices or errors, while in aristocratic institutions a secret inclination is sometimes uncovered that, despite talents and virtues, carries them toward contributing to the miseries of their fellows. In this way, in aristocratic governments, public men can do evil without wanting to do so, and in democracies, they can produce good without thinking to do so.<sup>m</sup>

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it when I would be able to revise my work. What I principally wanted to say is that England is a country where wealth is the *necessary preliminary* to a multitude of things that elsewhere can be obtained without it. So that in England there is a multitude of careers that are much more closed to the poor than they are in several other countries. This would still require a great number of explanations to be well understood. I am obliged to postpone them until the moment when I will have the pleasure of seeing you again. Château de Baugy, 19 June 1836. With the kind permission of the library of Princeton University (General Manuscripts [MISC] Collection, Manuscripts Division, Department of Rare Books and Special Collections). See note d for pp. 819–21 of volume III.

k. In the manuscript: “Thus England today has reached a level of misery that nearly equals its power . . .”

Hervé de Tocqueville: “The word *England* presents too absolute an idea that reason immediately contests. I believe that it would be necessary to put: *the lower class in England has reached*, etc.” (YTC, CIIIb, I, p. 95).

m. The world is a book entirely closed to man.

So there is at the heart of democratic institutions a hidden tendency that carries men toward the good [v: to work toward general prosperity] despite their vices and errors; while in aristocratic institutions a secret inclination is sometimes uncovered that, despite talents and virtues, leads them to contribute to the miseries of the greatest number of their fellows.

If a hidden force independent of men did not exist in democratic institutions, it would be impossible to explain satisfactorily the peace and prosperity that reign within certain democracies (YTC, CVh, 4, p. 76).

[If it were not so, who could understand what happens among men?

We would see some peoples enjoy a greater mass of well-being and prosperity than other peoples and, when we came to examine the detail of their government, we would find something to correct in each of its actions.

Other peoples would have something more than the usual state of human miseries as their share, and their public affairs would seem wisely conducted.

So is prosperity in the world the reward of error and folly; are miseries the recompense for skill and wisdom?/

This involuntary obedience of man to his own laws seems to me one of the great miseries of our nature.

Who could say within what narrow limits what we call our free will is exercised? Man obeys first causes of which he is unaware, secondary causes that he cannot foresee, a thousand caprices of his fellows; in the end, he puts himself in chains and binds himself forever to the fragile work of his hands.]<sup>n</sup>

### Of Public Spirit in the United States<sup>o</sup>

*Instinctive love of country.—Thoughtful patriotism.—Their different characters.—That peoples must tend with all their might toward the second when the first disappears.—Efforts that the Americans have made to succeed in doing so.—The interest of the individual intimately bound to that of the country.*

There exists a love of country that has its source principally in the unthinking, disinterested and indefinable sentiment that binds the heart of the man to the places where the man was born. This instinctive love is mingled with

n. In the first chapter of the *Social Contract*, Rousseau asserts that if man is born free, he finds himself everywhere in chains. The image is customary at that time.

o. To the side: “{Mr. Parier [?(ed.)] will leave blank what I} enclosed in lines.” (It probably involves the copyist of the manuscript. Here and there fragments in his hand are found in the manuscript.)

the taste for ancient customs, with respect for ancestors, and the memory of the past; those who experience it cherish their country as one loves the paternal home. They love the tranquillity that they enjoy there; they are fond of the peaceful habits that they contracted there; they are attached to the memories that it offers, and even find some sweet pleasure in living there in obedience. Often this love of country is intensified even more by religious zeal, and then you see it accomplish miracles. It is itself a kind of religion; it does not reason, it believes; it feels; it acts. Some peoples have been found who have, in some way, personified the country and have caught sight of it in the prince. So they have transferred to him a part of the sentiments that compose patriotism; they have boasted about his triumphs and have been proud of his power. There was a time, under the old monarchy, when the French felt a sort of joy in feeling themselves given, without recourse, to the arbitrariness of the monarch, and said with pride: "We live under the most powerful king in the world."<sup>p</sup>

Like all unthinking passions, this love of country encourages great episodic efforts rather than continuity of efforts. After saving the State in time of crisis, it often leaves it to decline amid peace. [≠ This love of country is found in the cradle of societies; it presides during the early ages of peoples.≠]

When peoples are still simple in their mores and firm in their beliefs; when society rests gently upon an old order of things, whose legitimacy is uncontested, you see this instinctive love of country reign.<sup>q</sup>

There is another love of country more rational than that one; less generous, less ardent perhaps, but more fruitful and more durable; this one arises from enlightenment; it develops with the help of laws; it grows with the exercise of rights; and it ends up merging, in a way, with personal interest. A man understands the influence that the well-being of the country has on his own; he knows that the law allows him to contribute to bringing

p. Hervé de Tocqueville: "All of this piece is charming; nonetheless the words *caught sight of* are not good" (YTC, CIIb, 1, p. 95).

q. "If God had granted me the power to change societies at will, and if I found along my way a people who had remained in this state, I would hesitate a long time, I admit, before trying to draw them out of that state" (YTC, CVh, 3, p. 5).

this well-being into being, and he interests himself in the prosperity of his country, first as something useful to him and then as his work.

But sometimes, in the life of peoples, a moment occurs when ancient customs are changed, mores destroyed, beliefs shaken, the prestige of memories has vanished, yet when enlightenment has remained incomplete and political rights poorly guaranteed or limited. Then men no longer see the country except in a weak and doubtful light; they no longer locate it either in the soil, which in their eyes has become an inanimate land, or in the customs of their ancestors, which they have been taught to regard as a burden; or in religion, which they doubt; or in the laws, which they do not make, or in the legislator, whom they fear and scorn. So they see it nowhere, not under its own features any more than under any other, and they withdraw into a narrow and unenlightened egoism. These men escape prejudices without recognizing the empire of reason; they have neither the instinctive patriotism of monarchy, nor the thoughtful patriotism of the republic; but they have stopped between the two, in the middle of confusion and misery.

What is to be done in such a state? Go back. But peoples do not return to the sentiments of their youth any more than men to the innocent tastes of early years; they can regret them, but not make them come again. So it is necessary to move ahead and hasten to unite, in the eyes of the people, individual interest and the interest of the country, for disinterested love of country flies away never to return.<sup>r</sup>

r. I see in Europe an innumerable multitude that finds itself entirely excluded from the administration of its country. I think at first that these men, seeing themselves reduced to such a state [v: bondage] are going to become indignant, but no, they rejoice in it.

For my part, what I most reproach despotism for are not its rigors. I would pardon it for tormenting men if it did not *corrupt* them. Despotism creates in the soul of those who are subjected to it a blind passion for tranquillity, a kind of depraved taste for obedience, a sort of inconceivable self-contempt that ends up making them indifferent to their interests and enemies of their own rights.

Then they wrongly persuade themselves that by losing in this way all the privileges of civilized man, they escape all his burdens and evade all his duties. So they feel free and count in society like a lackey [v: valet] in the house of his master; and think that they have only to eat the bread that is left for them, without concerning themselves about the cares of the harvest.

I am surely far from claiming that to reach this result we must suddenly grant the exercise of political rights to all men; but I say that the most powerful means, and perhaps the only one remaining to us, to interest men in the fate of their country, is to make them participate in its government. Today, civic spirit seems to me inseparable from the exercise of political rights; and I think that from now on, we will see the number of citizens in Europe increase or decrease in proportion to the extension of these rights.

How is it that in the United States, where the inhabitants arrived yesterday on the soil that they occupy, where they brought neither customs, nor memories; where they meet for the first time without knowing each other; where, to put it in a word, the instinct for native land can hardly exist; how is it that each person is involved in the affairs of his town, of his district, and of the entire State as his very own? Because each person, in his sphere, takes an active part in the government of society.

The common man in the United States has understood the influence that general prosperity exercises over his own happiness, an idea so simple and yet so little known by the people. He has, moreover, become accustomed to regarding this prosperity as his work. So, in public fortune, he sees his own, and he works for the good of the State, not only by duty or by pride, but I would almost dare to say by cupidity.

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When a man has reached this point, I will call him, if you want, a peaceful inhabitant, an honest settler, a good family man. I am ready for everything, provided that you do not force me to give him the name of citizen.

I am surely far from claiming that the exercise of political rights can be suddenly granted to all men. But I say that civic spirit is nearly inseparable from the exercise of political rights. So the number of citizens always increases or decreases in a country in proportion to the extension of these rights, and where the exercise can be granted to all, the development of civic spirit is nearly without limits (YTC, CVh, 1, pp. 2–4).

A note dated 1840, when Tocqueville was a deputy and was occupied in the Chamber with the electoral issue, specified, however: “As for electoral reform, here is my sentiment. The mode of election: I absolutely refuse all lowering of the electoral qualification or equivalent additions.—I do not want a more *radical* election law, but a more *moral* one—an electoral system that makes corruption by patronage more difficult—1840.” Note reproduced in Pierre Roland-Marcel, *Essai politique sur Alexis de Tocqueville*, Paris: Félix Alcan, 1910, p. 211.

[He values his rights as a citizen as his rights as a proprietor, and he takes an interest in the State as in his cottage or in the field that his labors have made fruitful.]

It is not necessary to study the institutions and the history of the Americans to know the truth of the preceding; the mores alert you to it well enough. The American, taking part in all that is happening in this country, believes it is in his interest to defend all that you criticize there; for it is not only his country that you then attack, it is himself. Consequently, you see his national pride resort to all the artifices and descend to all the puerilities of individual vanity.

[An American in his country resembles a lover of gardens on his grounds. Don't you admire this rock? Is there anything more graceful than the contour of this stream? Aren't these trees planted well and to good effect? Whatever you say, do not hope to satisfy him. The reason is simple. You admire what is good, and he admires his work.]

There is nothing more annoying in the experience of life than this irritable patriotism of the Americans. The foreigner would gladly agree to praise a great deal in their country; but he would want them to allow him to find fault with something, and that is what they absolutely refuse.

So America is a country of liberty, where, to hurt no one, the foreigner must not speak freely about individuals, nor the State, nor the governed, nor those who govern, nor public enterprises, nor private enterprises, about nothing in fact that you find there, except perhaps for climate and soil; even then you find some Americans ready to defend the one and the other as if they had taken part in their formation.<sup>s</sup>

Today it is necessary to know how to make up your mind and dare to

s. American patriotism is already mentioned in the first letter that Tocqueville sent to his family during his voyage to the United States: "These people seem to me to stink of national pride; it pokes through all of their politeness" (Letter to his mother, 26 April 1831, YTC, B1a2; this sentence does not appear in the edition of Tocqueville's works done by Beaumont). Beaumont, on his side, writes in his novel: "The writers, in the United States, who want to find readers are obliged to praise all that belongs to the Americans, even their rigorous climate, about which they can assuredly change nothing. In this way, Washington Irving, despite all of his intelligence, believes himself forced to admire the temperate heat of the summers and the mildness of the winters in North America" (*Marie*, I, pp. 360–61).

choose between the patriotism of all and the government of a few, for you cannot at the same time combine the social strength and activity given by the first with the guarantees of tranquillity sometimes provided by the second.

### Of the Idea of Rights in the United States

*There are no great peoples without the idea of rights.—What is the way to give the people the idea of rights.—Respect for rights in the United States.—What gives rise to it.*

After the general idea of virtue, I do not know any more beautiful than that of rights, or rather, these two ideas merge. The idea of rights is nothing more than the idea of virtue introduced into the political world.

With the idea of rights, men have defined what license and tyranny were. Enlightened by it, each person has been able to show himself independent without arrogance and submissive without servility. The man who obeys violence yields and abases himself; but when he submits to the right of command that he acknowledges in his fellow, he rises, in a way, above even the one commanding him. There are no great men without virtue; without respect for rights, there is no great people. You can almost say that there is no society; for what is a gathering of rational and intelligent beings bound together only by force?<sup>t</sup>

t. In the world there are two kinds of respect for rights that must not be confused; one, unthinking, arises from custom and grows stronger in ignorance. What for a long time has been powerful and strong is respected, and the right to command is judged by the fact of command. This respect for rights only guarantees the existence of the strong, not that of the weak. Where it reigns, there is tranquillity, but there is no liberty; neither prosperity nor independence is found.

Authority based on this instinctive respect for (illegible word) [v: {for rights}] is absolute as long as no one contests its right; the day it is disputed, it is reduced almost to nothing.

There is another kind of respect for rights. The latter is reciprocal and guarantees the privileges of the subject as well as those of the prince. This respect for rights was based on reason and experience. Once it reigns in society, it is very difficult to destroy it.

I wonder what way there is today to inculcate men with the idea of rights and to make it apparent to their senses, so to speak; and I only see a single one; it is to give all of them the peaceful exercise of certain rights. You see that clearly with children, who are men, except for strength and experience. When a child begins to move among external objects, instinct leads him to put everything that comes within reach to his own use; he has no idea of the property of others, not even that of existence; but as he is informed about the cost of things and as he discovers that things can, in turn, be taken from him, he becomes more circumspect and ends by respecting in his fellows what he wants them to respect in him.

What happens to the child concerning toys, happens later to the man concerning all the objects belonging to him. Why in America, country of democracy par excellence, does no one raise against property in general the complaints that often resound in Europe? Is it necessary to say? In America there are no proletarians. Each person, having an individual possession to defend, recognizes in principle the right of property.

In the political world, it is the same. In America the common man has conceived a high idea of political rights, because he has political rights; he does not attack the rights of others, so that no one violates his. And while in Europe this same man has no regard even for the sovereign authority, the American submits without murmuring to the power of the least of his magistrates.

This truth appears even in the smallest details of the existence of peoples. In France, there are few pleasures exclusively reserved for the upper classes of society; the poor man is admitted almost everywhere the rich man is able

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[In the margin: The one is a sentiment rather than an idea. The other is based on an idea rather than on a sentiment. The one is instinctive; the other is rational.]

But there are centuries when peoples, having lost the habit of respecting what they do not know, still have not learned to know what they must respect. Then peoples are tormented by a profound illness, tossing and turning without rest, like a sick man stretched out aboard ship on his unsteady sickbed; there are even some who perish during this transition [from (ed.) custom to reason.

[In the margin: You could more easily turn a river back upon its source than make this instinctive respect for rights reappear.]

I wonder what the way is . . . (YTC, CVh, 3, pp. 11–13).

to enter. Consequently you see him conduct himself with decency and respect all that is useful for the enjoyments that he shares. In England, where wealth has the privilege of pleasure, like the monopoly of power, the complaint is that when the poor man succeeds in getting furtively into the place destined for the pleasures of the rich man, he loves to cause pointless damage. Why be astonished by this? Care has been taken so that he has nothing to lose.

The government of democracy makes the idea of political rights descend to the least of citizens, as the division of property puts the idea of the right of property in general within reach of all men. That is one of its greatest merits in my view.

I am not saying that it is an easy thing to teach all men to use political rights; I am only saying that, when it is possible, the effects that result are great.

And I add that if there is a century when such an enterprise must be attempted, that century is our own.

Don't you see that religions are growing weaker and that the divine notion of rights is disappearing? Don't you find that mores are becoming corrupted and that, with them, the moral notion of rights is fading away?

Don't you see, on all sides, beliefs giving way to reasoning, and sentiments, to calculation? If, in the midst of this universal disturbance, you do not succeed in linking the idea of rights to personal interest, which offers itself as the only fixed point in the human heart, what will you have left for governing the world, if not fear?<sup>u</sup>

u. It is because I see the rights of governments disputed, that I think it necessary to hasten to give rights to those governed.

It is because I see democracy triumphing, that I want to regulate democracy.

[In the margin: If morality was strong enough by itself, I would not regard it as so important to rely on what is useful.

If the idea of what is just was more powerful, I would not speak so much about the idea of what is useful.]

You say to me that, since morality has become lax, new rights will be new items for the passions of today; that since governments are already weak, new rights will give new weapons to their enemies to use against them; that democracy is already too strong in society without further introducing it into government.

So when you say to me that laws are weak, and the governed, turbulent; that passions are intense, and virtue, powerless, and that in this situation you must not think about increasing the rights of democracy, I answer that, because of these very things, I believe you must think about it; and in truth, I think that governments have still more interest in it than society does, for governments perish, and society cannot die.<sup>v</sup> However, I do not want to abuse the example of America.

In America, the people were vested with political rights in a period when it was difficult for them to make poor use of those rights, because the citizens were few and had simple mores. While growing, the Americans have not increased the powers of democracy; rather they have extended its sphere. [That is an invaluable advantage.]

It cannot be doubted that the moment when political rights are granted to a people who have, until then, been deprived of them is a moment of crisis, a crisis often necessary, but always dangerous.

The child inflicts death when he is unaware of the value of life; he takes property from others before knowing that someone can rob him of his. The common man, at the moment when he is granted political rights, finds himself, in relation to his rights, in the same position as the child vis-à-vis all of nature. In this case the celebrated phrase [of Hobbes] applies to him: *Homo puer robustus*.<sup>w</sup>

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I will answer that it is because I see that morality is weak that I want to put it under the safeguard of interest; it is because I see governments impotent that I would like to accustom the governed to respecting them; it is [broken text (ed.)] (YTC, CVh, 4, p. 30).

v. To the side: “I am not saying that political rights must be granted as of today to the universality of citizens; I am saying the unlimited extension of rights is the end toward which you must always tend.”

w. Tocqueville cites *De Cive* (see the critical edition of Howard Warrender, Oxford: Clarendon Press, 1983, p. 33), but what precedes the citation is more similar to *Discours sur l'origine de l'inégalité* (*Oeuvres complètes*, Paris: Pléiade, 1964, III, pp. 153–54), in which Rousseau, who cites the same fragment, reproaches Hobbes for not knowing that ethical values are born with society and are not a product preceding society. Tocqueville pointed out in this same part of the chapter that a society cannot survive if its only bond is force and its only government, fear; on this point, this also makes him closer to Rousseau than to Hobbes. This proximity of ideas must not hide divergences on the concept of rights, which has scarcely any place in the theory of Rousseau.

This truth is even revealed in America. The states in which citizens have enjoyed their rights for the longest time are those in which the citizens know best how to make use of their rights.

It cannot be said too much. There is nothing more fruitful in wonders than the art of being free; but there is nothing harder than apprenticeship in liberty. It is not the same with despotism. Despotism often presents itself as the repairer of all the misfortunes suffered; it is the support of legitimate rights, the upholder of the oppressed, and the founder of order. Peoples fall asleep amid the temporary prosperity that it brings forth; and when they awaken, they are miserable. Liberty, in contrast, is usually born amid storms; it is established painfully in the midst of civil discord, and only when it is already old can its benefits be known.

### Of the Respect for the Law in the United States<sup>x</sup>

*Respect of the Americans for the law.—Paternal love that they feel for it.—Personal interest that each one finds in increasing the power of the law.*

It is not always possible to call the whole people, either directly or indirectly, to the making of the law; but it cannot be denied that, when it is practicable, the law thereby acquires a great authority. This popular origin, which often harms the goodness and wisdom of the legislation, contributes singularly to its power.<sup>y</sup>

In the expression of the will of an entire people, there is a prodigious strength. When it comes clearly to light, even the imagination of those who would like to fight against it is as though overwhelmed.

x. Title in the manuscript: OF THE POINT OF VIEW FROM WHICH THE PEOPLE CONSIDER THE LAW IN THE UNITED STATES.

y. In the margin: “≠ There are two types of moral force:

“The one because the law conforms to justice and to reason.

“The other because it conforms to the will of the greatest number./

“The law draws its moral force from two sources.

“The one is reason; the other is the consent of the greatest number.≠”

The truth of this is well known by parties.

Consequently, you see them contest the majority wherever they can. When they lack the majority of those who voted, they place it among those who have abstained from voting; and when, even there, the majority escapes them, they find it among those who do not have the right to vote.

In the United States, except for slaves, servants, and the poor provided for by the towns, there is no one who is not a voter and who, as such, does not indirectly contribute to the law. So those who want to attack the laws are reduced to doing conspicuously one of two things; they must either change the opinion of the nation, or trample its will underfoot.

Add to this first reason another more direct and more powerful, that in the United States each person finds a kind of personal interest in having everyone obey the laws; for the one who is not part of the majority today will perhaps be among its ranks tomorrow; and this respect that he now professes for the will of the legislator, he will soon have the occasion to demand for his own will. So, however annoying the law, the inhabitant of the United States submits without trouble, not only as a work of the greatest number, but also as his own; he considers it from the point of view of a contract to which he would have been a party.

So in the United States, you do not see a numerous and always turbulent crowd who, seeing the law as a natural enemy, only looks upon it with fear and suspicion. On the contrary, it is impossible not to see that all classes show a great confidence in the legislation that governs the country and feel a kind of paternal love for it.

I am wrong in saying all classes. In America, since the European scale of powers is reversed, the rich find themselves in a position analogous to that of the poor in Europe; they are the ones who often distrust the law. I have said it elsewhere: the real advantage of democratic government is not to guarantee the interests of all, as has sometimes been claimed, but only to protect those of the greatest number. In the United States, where the poor man governs, the rich have always to fear that he will abuse his power against them.

This disposition of the mind of the rich can produce a muted discontent; but society is not violently troubled by it; for the same reason that

prevents the rich man from giving his confidence to the legislator prevents him from defying his commands. He does not make the law, because he is rich; and he does not dare to violate it, because of his wealth. In general, among civilized nations, only those who have nothing to lose revolt. Therefore, if the laws of democracy are not always respectable, they are nearly always respected; for those who generally violate the laws cannot fail to obey the laws that they have made and from which they profit, and the citizens who could have an interest in breaking them are led by character and by position to submit to whatever the will of the legislator is. Moreover, the people, in America, not only obey the law because it is their work, but also because they can change it when by chance it injures them; they submit to it first as an evil that they imposed on themselves, and then as a temporary evil.

Activity That Reigns in All Parts of the  
Political Body in the United States;  
Influence That It Exercises on Society

*It is more difficult to imagine the political activity that reigns in the United States than the liberty or equality that is found there.—The great movement that constantly agitates the legislatures is only an episode, a prolongation of this universal movement.—Difficulty that the American has occupying himself only with his own affairs.—Political agitation spreads into civil society.—Industrial activity of the Americans coming in part from this cause.—Indirect advantages that society gains from the government of democracy.*

When you pass from a free country into another that is not, you are struck by a very extraordinary spectacle: there, everything is activity and movement; here, everything seems calm and immobile. In the one, the only question is improvement and progress; you would say that society, in the other, having gained all good things, aspires only to rest in order to enjoy them. The country that gets so worked up to be happy is, however, generally richer

and more prosperous than the one that seems so satisfied with its lot. And in considering the one and the other, you have difficulty imagining how so many new needs make themselves felt each day in the first, while so few seem to be experienced in the second.<sup>z</sup>

If this remark is applicable to free countries that have retained monarchical form and to those in which aristocracy dominates, it is very much more applicable to democratic republics. There, it is no longer a portion of the people that sets out to improve the state of society; the whole people take charge of this concern. It is a matter of providing for the needs and conveniences not only of a class, but of all classes at the same time.<sup>a</sup>

It is not impossible to imagine the immense liberty that the Americans enjoy. You can also have an idea of their extreme equality, but what you cannot understand, without having already witnessed it, is the political activity that reigns in the United States.

Scarcely have you landed on American soil than you find yourself in the middle of a sort of tumult; a confused clamor arises on all sides; a thousand voices reach your ear at the same time; each one expresses various social needs. Around you, everything stirs: here, the people of a neighborhood have gathered to know if a church should be built; there, some are working on choosing a representative; farther along, the deputies of a district go as fast as they can to the city, in order to see to certain local improvements; in another place, it is the farmers of the village who abandon their fields to go to discuss the plan of a road or of a school. Some citizens assemble for the sole purpose of declaring that [freemasonry menaces the security of the State] they disapprove of the government's course; while others gather

z. In the margin: “<≠What is even much more surprising is that often [v: sometimes] the people who do nothing to improve their lot, find themselves as satisfied with their destiny as the people who stir themselves to make theirs better. The second wonders that one can be so happy in the midst of so much misery; and the first, that one can go to so much trouble to become happy.≠>”

a. In the margin: “≠A European would be very unhappy if you forced him to pursue well-being with so much effort.

“It is difficult to believe that men are happy when they make so much effort to become happier.

“It is the story of the rich tradesman who dies of boredom when he is forced to abandon his business.≠”

to proclaim that the men in office are the fathers of the country. Here are still others who, seeing drunkenness as the principal source of the evils of the State, come to pledge solemnly to give an example of temperance.<sup>1</sup>

The great political movement that constantly agitates American legislatures, the only one that is noticed outside, is only an episode and a sort of prolongation of the universal movement that begins in the lowest ranks of the people and then reaches, one by one, all classes of citizens. You cannot work harder to be happy.

It is difficult to say what place political concerns occupy in the life of a man in the United States. To get involved in the government of society and to talk about it, that is the greatest business and, so to speak, the only pleasure that an American knows. This is seen even in the smallest habits of his life; women themselves often go to public assemblies and, by listening to political speeches, relax from household cares. For them, clubs replace theatrical entertainments to a certain point. An American does not know how to converse, but he discusses; he does not discourse, but he holds forth. He always speaks to you as to an assembly; and if he happens by chance to get excited, he will say: Gentlemen, while addressing his interlocutor.

In certain countries, the inhabitant accepts only with a kind of repugnance the political rights that the law grants him; dealing with common interests seems to rob him of his time, and he loves to enclose himself within a narrow egoism exactly limited by four ditches topped by hedges.

In contrast, from the moment when the American would be reduced to attending only to his own affairs, half of his existence would be taken away

1. *Temperance societies*<sup>b</sup> are associations whose members pledge to abstain from strong liquor. At the time of my visit to the United States, temperance societies already counted more than 270,000 members, and their effect had been to diminish, in the state of Pennsylvania alone, the consumption of strong liquors by 500,000 gallons annually.

b. See chapter V of this part (p. 365) and *Écrits sur le système pénitentiaire en France et à l'étranger* (OC, IV, 1), pp. 327–28, appendix VII of *Système pénitentiaire*.

from him; he would feel an immense emptiness in his days, and he would become unbelievably unhappy.<sup>2</sup>

I am persuaded that if despotism ever succeeds in becoming established in America, it will have even more difficulties overcoming the habits that liberty has engendered than surmounting the love of liberty itself.

This constantly recurring agitation that the government of democracy has introduced into the political world passes afterward into civil society. Everything considered, I do not know if that is not the greatest advantage of democratic government, and I praise it much more for what it causes to be done than for what it does.

Incontestably the people often direct public affairs very badly; but the people cannot get involved in public affairs without having the circle of their ideas expand, and without seeing their minds emerge from their ordinary routine. The common man who is called to the government of society conceives a certain esteem for himself. Since he is then a power, very enlightened minds put themselves in the service of his. People speak to him constantly in order to gain his support, and by seeking to deceive him in a thousand different ways, they enlighten him. In politics, he takes part in enterprises that he did not conceive, but that give him a general taste for enterprises. Every day new improvements to make to common property are pointed out to him, and he feels the desire to improve his personal property arise. Perhaps he is neither more virtuous nor more happy, but he is more enlightened and more active than his predecessors. I do not doubt that democratic institutions, joined with the physical nature of the country, are the cause, not direct, as so many people say, but indirect of the prodigious movement of industry that is noticed in the United States. It is not the laws that give birth to it, but the people learn to produce it by making the law.<sup>d</sup>

2. *The same fact was already observed in Rome under the first Caesars.*

*Montesquieu remarks somewhere<sup>c</sup> that nothing equaled the despair of certain Roman citizens who, after the agitations of a political existence, returned suddenly to the calm of private life.*

c. Probably in *Considérations sur les causes de la grandeur des Romains et de leur décadence*, chapter XI, in *Œuvres complètes*, Paris: Pléiade, 1951, II, p. 131.

d. In the margin: “≠Superiority of the strength of the people which is worth more

When the enemies of democracy claim that one man does what he undertakes better than the government of all, it seems to me that they are right. The government of one man, supposing equality of enlightenment on both sides, brings more consistency to its enterprises than that of the multitude; it shows more perseverance, more of an idea of the whole, more perfection in details, a more correct discernment in the choice of men. [{So a republic is not administered as well as a monarchy, supposing equality of enlightenment on both sides.}] Those who deny these things have never seen a democratic republic, or have judged only on a small number of examples. Democracy, even when local circumstances and the dispositions of the people allow it to persist, does not offer the sight of administrative regularity and methodical order in government; that is true. Democratic liberty does not execute each of its enterprises with the same perfection as intelligent despotism; often it abandons them before gaining the fruit, or chances dangerous ones; but in the long run it produces more than despotism; it does not do each thing as well, but it does more things. Under its dominion, it is, above all, not what the public administration executes that is great, but what is executed without it and outside of it. Democracy does not give the people the most skillful government, but it does what the most skillful government is often impotent to create; it spreads<sup>e</sup> throughout the social body a restless activity, a superabundant force, an energy that never exists without it and that, if only circumstances are favorable, can bring forth wonders. Those are its true advantages.

In this century, when the destinies of the Christian world appear to be in suspense, some hasten to attack democracy like a powerful enemy, while it is still growing; others already adore it as a new god coming out of nothingness; but both know only imperfectly the object of their hate or their desire; they fight in the shadows and strike only at random.

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than the government. It is difficult to make the people listen to reason, but when they hear it, they advance toward reason with a much stronger step and with a much more powerful effort. Criminal investigation in America. Smuggling. #”

e. The manuscript adds: “in a way unknowingly.”

What do you ask of society and its government? We must understand one another.

Do you want to give the human spirit a certain nobility, a generous fashion of envisioning the things of this world? Do you want to inspire in men a sort of contempt for material goods? Do you desire to bring about or to maintain profound convictions and prepare great devotions?

Is it a matter for you of polishing mores, of elevating manners, of making the arts shine? Do you want poetry, fame, and glory?

Do you claim to organize a people in a way to act strongly on all others? Do you intend it to attempt great undertakings, and, whatever the result of its efforts, to leave an immense trace in history?

If such, in your view, is the principal object that men must propose for themselves in society, do not opt for the government of democracy; it would not lead you surely to the goal.

But if it seems useful to you to divert the intellectual and moral activity of man toward the necessities of material life, and to use it to produce well-being; if reason appears to you more profitable to men than genius; if your object is not to create heroic virtues, but peaceful habits; if you like to see vices more than crimes, and prefer to find fewer great actions, on the condition of encountering fewer cases of heinous crimes; if, instead of acting within the bosom of a brilliant society, it is enough for you to live in the midst of a prosperous society; if, finally, in your view, the principal object of a government is not to give the entire body of the nation the most strength or the most glory possible, but to provide for each of the individuals that make up the society the most well-being and to avoid the most misery; then equalize conditions and constitute the government of democracy.<sup>f</sup>

If there is no more time to make a choice, and a force superior to men is already carrying you, without consulting your desires, toward one of

f. See appendix V of this edition, particularly pp. 1369–71.

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these two governments, seek at least to derive from it all the good that it can do; and knowing its good instincts, as well as its bad inclinations, endeavor to limit the effect of the second and to develop the first.<sup>g</sup>

g. Note in the manuscript at the end of the chapter: “Perhaps, in place of these generalities, it would be better to develop this single idea that if the government of democracy is not favorable to the first part of the picture, it has the advantage of serving the well-being of the greatest number.

“Perhaps put all this at the end of the advantages of democracy like a kind of summary.”



CHAPTER 7

*Of the Omnipotence of the Majority in the  
United States and Its Effects<sup>a</sup>*

a. Hervé de Tocqueville:

Before beginning the notes on this chapter, I want to make two general reflections:

1. Isn't there a kind of contradiction between this chapter and the last paragraph of page 3 of the second volume, where the author expresses himself this way: "In the United States, as in all countries where the people rule, the majority governs in the name of the people. This majority is composed principally of a mass of men who, either by taste or by interest, sincerely desire the good of the country; agitating around this quite peaceful mass, parties work to draw it toward them and gain its support"?

2. I do not know if this chapter is well placed in the book. In one of the preceding chapters, entitled *Of the Right of Association*, the author says, p. 67: "In our time, the right of association has become a guarantee against the tyranny of the majority."

The logical order of ideas demands that the disadvantages be cited before the remedy. I observe, moreover, that the author must revise the sentence I have just transcribed and make it less absolute, if he does not want it to harm singularly the effect of the chapter on omnipotence (YTC, CIIIb, 1, pp. 81–83).

It seems that the idea of the tyranny of the majority is mentioned for the first time on the occasion of a conversation with Sparks, 29 September 1831 (non-alphabetic notebooks 1 and 2, YTC, BIIa, and *Voyage, OC*, V, 1, p. 96). John Stuart Mill, following Tocqueville, will take up this expression again and use it in his famous essay *On Liberty*. Nonetheless, as Joseph Hamburger points out ("Mill and Tocqueville on Liberty," in John M. Robson and M. Laine, eds., *James and John Stuart Mill. Papers of the Centenary Conference*, Toronto: University of Toronto Press, 1976, pp. 111–25), if Mill uses the term, the consequences he derives from it are quite far removed from those of Tocqueville. H. O. Pappé as well is skeptical about the possible influence of Tocqueville on Mill ("Mill and Tocqueville," *Journal of the History of Ideas* 25, no. 2 (1964): 217–44).

Ludovic, the protagonist in *Marie*, also insists on the sway of opinion in America (I, pp. 165, 172–74, and 203).

*Natural strength of the majority in democracies.—Most of the American constitutions have artificially increased this natural strength.—How.—Binding mandates.—Moral dominion of the majority.—Opinion about its infallibility.—Respect for its rights.—What augments it in the United States.*

The very essence of democratic governments is that the dominion of the majority be absolute; for, in democracies, nothing outside of the majority can offer resistance.

Most of the American constitutions have also sought to augment this natural strength of the majority artificially.<sup>1</sup>

Of all political powers, the legislature is the one that most willingly obeys the majority. The Americans have wanted the members of the legislature to be named *directly* by the people, and for a *very short* term, in order to force them to submit not only to the general views, but also to the daily passions of their constituents.

They have taken the members of the two houses from the same classes and named them in the same way; in this way, the movements of the legislative body are almost as rapid and no less irresistible than those of a single assembly.<sup>c</sup>

1. *We have seen, at the time of the examination of the federal Constitution, that the law-makers of the Union made contrary efforts.*<sup>b</sup> *The result of these efforts was to make the federal government more independent in its sphere than the government of the states. But the federal government is scarcely in charge of anything except foreign affairs; the state governments really run American society.*

b. #So in democratic republics the majority forms a true power. And after it, the body that represents it. The political body that best represents the majority is the legislature. To augment the prerogatives of this body is to augment the power of the majority.

Nonetheless, this power of the majority can be moderated in its exercise by the efforts of the law-maker. The authors of the federal Constitution worked in this direction. They sought to hinder the march of the majority. In the individual states, one tried hard, in contrast, to make the march of the majority more rapid and more irresistible# (YTC, CVh, 5, p. 14).

c. Hervé de Tocqueville: "If this is so, we do not see clearly why the American constitutions created two houses; it is probable that there is something too absolute in the author's phrasing" (YTC, CIIIb, 1, p. 83).

Within the legislature thus constituted, the Americans gathered together nearly the entire government.

At the same time that the law increased the strength of powers that were naturally strong, it weakened more and more those that were naturally weak. It gave to the representatives of the executive power neither stability nor independence; and, by subjecting them completely to the caprices of the legislature, it took from them the little influence that the nature of democratic government would have allowed them to exercise.<sup>d</sup>

In several states, the law delivered the judicial power to election by the majority; and in all, it made the existence of the judicial power dependent, in a way, on the legislative power, by leaving to the representatives the right to fix the salaries of judges annually.<sup>e</sup>

Customs have gone still further than the laws.

In the United States, a custom is spreading more and more that will end by making the guarantees of representative government empty; it happens very frequently that the voters, while naming a deputy, trace a plan of conduct for him and impose on him a certain number of definite obligations from which he cannot deviate in any way. Except for the tumult, it is as if the majority itself deliberated in the public square.

Several particular circumstances in America also tend to make the power of the majority not only predominant, but irresistible.

The moral dominion of the majority is based in part on the idea that there is more enlightenment and wisdom in many men combined than in one man alone, more in the number than in the choice of legislators. It is the theory of equality applied to minds. This doctrine attacks the pride of

d. "In America executive power is nothing and can do nothing. The entire strength of government is entrusted to society itself, organized under the most democratic form that has ever existed. In America all danger comes from the people; it is never born outside" (YTC, CVh, 5, p. 21).

e. "Importance of the judicial power as barrier to democracy, its weakness. See *Federalist*, p. 332 [No. 78 (ed.)].

"In most states, judges are dependent upon the legislature for their salaries; in several, elected by the legislature or by the people. Growing causes of tyranny" (YTC, CVE, p. 64). Cf. conversations with Mr. Storer, Spencer, and Judge MacLean (non-alphabetic notebooks 1, 2 and 3, YTC, BIIa, and *Voyage, OC*, V, 1, pp. 69, 124 and 127).

man in its last refuge. Consequently the minority admits it with difficulty and gets used to it only with time. Like all powers, and perhaps more than any other, the power of the majority thus needs to last in order to seem legitimate. When it is beginning to be established, it makes itself obeyed by force; only after living under its laws for a long time do you begin to respect it.

The idea that the right to govern society belongs to the majority because of its enlightenment was carried to the soil of the United States by the first inhabitants. This idea, which alone would be enough to create a free people, has today passed into the mores, and you find it in the least habits of life.

The French, under the old monarchy, held as a given that the king could do no wrong;<sup>f</sup> and when he happened to do something wrong, they thought that the fault was with his advisors. This facilitated obedience marvelously. You could murmur against the law, without ceasing to love and respect the law-maker. Americans have the same opinion about the majority.

The moral dominion of the majority is based as well on the principle that the interests of the greatest number must be preferred to those of the few. Now, it is easily understood that the respect professed for this right of the greatest number naturally increases or decreases depending on the state of the parties. When a nation is divided among several great irreconcilable interests, the privilege of the majority is often unrecognized, because it becomes too painful to submit to it.

If a class of citizens existed in America that the legislator worked to strip of certain exclusive advantages, held for centuries, and that he wanted to bring down from an elevated position and restore to the ranks of the multitude, it is probable that the minority would not easily submit to his laws.

But since the United States was populated by men equal to each other,

f. Hervé de Tocqueville: "I do not know why Alexis applies to the old monarchy the principle that the king could do no wrong. The Charter of 1814 and that of 1830 have this principle as a basis" (YTC, CIIIb, 1, p. 83).

no natural and permanent dissidence is yet found among the interests of the various inhabitants.<sup>8</sup>

There is such a social state in which the members of the minority cannot hope to attract the majority because to do so it would be necessary to abandon the very object of the struggle that the minority wages against the majority. An aristocracy, for example, cannot become a majority while preserving its exclusive privileges, and it cannot allow its privileges to slip away without ceasing to be an aristocracy. [In these countries, it is almost impossible for the moral power of the majority ever to succeed in being recognized by all.]

In the United States, political questions cannot be posed in as general and absolute a way, and all parties are ready to recognize the rights of the

g. Majority./

The moral dominion of the majority is established with more difficulty than another because it is based upon ideas of equality shocking to many minds that have not become accustomed to it.

Like all other empires, it is lost by abuse. Tyranny of the majority leads to appeals by minorities to physical force. From that, confusion, anarchy and the despotism of one man. The American republics, far from raising the fear of anarchy at the present moment, raise only the fear of despotism of the majority; anarchy will come only as a consequence of this tyranny.

There is such a social state in which the minorities can never become majorities, without losing enormously or even ceasing to be. In these countries, the dominion of the majority can only be established with great difficulty and can only be maintained with even more difficulty. France in this case./

In America, the dominion of the majority will be overturned not because it lacks strength, but wisdom. The government is centralized in such a way that the governing majority is omnipotent. It will lack not physical force, but moral force. In all power exercised by the people, there is something variable, something of scant wisdom.

I would like someone to explain to me what is meant when this banal phrase is put forth: that an entire people cannot completely go beyond the limits of reason.

It is undoubtedly rare for an entire people to go beyond those limits. But what generally does the will of the people mean? A majority; but what is a majority taken as a whole if not an individual who has opinions and, most often, interests contrary to another individual called the minority?

Now, if you admit that an individual vested with omnipotence can abuse it against his adversaries, why would you not admit the same thing for the majority? As for me, I see only God who can be vested with omnipotence without disadvantage (YTC, CVJ, 2, pp. 2–3).

majority, because all hope one day to be able to exercise those rights to their profit.

So in the United States the majority has an immense power in fact and a power of opinion almost as great; and once the majority has formed on a question, there is, so to speak, no obstacle that can, I will not say stop, but even slow its course and leave time for the majority to hear the cries of those whom it crushes as it goes.

The consequences of this state of affairs are harmful and dangerous<sup>h</sup> for the future.

### How the Omnipotence of the Majority in America Increases the Legislative and Administrative Instability That Is Natural to Democracies

*How the Americans increase legislative instability,  
which is natural to democracy, by changing the legislator  
annually and by arming him with an almost limitless power.—  
The same effect produced in the administration.—In America a  
force infinitely greater, but less sustained than in Europe is  
brought to social improvements.*

I spoke previously of the vices that are natural to the government of democracy; there is not one of them that does not grow at the same time as the power of the majority.

And, to begin with the most obvious of all.

Administrative instability is an evil inherent in democratic government, because it is in the nature of democracies to bring new men to power. But this evil is greater or lesser depending on the power and the means of action granted to the legislator.

In America sovereign power is handed over to the authority that makes the laws. That authority can rapidly and irresistibly abandon itself to each of its desires, and every year it is given other representatives. That is to say, what has been adopted is precisely the combination that most favors dem-

h. The manuscript says: “. . . very harmful and highly dangerous for the future.”

ocratic instability and that allows democracy to apply its changeable will to the most important objects. [≠ We have seen under the National Assembly and the Convention how, by granting omnipotence to the legislative body, the natural instability of law in republics increased more. These extreme consequences of a bad principle cannot recur in the same way in America because American society is not in revolution as French society then was and because there has been a long apprenticeship in liberty in America.≠]

America today is, therefore, the country in the world where laws have the shortest duration. Nearly all the American constitutions have been amended during the last thirty years. So, during this period, there is no American state that has not modified the principle of its laws.<sup>j</sup>

As for the laws themselves, it is sufficient to glance at the archives of the different states of the Union to be persuaded that in America the activity of the legislator never flags.<sup>k</sup> Not that the American democracy is by nature more unstable than another, but in the formation of the laws, it has been given the means to follow the natural instability of its inclinations.<sup>2</sup>

The omnipotence of the majority and the rapid and absolute manner in which its will is executed in the United States not only make the law unstable, but also exercise the same influence on the execution of the law and on the action of public administration.

Since the majority is the only power important to please, the works that it undertakes are ardently supported; but from the moment when its at-

j. In this place in the manuscript three paragraphs are found that Tocqueville will later add to chapter V of this second part. (It concerns the passage that begins with: "Many Americans consider . . ." and that concludes with the citation of Number 73 of the *Federalist*, pp. 155–56.)

k. To the side: "≠The omnipotence of the majority is not the first cause of the evil, but it infinitely increases it.≠"

2. *The legislative acts promulgated in the state of Massachusetts alone, from 1780 to today, already fill three thick volumes. It must be noted as well that the collection of which I speak was revised in 1823, and that many former or pointless laws were discarded. Now, the state of Massachusetts, which is no more populated than one of our departments, can pass for the most stable state in the entire Union, and the one that puts the most coherence and wisdom into its enterprises.*

tention goes elsewhere, all efforts cease; whereas in the free States of Europe, in which administrative power has an independent existence and an assured position, the will of the legislator continues to be executed, even when he is occupied by other objects.

In America, much more zeal and activity is brought to certain improvements than is done elsewhere.

In Europe, an infinitely smaller, but more sustained social force is applied to the same things.

[I saw some striking examples of what I am advancing in a matter that I had particular occasion to examine in the United States.]

Several years ago some religious men undertook to improve the condition of prisons. The public was roused by their voice, and the regeneration of criminals became a popular undertaking.

Then new prisons arose. For the first time, the idea of reforming the guilty penetrated the jail at the same time as the idea of punishing him. But the happy revolution that the public joined with so much fervor and that the simultaneous efforts of citizens made irresistible could not be accomplished in one moment.

Alongside some new penitentiaries, the development of which was hastened by the desire of the majority, the old prisons still existed and continued to house a great number of the guilty. The latter seemed to become more unhealthy and more corrupting as the new ones became more reforming and healthier. This double effect is easily understood: the majority, preoccupied by the idea of founding the new establishment, had forgotten the one that already existed. By each person averting his eyes from the object that no longer attracted the regard of the master, supervision had ceased. At first the salutary bonds of discipline were seen to relax and then, soon after, to break. And alongside the prison, lasting monument of the mildness and enlightenment of our time, was found a dungeon that recalled the barbarism of the Middle Ages.

[In France, it would be very difficult to find prisons as good and as bad as in the United States.]

## Tyranny of the Majority<sup>m</sup>

*How the principle of sovereignty of the people must be understood.—Impossibility of conceiving a mixed government.—The sovereign power must be somewhere.—Precautions that must be taken to moderate its action.—These precautions have not been taken in the United States.—What results.*

I regard as impious and detestable this maxim that in matters of government the majority of a people has the right to do anything, and yet I consider that the will of the majority is the origin of all powers. Do I contradict myself?

A general law exists that has been made, or at least adopted, not only by the majority of such or such people, but by the majority of all men. This law is justice.

So justice forms the limit of the right of each people [to command].

A nation is like a jury charged with representing universal society and with applying justice, which is its law. Should the jury, which represents society, have more power than the very society whose laws it applies?<sup>n</sup>

So when I refuse to obey an unjust law, I am not denying the right of the majority to command; I am only appealing from the sovereignty of the people to the sovereignty of the human race.

m. Title in the manuscript: TYRANNICAL EFFECTS OF THE OMNIPOTENCE OF THE MAJORITY.

Concerning the idea of tyranny of the majority, Morton Horwitz (“Tocqueville and the Tyranny of the Majority,” *Review of Politics*, 28, 1966, pp. 293–307) defends the idea that Tocqueville, when speaking of the majority in numerical terms, is thinking about France, not about America, and that he thinks about America only when he considers the moral tyranny of the majority. Also see David Spitz, “On Tocqueville and the Tyranny of Public Sentiment,” *Political Science* 9, no. 2 (1957): 3–13.

n. In the margin: “≠Its effects:

on actions,  
on words,  
on character and thoughts.

“That it is by the abuse of the strength of their government and not by its weakness that the American republics are threatened with perishing.≠”

There are men who are not afraid to say that, in objects that concern only itself, a people could not go entirely beyond the limits of justice and reason, and that we should not be afraid, therefore, to give all power to the majority that represents a people. But that is the language of a slave.

So what is a majority taken as a whole, if not an individual who has opinions and, most often, interests contrary to another individual called the minority. Now, if you admit that an individual vested with omnipotence can abuse it against his adversaries, why would you not admit the same thing for the majority? Have men, by gathering together, changed character? By becoming stronger, have they become more patient in the face of obstacles?<sup>3</sup> As for me, I cannot believe it; and the power to do everything that I refuse to any one of my fellows, I will never grant to several.<sup>o</sup>

Not that I believe that, to preserve liberty, several principles can be mixed together in the same government, in a way that truly opposes them to each other.

The government called mixed has always seemed to me a chimera. Truly

3. *No one would want to maintain that a people is not able to abuse strength vis-à-vis another people. Now, parties are like small nations within a large one; in relation to each other, they are like foreigners.*

*If you agree that a nation can be tyrannical toward another nation, how can you deny that a party can be so toward another party?*

o. Democracy./

*Tyranny of democracy.* Confusion of all powers in the hands of the *assemblies*. Weakness of the executive power to react against these assemblies of which it is only an instrument. See very curious article of the *Federalist* on this subject, p. 213 [No. 48 (ed.)]; *id.*, p. 205 [No. 46 (ed.)]; *id.*, p. 224 [No. 51 (ed.)]./

Moreover, that is a required result of the rule of democracy. There is strength only in the people; there can only be strength in the constitutional power that represents the people./

In America the executive and judicial powers are absolutely dependent upon the legislative power. It fixes their salaries in general, modifies their organization; and nothing is provided for them to be able to resist its *encroachments* [word in English in the original (ed.)]. *Federalist*, p. 205 [No. 46 (ed.)]./

Necessity of taking measures to avoid the abuse of all powers, even those that seem most legitimate. *Federalist*, p. 223 [No. 51 (ed.)] (YTC, CVb, pp. 25–26).

speaking, there is no mixed government (in the sense that is given to this term), because, in each society, you eventually discover a principle of action that dominates all the others.

England of the last century, which was particularly cited as an example of this sort of government, was an essentially aristocratic State, although some large elements<sup>p</sup> of democracy were found within it; for the laws and the mores there were established in such a way that eventually the aristocracy would always predominate and lead public affairs as it willed.

The error arose because, seeing the interests of the great constantly in conflict with those of the people, only the struggle was considered, instead of paying attention to the result of this struggle, which was the important point. When a society truly comes to have a mixed government, that is a government equally divided among contrary principles, it enters into revolution or dissolves.<sup>q</sup>

So I think that a social power superior to all others must always be placed somewhere, but I believe liberty is in danger when this power encounters no obstacle that can check its course<sup>r</sup> and give it time to moderate itself.

Omnipotence in itself seems to me something bad and dangerous.<sup>s</sup> Its

p. The manuscript says, on the other hand: "some democratic institutions."

This paragraph makes direct reference to Montesquieu. Cf. note n of p. 28.

q. If here Tocqueville denies the existence of mixed government, he is, nonetheless, about to explain in the following paragraphs his theory of a social and political organization in which every principle must necessarily be opposed by another. (The idea has been mentioned in the editor's introduction.)

r. In the manuscript: "that can, if not entirely stop, at least check its course . . ."

s. "Despotism is at the two ends of sovereignty, when one man rules and when the majority governs. Despotism is attached to omnipotence, whoever the representative may be" (YTC, CVe, p. 65).

Guizot defends a similar idea:

The partisans of divine right had said: there is only one God; so there should be only one king, and all power belongs to him because he is the representative of God. The partisans of sovereignty of the people have said: there is only one people; so there should be only one legislative assembly; for it represents the people. In both cases the error is the same, and it leads equally to despotism. There is only one God and there

exercise seems to me beyond the power of man, whoever he may be; and I see only God who can, without danger, be all powerful, because his wisdom and his justice are always equal to his power. So there is no authority on earth so respectable in itself, or vested with a right so sacred, that I would want to allow it to act without control or to dominate without obstacles. So when I see the right and the ability to do everything granted to whatever power, whether called people or king, democracy or aristocracy, whether exercised in a monarchy or a republic, I say: the seed of tyranny is there and I try to go and live under other laws.

What I most criticize about democratic government as it has been organized in the United States, is not its weaknesses as many people in Europe claim, but on the contrary, its irresistible strength.<sup>t</sup> And what repels me the

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is only one people, that is certain; but this God is nowhere on earth, for neither one man nor the whole people is God, knows his law perfectly and wants it constantly. So no *de facto* power should be unique, for unity of the *de facto* power assumes complete *de jure* power which no one possesses or can possess (*Journal des cours publics*, Paris: au bureau du Journal, 1821–1822, II, p. 293).

In another place, Guizot refers to Pascal for his argument: “*Unity that is not multiple*,’ says Pascal, ‘*is tyranny*.’ From that follows the necessity for two chambers” (*ibid.*, p. 17). The principle of Guizot’s representative system is nothing other than the destruction of all absolute power. This principle requires the provision of the jury, freedom of the press, the division of powers and the organization of the legislative power into two chambers. These elements are repeated in Tocqueville’s theory.

t. How democracy leads to tyranny and will succeed in destroying liberty in America. See the beautiful theory presented on this point in the *Federalist*, p. 225 [No. 51 (ed.)]. It is not because powers are not concentrated; it is because they are too concentrated that the American republics will perish. The tyranny of one man will appear more tolerable than the tyranny of the majority.

“A good government implies two things: first, fidelity to the object of government, which is the happiness of the people; secondly, a knowledge of the means by which that object can be best attained. Some governments are deficient in both these qualities; most governments are deficient in the first. [I (ed.)] Scruple not to assert that, in the American governments, too little attention has been paid to the last. The federal Constitution avoids this error.” *Federalist*, p. 268 [No. 62 (ed.)].

Tendency of republics to make the executive power only a passive agent, without any strength whatsoever, *id.*, p. 207 [No. 47 (ed.)] (YTC, CVb, p. 26).

most in America is not the extreme liberty that reigns there; it is the slight guarantee against tyranny that is found.<sup>u</sup>

When a man or a party suffers from an injustice in the United States, to whom do you want them to appeal? To public opinion? That is what forms the majority. To the legislative body? It represents the majority and blindly obeys it. To the executive power? It is named by the majority and serves it as a passive instrument. To the police? The police are nothing other than the majority under arms. To the jury? The jury is the majority vested with the right to deliver judgments. The judges themselves, in certain states, are elected by the majority. However iniquitous or unreasonable the measure that strikes you may be, you must therefore submit to it [or flee. <What is that if not the very soul of tyranny under the forms of liberty?>].<sup>4</sup>

u. “≠It is very much easier to contest a principle than its consequences. You easily prove to a king that he does not have the right to sacrifice the interest of the State to his own, but when the majority oppresses you, you are forced to recognize its right before attacking the use of that right≠” (YTC, CVh, 4, p. 81).

4. *In Baltimore, at the time of the War of 1812, a striking example was seen of the excesses to which the despotism of the majority can lead.<sup>v</sup> At this time the war was very popular in Baltimore. A newspaper that was strongly against the war aroused the indignation of the inhabitants by its conduct. The people gathered, broke the presses, and attacked the newspaper office. Some wanted to call the militia, but it did not answer the call. In order to save the unfortunate journalists, who were threatened by the public furor, it was decided to put them in jail, like criminals. This precaution was useless; during the night, the people gathered again; the magistrates were unable to get the militia to come; the prison was forced open; one of the journalists was killed on the spot; the others were left for dead; the guilty, brought before a jury, were acquitted.*

*I said one day to an inhabitant of Pennsylvania: “Please explain to me why, in a state founded by Quakers and renowned for its tolerance, emancipated Negroes are not allowed to exercise the rights of citizens. They pay taxes; isn’t it just that they vote?”—“Don’t insult us, he answered, by thinking that our legislators have committed such a gross act of injustice and intolerance.”—“So, among you, Blacks have the right to vote?”—“Undoubtedly.”—“Then, how come at the polling place this morning, I did not see a single one in the crowd?”—“This is not the fault of the law,” the American said to me; “Negroes, it is true, have the right to present themselves at elections, but they abstain voluntarily it seems.”—“That is very modest of them.”—“Oh! it isn’t that they refuse to go, but they are afraid that they will be mistreated there. Among us, it sometimes happens that the law lacks force when the majority does not support it. Now, the majority is imbued with the greatest prejudices against Negroes, and magistrates do not feel they have the strength to guarantee to the latter the rights that the legislator has conferred.”—“What! the majority which has the privilege of making the law, also wants to have that of disobeying the law?”*

v. Mr. Cruse, editor of a newspaper in Baltimore, told this anecdote to Tocqueville

Suppose, in contrast, a legislative body composed in such a way that it represents the majority, without necessarily being the slave of the majority's passions; an executive power that has a strength of its own; and a judicial power independent of the two other powers; you will still have a democratic government, but there will no longer be hardly any chances for tyranny.

[{If the effects of this tyranny are not felt more in America, it is because America is a new country where political passions are still not very deep and where so vast a field for human activity is presented that interests are rarely opposed to each other.}]

I am not saying that at the present time in America tyranny is frequently practiced; I am saying that no guarantee against tyranny is found there, and that the causes for the mildness of government must be sought in circumstances and in mores, rather than in laws.<sup>w</sup>

### Effects of the Omnipotence of the Majority on the Arbitrariness of American Public Officials

*Liberty that American law leaves to officials within the  
circle that it draws.—Their power.*

Arbitrariness must be carefully distinguished from tyranny. Tyranny can be exercised by means of the law itself, and then it is not arbitrary; arbitrariness can be exercised in the interests of the governed, and then it is not tyrannical.<sup>x</sup>

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(note of 4 November 1831, pocket notebook 3, YTC, BIIa, and *Voyage, OC*, V, 1, pp. 187–88). The interlocutor of the other conversation is George Washington Smith (conversation of 24 October 1831, alphabetic notebook B, YTC, BIIa, and *Voyage, OC*, V, 1, pp. 246–47).

w. “≠The omnipotence of the majority seems to me the most serious disadvantage attached to democratic governments and the source of their greatest dangers≠” (YTC, CVh, 4, p. 81).

x. In the manuscript: “≠Arbitrariness must be carefully distinguished from tyranny, and tyranny from arbitrariness. Arbitrariness can be not tyrannical, and tyranny can be not arbitrary. In the United States there is almost never arbitrariness, but sometimes there is tyranny.≠”

To the side: “≠When Louis XIV regulated by himself and with sovereign power the

Tyranny usually makes use of arbitrariness, but if necessary it knows how to do without it.

In the United States, the omnipotence of the majority, at the same time that it favors the legal despotism of the legislator, also favors the arbitrariness of the magistrate. Because the majority has absolute control over making the law and supervising its execution, and has equal control over those governing and those governed, it regards public officials as its passive agents and willingly relies on them to take care of serving its designs. So the majority does not enter in advance into the details of the duties of public officials and scarcely takes the trouble to define their rights. It treats them as a master would treat his servants, if, having their behavior always in view, he could direct or correct their conduct at every moment.

In general, the law leaves American officials much more free than ours within the circle that is drawn around them. Sometimes the majority even allows them to go outside of this circle. Guaranteed by the opinion of the greatest number and strong because of their support, they then dare things that a European, accustomed to the spectacle of arbitrariness, still finds astonishing. In this way, habits being formed within liberty that, one day, will be able to become destructive to it.

### Of the Power Exercised by the Majority in America over Thought

*In the United States, when the majority has irrevocably settled on a question, it is no longer discussed.—Why.—Moral power that the majority exercises over thought.—Democratic republics immaterialize despotism.*

When you come to examine how thought is exercised in the United States, you notice very clearly to what extent the power of the majority surpasses all the powers that we know in Europe.

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commercial rights [doubtful reading (ed.)] of his subjects, he committed an arbitrary but not a tyrannical act.

“When the National Assembly ordered [blank space in the manuscript (ed.)], it committed a tyrannical act but not an arbitrary act.<sup>7</sup>”

Thought is an invisible and almost imperceptible power that scoffs at all tyrannies [that scoffs amid chains and executioners. {You could say of it what Malherbe said of death: it does not stop at the gates of the Louvre any more than at the door of the poor man}].<sup>y</sup> Today, the most absolute sovereigns of Europe cannot prevent certain ideas hostile to their authority from circulating silently within their States and even within their courts. It is not the same in America; as long as the majority is uncertain, people speak; but as soon as the majority has irrevocably decided, everyone is silent, and friends as well as enemies then seem to climb on board together. The reason for this is simple. There is no monarch so absolute that he can gather in his hands all of society's forces and vanquish opposition in the way that a majority vested with the right to make and execute laws can [at will, vested with the right and the force].

A king, moreover, has only a physical power that acts on deeds and cannot reach wills; but the majority is vested with a strength simultaneously physical and moral, which acts on the will as well as on actions and which at the same time prevents the deed and the desire to do it.

I know of no country where, in general, there reigns less independence of mind and true freedom of discussion than in America.

There is no religious or political theory that may not be freely preached in the constitutional States of Europe and that does not penetrate into the others [{and I do not know of} ≠ a European people so powerful and so strong that it is not forced from time to time to hear hard truths. It is not this way in America. ≠]; for there is no country in Europe so subject to a single power that someone who wants to speak the truth does not find some support capable of insuring him against the results of his independence. If he has the misfortune to live under an absolute government, he often has the people for him; if he lives in a free country, he can find shelter, as needed, behind royal authority. The aristocratic part of society sustains him in democratic countries, and democracy in the others. But within a democracy organized as that of the United States, only a single power

y. In *Consolation à Monsieur Du Périer, gentilhomme d'Aix-en-Provence, sur la mort de sa fille*.

is found, a single element of strength and success, and nothing outside of it.<sup>z</sup>

In America, the majority draws a formidable circle around thought. Within these limits, the writer is free; but woe to him if he dares to go beyond them. It isn't that he has to fear an auto-da-fé, but he is exposed to all types of distasteful things and to everyday persecutions. A political career is closed to him; he has offended the only power that has the ability to open it to him. Everything is denied him, even glory. Before publishing his opinions, he believed he had some partisans; it seems to him that he has them no longer, now that he has revealed himself to all; for those who censure him speak openly, and those who think as he does, without having his courage, keep quiet and distance themselves. He gives in; finally, under the daily effort, he yields and returns to silence, as though he felt remorse for having told the truth.

Chains and executioners, those are the crude instruments formerly used by tyranny; but today civilization has perfected even despotism itself, which seemed however to have nothing more to learn.

Princes had, so to speak, materialized violence; the democratic republics of today have made violence as entirely intellectual as the human will that it wants to constrain. Under the absolute government of one man, despotism, to reach the soul, crudely struck the body; and the soul, escaping from these blows, rose gloriously above it; but in democratic republics, tyranny does not proceed in this way; it leaves the body alone and goes right to the soul. The master no longer says: You will think like me or die; he says: You are free not to think as I do; your life, your goods, everything remains with you; but from this day on you are a stranger among us. You will keep your privileges as a citizen, but they will become useless to you. If you aspire to be the choice of your fellow citizens, they will not choose you, and if you ask only for their esteem, they will still pretend to refuse it to you. You will remain among men, but you will lose your rights to humanity. When you approach your fellows, they will flee from you like an impure being. And those who believe in your innocence, even they will

z. In the margin: "<≠Base circumlocutions of the Federalists.≠>"

abandon you, for people would flee from them in turn. Go in peace; I spare your life, but I leave you a life worse than death.

Absolute monarchies had dishonored despotism. Let us be careful that democratic republics do not rehabilitate it, and that, while making despotism heavier for some, they do not, in the eyes of the greatest number, remove its odious aspect and its degrading character.

Among the proudest nations of the Old World, books have been published that intended faithfully to portray the vices and absurdities of their contemporaries. La Bruyère lived at the palace of Louis XIV when he composed his chapter on the great, and Molière criticized the court in the plays that he had performed before the courtiers. But the dominating power in the United States does not understand being played in this way. The slightest reproach wounds it; the smallest biting truth shocks it, and everything from the forms of its language to its most solid virtues must be praised. No writer, no matter how famous, can escape this obligation to heap praise upon his fellow citizens. So the majority lives in perpetual self-adoration; only foreigners or experience can bring certain truths to the ears of Americans.

If America has not yet had great writers, we do not have to look elsewhere for the reasons: literary genius does not exist without freedom of the mind, and there is no freedom of the mind in America.<sup>a</sup>

The Inquisition was never able to prevent the circulation in Spain of books opposed to the religion of the greatest number. The dominion of the majority does better in the United States: it has removed even the thought of publishing such books. Unbelievers are found in America, but unbelief finds, so to speak, no organ there.<sup>b</sup>

a. Cf. chapter XIII of the first part of the third volume.

b. The ideas of this paragraph were suggested to Tocqueville by a doctor in Baltimore, Mr. Stuart (non-alphabetic notebooks 2 and 3, YTC, BIIa, and *Voyage, OC*, V, 1, p. 115).

A note on a slip of paper attests to Tocqueville's dissatisfaction concerning this part of the chapter:

I have put two distinct ideas within the same expressions, which is a great defect./

That tyranny in America acts directly on the soul and does not torment the body results from two causes:

You see governments that strive to protect morals by condemning the authors of licentious books. In the United States, no one is condemned for this kind of work; but no one is tempted to write them. It is not that all citizens have pure morals, but the majority is steady in its morals.

Here, the use of power is undoubtedly good. I am, consequently, speaking only about the power itself. This irresistible power is an unremitting fact, and its good usage is only an accident. [Doesn't the majority in Paris acquire a taste for the filth that sullies our theatres daily?]

### Effect of Tyranny of the Majority on the National Character of the Americans; Of the Courtier Spirit in the United States

*Until now the effects of tyranny of the majority are felt on mores more than on the running of society.—They arrest the development of men of great character.—Democratic republics organized like those of the United States put the courtier spirit within reach of the greatest number.—Evidence of this spirit in the United States.—Why there is more patriotism among the people than among those who govern in their name.*

The influence of what precedes is still felt only weakly in political society; but its harmful effects are already noticeable on the national character of the Americans. I think that the small number of outstanding men who appear today on the political stage must be attributed, above all, to the

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1. Because it is exercised by a *majority* and not by a *man*. A man, never able to obtain the voluntary support of the mass, cannot inflict on his enemy the moral torment that arises from isolation and public scorn. He is forced to act *directly* in order to reach his enemy.

2. Because in fact mores have become milder and that despotism has been perfected and *intellectualized*.

This same note also exists in YTC, CVh, 3, p. 59; (the copyist indicates that the original is not in Tocqueville's hand).

always increasing action of the despotism of the majority in the United States.

When the American Revolution broke out, outstanding men appeared in large number; then public opinion led and did not tyrannize over wills. The famous men of this period, freely joining the movement of minds, had a grandeur of their own; they shed their brilliance on the nation and did not derive it from the nation.

In absolute governments, the great who are near the throne flatter the passions of the master and willingly bow to his caprices. But the mass of the nation does not lend itself to servitude; it often submits out of weakness, habit or ignorance, sometimes out of love of royalty or the king. We have seen peoples take a type of pleasure or pride in sacrificing their will to that of the prince and, in this way, give a kind of independence of soul to the very act of obedience. Among these peoples much less degradation than misery is found. There is, moreover, a great difference between doing what you do not approve or pretending to approve what you do; the one is done by a weak man, but the other belongs only to the habits of a valet.<sup>c</sup>

In free countries, in which each person is more or less called to give his opinion on matters of State; in democratic republics, in which public life is constantly mingled with private life, in which the sovereign is approachable from all sides, and in which it is only a matter of raising one's voice to reach the sovereign's ear, many more people are found who seek to bank on the sovereign's weaknesses and to live at the expense of the sovereign's passions, than in absolute monarchies. Not that men there are naturally worse than elsewhere, but temptation is stronger and is offered to more people at the same time. A much more general debasing of souls results.

Democratic republics put the courtier spirit within reach of the greatest number and make it penetrate into all classes at the same time. It is one of the principal reproaches that can be made against them.

c. The manuscript says "lackey."

Hervé de Tocqueville: "Trivial expression that, moreover, attacks an entire class that at present is no less proud than another" (YTC, CIIIb, 1, p. 87).

That is true, above all, in democratic states organized like the American republics, in which the majority possesses such absolute and irresistible dominion, that, in a way, you must renounce your rights as a citizen and, so to speak, your position as a man when you want to deviate from the road marked out by the majority.

Among the immense crowd, in the United States, that pushes into a political career, I saw very few men who showed this virile candor, this manly independence of thought, that often distinguished Americans in former times and that, wherever it is found, forms the salient feature of great characters. At first view, you would say that in America minds have all been formed on the same model because they so exactly follow the same paths. Sometimes, it is true, the foreigner will encounter some Americans who deviate from the rigor of the formulas; these Americans happen to deplore the vice of the laws, the variableness of democracy and its lack of enlightenment; often they even go so far as to notice the defects that are spoiling the national character, and they indicate the measures that could be taken to correct those defects. But no one, except you, is listening to them; and you, to whom they confide these secret thoughts, you are only a passing foreigner. They willingly give you truths that are useless to you, and, coming into the public square, they use another language.

If these lines ever reach America, I am sure of two things: first, that readers will all raise their voices to condemn me; second, that many among them will absolve me deep down in their conscience.<sup>d</sup>

I have heard country spoken about in the United States. I have encountered true patriotism among the people; I have often searched in vain for these two things among those who lead the people. This is easily understood

d. Democracy./

The greatest moral evil that results from the dominion of democracy is that it puts the courtier spirit within reach of everyone.

[In the margin: Here the character of courtiers.]

In democratic republics the number of courtiers is immense; the only difference from monarchies is that these are courtiers with bad taste.

The Americans have only two means to gain the truth, the *voice* of foreigners and *experience* (YTC, CVe, pp. 62–63).

by analogy: despotism depraves the one submitted to it much more than the one who imposes it. In absolute monarchies, the king often has great virtues; but the courtiers are always vile.

[≠What I blame democratic republics for is putting the courtier spirit within reach of such a large number.≠]

It is true that courtiers, in America, do not say: Sire and Your Majesty, a grand and capital difference; but they talk constantly about the natural enlightenment of their master. They do not raise the question of knowing which one of the virtues of the prince most merits adoration; for they assert that he possesses all virtues, without having acquired them and, so to speak, without wanting to do so. They do not give him their wives and daughters so that he would deign to elevate them to the rank of his mistresses; but by sacrificing their opinions to him, they prostitute themselves.

Moralists and philosophers in America are not forced to envelop their opinions in veils of allegory; but, before hazarding an annoying truth, they say: We know that we are speaking to a people too far above human weaknesses ever to lose control of itself. We would not use such language, if we did not address men whose virtues and enlightenment make them alone, among all others, worthy of remaining free.

How could those who flattered Louis XIV do better?

As for me, I believe that in all governments, whatever they are, baseness will attach itself to strength and flattery to power. And I know only one way to prevent men from degrading themselves: it is to grant to no one, with omnipotence, the sovereign power to debase them.

That the Greatest Danger to the American Republics  
Comes from the Omnipotence of the Majority

*Democratic republics risk perishing by the bad use of their power, and not by powerlessness.—The government of the American republics more centralized and more energetic than that of the monarchies of Europe.—Danger that results.—Opinion of Madison and of Jefferson on this subject.*

Governments usually perish by powerlessness or by tyranny. In the first case, power escapes from them; in the other, it is wrested from them.<sup>e</sup>

Many men, seeing democratic States<sup>f</sup> fall into anarchy, have thought that government in these States was naturally weak and powerless. The truth is that, once war has flared up there among the parties, government loses its effect on society. But I do not think that the nature of a democratic power is to lack strength and resources; I believe, on the contrary, that it is almost always the abuse of its forces and the bad use of its resources that make it perish. Anarchy is almost always born out of its tyranny or its lack of skill, but not out of its powerlessness.

Stability must not be confused with strength, the greatness of something

e. Washington, 15 January 1832.

There are two ways for a government to perish:

1. By lack of power (like the first Union, for example).
2. By bad use of power, like all tyrannies.

It is by this last evil that the American republics will perish.

The first mode is more rapid than the second. The latter is no less certain (YTC, BIIb, p. 13).

This note does not appear in YTC, CVe and has not been published in *Voyage, OC, V*, 1. YTC, BIIb, and YTC, CVe are two different copies of the same original, but copy BIIb, which is later, contains texts that do not appear in the first copy.

f. The manuscript says “free States.”

with its duration. In democratic republics, the power that leads<sup>5</sup> society is not stable, for it often changes hands and objectives. But, wherever it goes, its strength is nearly irresistible.

The government of the American republics seems to me as centralized and more energetic than that of the absolute monarchies of Europe. So I do not think that they will perish from weakness.<sup>6</sup>

If liberty is ever lost in America, it will be necessary to lay the blame on the omnipotence of the majority that will have brought minorities to despair and will have forced them to appeal to physical force. Then you will see anarchy, but it will arrive as a consequence of despotism.

President James Madison expressed the same thoughts (see the *Federalist*, No 51.)

It is of great importance in a republic not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part. [. . . (ed.) . . .] 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<sup>g</sup> 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 or parties be gradually induced, by a like motive, to wish for a government which will protect all parties, the weaker as well as the more powerful. It can be little doubted that if the State of Rhode Island was separated from the Confederacy and left to itself, the insecurity of rights under the popular form of government

5. *Power can be centralized in an assembly; then it is strong, but not stable. It can be centralized in a man; then it is less strong, but it is more stable.*

6. *It is useless, I think, to warn the reader that here, as in all the rest of the chapter, I am speaking, not about the federal government, but about the individual governments of each state that the majority leads despotically.*

g. In the manuscript: "the strongest individuals."

within such narrow limits would be displayed by such reiterated oppressions of factious majorities that some power altogether independent of the people would soon be called for by the voice of the very factions whose misrule had proved the necessity of it.

[In another place he said: “[The] facility of lawmaking seems to be the disease to which our government is most liable.”]

Jefferson also said: “The executive power, in our government, is not the only, and perhaps not the principal object of my concern. The tyranny of legislators is now and will be for many years to come the most formidable danger. That of the executive power will come in its turn, but in a more distant period.”<sup>7</sup>

In this matter, I like to cite Jefferson in preference to all others, because I consider him the most powerful apostle democracy has ever had.<sup>j</sup>

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

h. In Conseil's edition, vol. I, pp. 340–41. Tocqueville quotes correctly from the French, but in the English Jefferson speaks about the “tyranny of the legislatures,” not of the “legislators.”

j. Édouard de Tocqueville: “In this chapter, very well written moreover and of great interest, you completely avoid the defect for which I reproached you in the notes for the preceding chapter. Here you coldly judge democracy, without admiration and without weakness; you tell the truth about it, all the while recognizing its qualities and its advantages” (YTC, CIIb, I, p. 90).



CHAPTER 8

*Of What Tempers Tyranny of the Majority  
in the United States*

Absence of Administrative Centralization

*The national majority does not have the idea of doing everything.—It is forced to use town and county magistrates in order to carry out its sovereign will.*

Previously I distinguished two types of centralization; one, I called governmental, and the other administrative.<sup>a</sup>

Only the first exists in America; the second is almost unknown there.

If the power that directs American societies found these two means of government at its disposal, and combined, with the right to command everything, the ability and the habit of carrying out everything by itself; if, after establishing the general principles of government, it entered into the details of application, and after regulating the great interests of the country,

a. In America, there are a thousand natural causes that so to speak work by themselves toward moderating the omnipotence of the majority. The extreme similarity that reigns in the United States among all the interests, the material prosperity of the country, the diffusion of enlightenment and the mildness of mores, which is the necessary consequence of the progress of civilization, greatly favor the leniency of government.

I have already pointed out the different causes; the time has come to examine what barriers the institutions themselves have carefully raised against the power from which they derive.

Previously I distinguished . . . (YTC, CVh, 4, p. 15).

it could reach as far as individual interests, liberty would soon be banished from the New World.<sup>b</sup>

But, in the United States, the majority, which often has the tastes and instincts of a despot, still lacks the most advanced instruments of tyranny.

In none of the American republics has the central government ever taken charge of anything other than a small number of objects whose importance attracted its attention. It has never undertaken to regulate the secondary things of society. Nothing indicates that it has ever even conceived the desire to do so. The majority, while becoming more and more absolute, has not increased the attributions of the central power; it has only made it omnipotent in its sphere. Thus despotism can be very heavy at one point, but it cannot extend to all.<sup>c</sup>

Besides, however carried away the national majority may be by its passions; however ardent it is in its projects, it cannot in all places, in the same way, and in the same moment, make all citizens yield to its desires.<sup>d</sup> When the central government that represents the national majority

b. In the manuscript, the paragraph is written as follows: "The Americans must consider themselves fortunate that this is so: if the majority in the United States found the one, like the other, in its hands in order to compel obedience to its will, and if it combined, with the right to do everything, the ability and the habit of carrying everything out by its agents, its power would be, so to speak, without limits."

c. In notes taken by Beaumont for the writing of *Marie*, this is found in Tocqueville's hand:

In the American republics the central government has never taken charge except of a small number of objects whose importance attracted its attention. It has never undertaken to direct the administration of the towns and counties [v: secondary things]. It does not seem ever to have conceived the desire to do so. Becoming more and more absolute has allowed the rule of the majority to regulate these objects with more sovereign authority, but has not increased the number of objects in its sphere. So despotism can be great, but it cannot extend to everything (YTC, Beaumont, CIX).

d. Two causes.

1. Splitting up of sovereignty.
2. Splitting up of administration.

Tyranny can be very great but it cannot be popular.

The Union cannot present a tyrannical majority. Each state could do it, but town administrations (illegible word).

has given orders as a sovereign, it must rely, for the execution of its command, on agents who often do not depend on it and that it cannot direct at every moment. So the municipal bodies and county administrations form like so many hidden reefs that slow or divide the tide of popular will. Were the law oppressive, liberty would still find a refuge in the way in which the law would be executed; the majority cannot get into the details, and, if I dare say so, into the puerilities of administrative tyranny. The majority does not even imagine that it can do so, for it is not entirely aware of its power. It still knows only its natural strength and is unaware of how far art could extend its limits.

This merits reflection.<sup>e</sup> If a democratic republic like that of the United States ever came to be established in a country where the power of one man had already established administrative centralization and introduced it into habits, as well as into laws, I am not afraid to say that, in such a republic, despotism would become more intolerable than in any of the absolute monarchies of Europe. It would be necessary to look to Asia in order to find something comparable.

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The national majority finding itself opposed in its designs in this way by the majority of the inhabitants of a city or of a district, and tyranny [v: despotism] which can be very great at some points cannot become general.

If the majority rules the state, it also rules the town and the county; and since these two majorities can be opposed in their designs, liberty always finds some refuge, and despotism which can be irresistibly exercised at several points of the territory cannot become general, however (YTC, CVh, 3, pp. 53–54).

Tocqueville here is quite close to the idea that Madison expresses in Number 10 of the *Federalist*, that the best barrier against tyranny is the great extent of the republic. Nonetheless there is no reference to this Number of the *Federalist* in the drafts.

e. Hervé de Tocqueville: “I observe generally that in the whole work the author makes extremely frequent use of this way of expressing himself.

“This chapter needs to be reviewed. I would in addition like the author to put there what he said about associations as barriers to omnipotence. That would be better placed here than in the chapter on associations where you speak about the remedy before indicating the malady” (YTC, CIIIb, 1, p. 71).

## Of the Spirit of the Jurist in the United States, and How It Serves as Counterweight to Democracy<sup>f</sup>

*Usefulness of trying to find out what the natural instincts of the spirit of the jurist are.—Jurists, called to play a great role in the society that is trying to be born.—How the kind of work that jurists devote themselves to gives an aristocratic turn to their ideas.—Accidental causes that can oppose the development of these ideas.—Facility that the aristocracy has in uniting itself with jurists.—Advantage that a despot could draw from the jurists.—How the jurists form the only aristocratic element that is by nature able to combine with the natural elements of democracy.—Particular causes that tend to give an aristocratic*

f. Influence exercised by the judicial power on the power of the majority./

When you examine political society in the United States, you notice at first glance only a single principle that seems to bind all the parts strongly together: the people appear as the sole power. Nothing seems able to oppose their will or to thwart their designs.

But here is a man who appears in a way above the people; he does not get his mandate from them; he has, so to speak, nothing to fear from their anger, nor anything to hope from their favor. He is vested, however, with more power than any one of the representatives of the people; for, with a single blow, he can strike with sterility the work emanating from the common will (YTC, CVh, 1, pp. 14–15).

Rousseau (*Du contrat social*, book II, chapter VII), not wanting to limit the sovereignty of the people in any way, had to put the legislator outside of the political process. Tocqueville, who acknowledged absolute sovereignty in no power, makes the legislator a decisive element of political life.

Several conversations with American lawyers and jurists persuaded the author of the foremost role that lawyers and jurists play in political life. Cf. the conversation with Edward Everett of 24 January 1832 (non-alphabetic notebooks 2 and 3, YTC, BIIa, and *Voyage, OC*, V, 1, p. 151); the conversation with Mr. Latrobe of 30 October 1831 (*ibid.*, p. 110) and more especially the conversation with Mr. Gallatin of 10 June 1831 (non-alphabetic notebook 1, YTC, BIIa, and *Voyage, OC*, V, 1, p. 61), where the idea that lawyers constitute a body that serves as a counterweight to democracy is mentioned; the conversations with John C. Spencer of 17 and 18 July 1831 (*ibid.*, pp. 68–69), on the conservative effects of the American legal mentality. When Tocqueville takes up the argument again, he is also thinking of Blackstone (Cf. *Correspondence and Conversations of Alexis de Tocqueville with Nassau William Senior*, II, p. 44). Also see Gino Gorla, *Commento a Tocqueville. L'idea dei diritti* (Milan: Dott. A Guiffrè Editore, 1948, pp. 259–68).

*turn to the spirit of the English and American jurists.—The American aristocracy is at the lawyers' bar and on the judges' bench.—Influence exercised by jurists on American society.—How their spirit enters into the legislatures, into the administration, and ends by giving the people themselves something of the instinct of magistrates.*

[≠I said elsewhere that the American magistracy was vested with a great political power; it remains for me to see how it tends to exercise its power.

American judges are named by the executive power {or by the legislature}; they are hardly ever chosen by the people.

But had you made judges chosen directly by the people, by making them irremovable, you would have given them instincts entirely different from those of the people.

From the moment when a public official is vested with an office for life, he takes a personal interest in society remaining immobile. If he is not always the enemy of progress, he is definitely the enemy of revolutions, and if this official is a man of the law, he is naturally carried by education to prize stability and he becomes attached to stability by inclination.

In fact, in what could be called the spirit of the jurist there is something singularly aristocratic.

Whoever will not allow himself to be preoccupied by a fact but by the ensemble of facts, not by a particular period but by the succession of times, will easily discover this tendency in the spirit of the jurist. ≠]

When you visit the Americans and study their laws, you see that the authority that they have given to jurists and the influence that the Americans have allowed them to take in government form today the most powerful barrier to the errors of democracy. To me this effect seems due to a general cause that it is useful to try to determine, because it can recur elsewhere.

Jurists have been mixed up in all the movements of political society in Europe for five hundred years. Sometimes they have served as instruments of the political powers; sometimes they have used the political powers as instruments. In the Middle Ages, jurists cooperated wonderfully in extending the domination of kings; since then, they have worked powerfully

to restrict this very power. In England, they were seen to unite intimately with the aristocracy; in France they revealed themselves as its most dangerous enemies. So do jurists yield only to sudden and momentary impulses, or, depending on circumstances, do they more or less obey instincts that are natural to them and that always recur? I would like to clarify this point; for jurists are perhaps called upon to play the first role in the political society trying to be born.

Men who have made law their specialty have drawn from this work habits of order, a certain taste for forms, a sort of instinctive love for the regular succession of ideas, that make them naturally strongly opposed to the revolutionary spirit and to the unthinking passions of democracy.

[{This effect is larger or smaller depending on how you study the law.

In countries like France, where all legislation is written [the jurist (ed.)] contracts the taste for what is regular and legal.}

≠Furthermore, in countries where the law of precedents rules, such as England and America, the taste and respect for what is old are almost always merged in the soul of the jurist with the love of what is legal.

It is not the same in countries where, as in France, the whole legislation is found written in codes.

The English jurist tries to determine what has been done; the French jurist, what the intention was. The first wants ≠ evidence; the second, arguments. The one wants decisions; the other wants reasons. [Cf. *infra* (ed.)]

The special knowledge that jurists acquire while studying the law assures them a separate rank in society. They form a sort of privileged class among intelligent people. Each day they rediscover the idea of this superiority in the exercise of their profession; they are masters of a necessary science, the knowledge of which is not widespread; they serve as arbiters among citizens, and the habit of leading the blind passions of the litigants toward the goal gives them a certain contempt for the judgment of the crowd. Add that they naturally form a *corps*. It isn't that they agree among themselves and head in concert toward the same point; but the community of study and unity of methods link their minds, as interest could unite their wills.

So you find hidden at the bottom of the soul of jurists a portion of the tastes and habits of the aristocracy. Like the aristocracy, they have an instinctive propensity for order, a natural love of forms; like the aristocracy, they conceive a great distaste for the actions of the multitude and secretly despise the government of the people.<sup>g</sup>

I do not want to say that these natural tendencies of jurists are strong enough to bind them in an irresistible way. What dominates jurists, as all men, is particular interest, and above all the interest of the moment.

There is a kind of society where men of the law cannot take a rank in the political world analogous to the one that they occupy in private life; you can be sure that, in a society organized in this way, the jurists [despite their natural tastes] will be very active agents of revolution. But then you must try to determine if the cause that leads them to destroy or to change arises among them from a permanent disposition or from an accident. It is true that jurists singularly contributed to overturning the French monarchy in 1789.<sup>h</sup> It remains to be known if they acted in this way because they had studied the laws, or because they could not contribute toward making them.<sup>j</sup>

g. The manuscript says: “. . . always scorn the people.”  
Hervé de Tocqueville:

I do not know if jurists inwardly scorn the government of the people, but definitely they never express this scorn; because they are sure that the ease with which they handle words will always open a role for them in the government of the people. In general, of all classes, jurists are the one in which vanity is the most developed by popular successes. This vanity directs their outwardly expressed opinions and is the foundation of their actions.

This vanity has much less effect when they have an established position as in America, but it will always be formidable when they have a position to establish, or when superiorities are found that offend them, which will always happen in a monarchy where absolute equality cannot be found and where they are too numerous for the places and for the influence that reasonably can be given to them (YTC, CIIIB, I, p. 76).

h. Hervé de Tocqueville: “They contributed even more to overturning the Restoration, although a part of their desires was fulfilled” (YTC, CIIIB, I, p. 77).

j. Hervé de Tocqueville: “There is a gap here. Alexis throws himself toward another order of ideas before going deeply enough into those that precede. One or two more paragraphs are necessary here in order to explain more clearly the motives for the conduct of the jurists in 1789 and 1830” (YTC, CIIIB, I, p. 77).

Five hundred years ago, the English aristocracy put itself at the head of the people and spoke in their name; today it upholds the throne and makes itself the champion of royal authority.<sup>k</sup> The aristocracy, however, has instincts and tendencies that are its own.

You must also guard against taking isolated members of the corps for the corps itself.

In all free governments, of whatever form, you will find jurists among the first ranks of all parties. This same remark is also applicable to the aristocracy. Nearly all the democratic movements that have agitated the world have been led by nobles.

An elite body can never be sufficient for all the ambitions that it contains; there are always more talents and passions than posts, and you do not fail to find a large number of men there who, not able to grow great quickly enough by using the privileges of the corps, seek to grow great by attacking its privileges.

So I do not claim that a period will come when *all* jurists, or that in *all* times, most jurists must appear as friends of order and enemies of change.

I am saying that in a society where jurists occupy without dispute the elevated position that belongs to them naturally, [and with all the more reason in the society where they occupy the first rank] their spirit will be eminently conservative and will show itself to be antidemocratic.<sup>m</sup>

When the aristocracy closes its ranks to jurists, it finds in them enemies

k. Hervé de Tocqueville: "That is not exact; the English aristocracy only makes itself the champion of its privileges and of those of the clergy" (YTC, CIIIb, 1, pp. 77–78).

m. Édouard de Tocqueville:

The sense of this paragraph must necessarily be changed, for this reflection could apply to all those of ambition, to all agitators, to all the anarchists of the world, as well as to jurists. There is no revolutionary who, reaching the first rank, does not reveal a *conservative* spirit, that is to say, who does not want to *conserve* this rank, that speaks for itself. So you must not, after saying that jurists do not have anarchic tendencies, give as proof their conduct and their passions that from this paragraph are precisely those of the anarchists of all times and in all places. Couldn't you say: *I am saying that in a society where jurists will occupy without dispute the rank that legitimately belongs to them, their spirit, etc?* (YTC, CIIIb, 1, pp. 68–69).

all the more dangerous because, below the aristocracy in wealth and power, they are independent of the aristocracy by their work and feel themselves on its level by their enlightenment.

But every time the nobles have wanted to share some of their privileges with the jurists, these two classes have found it very easy to join together and have, so to speak, discovered themselves to be of the same family.

I am equally led to believe that it will always be easy for a king to make jurists the most useful instruments of his power.<sup>11</sup>

There is infinitely more natural affinity between men of the law and the executive power than between them and the people, although jurists often have to overthrow the first; just as there is more natural affinity between the nobles and the king than between the nobles and the people, even though you have often seen the superior classes of society combine with the others to struggle against royal power. [Jurists often fear the king, but they always despise the people.]

What jurists love above all things is the sight of order, and the greatest guarantee of order is authority. It must not be forgotten, moreover, that if they prize liberty, they generally put legality much above it; they fear tyranny less than arbitrariness and, provided that the legislator himself sees to taking independence away from men, they are more or less content.

So I think that the prince who, in the presence of an invasive democracy, would seek to break down the judicial power in his States and to diminish the political influence of jurists, would commit a great error. He would let go of the substance of authority in order to seize its shadow.

I do not doubt that it would be more profitable for him to introduce jurists into the government. After entrusting despotism to them in the form

n. Hervé de Tocqueville:

As for me, I believe that this will always be a nearly insoluble problem for a king. It would be necessary that near the sovereign there were neither court, nor in the State any great superiority that offended the vanity of the jurists. One objects that they love Louis-Philippe. That comes from the contempt that he inspires in them and that precisely makes each one of them believe he has the right to consider himself above Louis-Philippe, though he is the king. Alexis must take care not to be caught in a paradox, as much here as in what follows (YTC, CIIb, 1, p. 78).

of violence, perhaps he would rediscover it in their hands with the features of justice and the law.

[As for me, I would never advise any people to leave to the courts the care of guaranteeing its liberty. I would be afraid that the courts would sacrifice it to monarchs or to themselves. This care concerns great political assemblies.]

The government of democracy is favorable to the political power of jurists. When the rich man, the nobleman and the prince are excluded from government, the jurists arrive there by right, so to speak; for then they are the only enlightened and skillful men that the people can choose outside of themselves.<sup>o</sup>

If jurists are led naturally toward the aristocracy and the prince by their tastes, they are led naturally toward the people by their interest.

Thus, jurists love the government of democracy, without sharing its tendencies and without imitating its weaknesses, double cause to be powerful by democracy and over democracy.

The people, in a democracy, do not distrust jurists, because they know that the interest of jurists is to serve their cause; they listen to them without anger, because they do not assume that jurists have an ulterior motive.<sup>p</sup> In fact, jurists do not want to overturn the government that democracy has established, but they strive constantly to lead it along a path that is not its own and by means that are foreign to it. The jurist belongs to the people by his interest and by his birth and to the aristocracy by his habits and his tastes; he is like the natural liaison between these two, like the link that unites them.

The body of jurists forms the only aristocratic element that can mingle with the natural elements of democracy without effort and combine with them in a happy and enduring way. I am not unaware of the faults inherent

o. “≠In America the second guarantee of liberty is found in the constitution of the judicial power. The absence of administrative centralization is a happy circumstance more than a result of the wisdom of the law-maker. But the judicial power in the United States is a barrier raised by design against the omnipotence of the majority. You can consider it as the only powerful or real obstacle that the American laws have placed in the path of the people≠” (YTC, CVh, 4, pp. 16–17).

p. In the margin: “≠It is to jurists that democracy owes the ability to govern.≠”

in the spirit of jurists; without this mixture of the spirit of jurists with the democratic spirit, I doubt, however, that democracy could govern society for long, and I cannot believe that today a republic could hope to maintain its existence, if the influence of jurists in public affairs did not increase in proportion to the power of the people.

This aristocratic character that I see in the spirit of jurists is still more pronounced in the United States and in England than in any other country. This is due not only to the study of the law made by English and American jurists, but also to the very nature of legislation and to the position that these interpreters occupy among these two peoples.

The English and the Americans have kept the law of precedents, that is, they continue to draw from the opinions and legal decisions of their fathers the opinions that they must have in matters of the law and the decisions they must render.

So with an English or American jurist, the taste and respect for what is old is nearly always mingled with love of what is regular and legal.

This has still another influence on the turn of mind of jurists and consequently on the course of society.

The English or American jurist seeks what has been done; the French jurist, what you must have wanted to do; [the first, evidence; the second, arguments] the one wants judgments, the other wants reasons.

When you listen to an English or American jurist, you are surprised to see him so often cite the opinion of others, and to hear him speak so little about his own, while among us the contrary happens.

No affair that the French lawyer agrees to handle is so small that he treats it without introducing a system of his own ideas; and he will examine even the constituent principles of the law so that the court be pleased in this regard to have the boundary marker of a disputed inheritance moved back about six feet.

This sort of abnegation of his own sense made by the English and American jurist in order to rely on the sense of his fathers; this type of servitude, in which he is obliged to maintain his thought, must give the spirit of the jurist more timid habits and make him acquire more stationary tendencies in England and America than in France [for a fact is very much more immobile than an idea or an argument].

Our written laws are often difficult to understand, but everyone can read them; in contrast, there is nothing more obscure to the common people and less accessible to them than legislation founded on precedents. This need for the jurist in England and in the United States, this high idea of his knowledge, separate him more and more from the people, and end by putting him in a class apart. The French jurist is only a learned man, but the English or American man of the law in a way resembles the priests of Egypt; like them, he is the sole interpreter of an occult science.

The position that the men of the law occupy in England and in America exercises an influence no less great on their habits and their opinions. The aristocracy of England, which has taken care to draw to its bosom everything that had some natural analogy to it, has given a very great portion of consideration and power to jurists. In English society jurists are not at the first rank, but they consider themselves content with the rank that they occupy. They form something like the junior branch of the English aristocracy, and they love and respect their seniors, without sharing all their privileges. So the English jurists combine with the aristocratic interests of their profession the aristocratic ideas and tastes of the society in which they live.

Therefore in England, above all, you can see in relief the type of jurist that I am trying to paint: the English jurist esteems the laws, not so much because they are good as because they are old; and, if he sees himself reduced to modifying them on some point in order to adapt to the changes that societies are subjected to by time, he resorts to the most incredible subtleties in order to persuade himself that, by adding something to the work of his fathers, he is only developing their thought and completing their efforts. Do not hope to make him recognize that he is an innovator; he will consent to go to absurd lengths before admitting himself guilty of such a great crime. In England was born this legal spirit that seems indifferent to the heart of things in order to pay attention only to the letter, and that would rather go beyond reason and humanity than go beyond the law.

English legislation is like an ancient tree on which jurists have constantly grafted the strangest shoots, in the hope that, while producing different fruits, they will at least blend their foliage with the venerable stock that supports them.

In America, there are no nobles nor men of letters, and the people distrust the rich. So jurists form the superior political class and the most intellectual portion of society.<sup>q</sup> Thus, they could only lose by innovating: this adds a conservative interest to the natural taste that they have for order.

If you asked me where I place the American aristocracy, I would answer without hesitating that it is not among the rich who have no common bond that gathers them together. The American aristocracy is at the lawyers' bar and on the judges' bench.<sup>r</sup>

The more you think about what happens in the United States, the more you feel persuaded that in this country the body of jurists forms the most powerful and, so to speak, the sole counterweight of democracy.

In the United States you easily discover how appropriate the spirit of the jurist is, by its qualities, and I will say even by its faults, for neutralizing the vices inherent in popular government.

When the American people allow themselves to be intoxicated by their passions, or abandon themselves to the impetus of their ideas, jurists make them feel an almost invisible brake that moderates and stops them. To their democratic instincts, jurists secretly oppose their own aristocratic tendencies; to their love of novelty, the jurists' superstitious respect for what is old; to the immensity of their designs, the jurists' narrow views; to their disdain for rules, the jurists' taste for forms; and to their hotheadedness, the jurists' habit of proceeding slowly.

The courts are the most visible organs that the body of jurists uses to act upon democracy.

The judge is a jurist who, apart from the taste for order and rules that he acquired in the study of law, draws the love of stability also from his irremovability from office. His legal knowledge had already assured

q. In the margin: "≠Perhaps put here the large piece added at Baugy.≠"

r. I am not saying that the aristocratic spirit in the United States is found only among jurists; the rich in America, as everywhere else, certainly have great instincts for order and preservation. But they do not form a corps; they are not united together by shared habits, ideas, tastes. There is no intellectual bond that gathers their collective strength; they do not make a corps. The people distrust them and do not mix them into public affairs, while the jurists, who have more or less the same instincts as the rich, do not cause the people any fear (YTC, CVj, 2, pp. 17–18).

him an elevated position among his fellows; his political power really places him in a rank apart, and gives him the instincts of the privileged classes.

Armed with the right of declaring laws unconstitutional, an American magistrate enters constantly into public affairs.<sup>1</sup> He cannot force the people to make laws, but at least he compels them not to be unfaithful to their own laws and to remain consistent.

I am not unaware that a secret tendency exists in the United States that leads the people to reduce the judicial power; in most of the particular state constitutions, the government, at the request of two legislative houses, can remove judges from the bench. Certain constitutions make the members of the courts *elective* and submit them to frequent reelection.<sup>2</sup> I dare to predict that sooner or later these innovations will have harmful results and that one day you will see that by diminishing the independence of the magistrates in this way you have attacked not only the judicial power but also the democratic republic itself.

It must not be believed, moreover, that in the United States the spirit of the jurist is enclosed only within the courtrooms; it extends well beyond.

Jurists, forming the only enlightened class that the people do not distrust, are naturally called to occupy most of the public offices. They fill the legislatures and are at the head of administrations, so they exercise a great influence on the formation of the law and on its execution. Jurists are obliged, however, to yield to the current of political opinion that carries them along; but it is easy to find indications of what they would do if they were free. The Americans, who have innovated so much in their political laws, have introduced only slight changes, and with great difficulty, into their civil laws, although several of these laws are strongly repugnant to their social state.<sup>3</sup> That is because in matters of civil law the majority is

1. See in the first volume what I say about the judicial power.<sup>5</sup>

s. The first part of the book, as the reader remembers, was published in two volumes.

t. A lawyer from Montgomery, in Alabama, had, on 6 January 1832, drawn the attention of the author to this fact (nonalphabetic notebooks 1 and 2, YTC, BIIa, and *Voyage, OC*, V, 1, pp. 140–41).

u. Tocqueville considers this question in the last pages of chapter II of the first part of the first volume.

always obliged to rely on jurists; and the American jurists, left to their own choice, do not innovate.

It is a very strange thing for a Frenchman to hear the complaints that arise in the United States against the jurists' stationary spirit and their prejudices in favor of what is established.

The influence of the spirit of the jurist extends still farther than the precise limits that I have just traced.<sup>v</sup>

There is hardly any political question in the United States that sooner or later does not turn into a judicial question. From that, the obligation that the parties find in their daily polemics to borrow ideas and language from the judicial system. Since most public men are or have formerly been jurists, they make the habits and the turn of ideas that belong to jurists pass into the handling of public affairs. The jury ends up by familiarizing all classes with them. Thus, judicial language becomes, in a way, the common language; so the spirit of the jurist, born inside the schools and courtrooms, spreads little by little beyond their confines; it infiltrates all of society, so to speak; it descends to the lowest ranks, and the entire people finishes by acquiring a part of the habits and tastes of the magistrate.

In the United States, the jurists form a power that is little feared, that is scarcely noticed, that has no banner of its own, that yields with flexibility to the exigencies of time and gives way without resistance to all the movements of the social body. But this power envelops the entire society, pen-

v. It is easy to notice, if you look closely, that in all the states of the Union, the judicial power exercises a great influence over political affairs. But this influence is visible, above all, in the action of the federal courts. You know that the Constitution of the United States predominates over the particular constitutions just as the latter in turn predominate over simple laws. Now, I said elsewhere that the Constitution of the United States forbids the provincial legislatures to introduce retroactive provisions into their penal laws and to damage certain vested rights. To take these two courses of action away from the particular states was to wrest from them the very weapons of tyranny. So every time that legislators pass laws of this type, they are attacked as unconstitutional before the federal courts. The federal judicial system then comes to put itself as a disinterested arbiter between the majority that wants to oppress and the individual that it oppresses.<sup>1</sup> It interposes itself among the local passions whose ardor can be compared only to those fraternal hatreds about which Tacitus speaks.

1. I do not know if that is true in as absolute a way as I indicate. To research. See notably Story, p. 498 (YTC, CVh, 5, pp. 22–23).

etrates into each of the classes that compose society, works on society in secret, acts constantly on society without society's knowledge and ends by shaping society according to its desires.

### Of the Jury in the United States Considered as a Political Institution<sup>w</sup>

*The jury, which is one of the modes of sovereignty of the people, must be put in harmony with the other laws that establish this sovereignty.—Composition of the jury in the United States.—*  
*Effects produced by the jury on the national character.—*  
*Education that it gives to the people.—How it tends to establish the influence of magistrates and to spread the spirit of the jurist.*

Since my subject has led me naturally to talk about the judicial system in the United States, I will not abandon this matter without dealing with the jury.

w. Jury./

The jury is at the very same time an energetic means to make the people rule and the most effective means to teach them to rule./

Since I am on the judicial system, I want to talk about the jury./

Democratic or aristocratic, but never monarchical, always republican./

[In the margin: As for me, I find that when you deal with the jury the political point of view absorbs all others so to speak; the jury is above all a political institution; it is from this point of view that you must always judge it.] There would be a book to do on the ways in which the Americans make the responsibility of the jury apply in criminal and civil matters, but here I only want to consider it from the political point of view (YTC, CVh, 5, p. 31).

These and other ideas had been sketched by Tocqueville in two notes dated respectively 11 October 1831 and 12 January 1832 (pocket notebooks 3, 4 and 5, YTC, BIIa, and *Voyage, OC*, V, 1, pp. 181–82, 201–2). The travel notebooks contain numerous references to the jury, especially notebook F, which is dedicated exclusively to civil and criminal law in America. On the role of the jury in civil matters, see the conversation of 21 September 1831 with Senator Francis Gray and the conversation with a lawyer from Montgomery (nonalphabetic notebooks 2 and 3, YTC, BIIa, and *Voyage, OC*, V, 1, pp. 91 and 142). During his journey, Tocqueville attended a hearing in a *circuit court* (George W. Pierson, *Tocqueville and Beaumont in America*, chapter XXVIII).

Tocqueville considers that mores and circumstances act as well against tyranny of the majority. These two other obstacles to the power of the majority are set forth in chapter IX, which initially concluded the work. See note a on p. 277 and note e on p. 452.

Two things must be distinguished: the jury as a judicial institution and as a political institution.

If it was a matter of knowing to what extent the jury, and above all the jury in civil matters, serves the good administration of justice, I would admit that its usefulness could be contested.

The institution of the jury was born in a society that was little advanced, where hardly anything was submitted to the courts except simple questions of fact; and it is not a simple task to adapt the jury to the needs of a very civilized people, when the relationships among men are singularly multiplied and have taken on a complicated and intellectual character.<sup>2</sup>

My principal goal, at this moment, is to envisage the political side of the jury; another path would take me away from my subject. As for the jury considered as a judicial means, I will say only two words. When the English adopted the institution of the jury, they were a half-barbaric people; they have since become one of the most enlightened nations of the globe, and their attachment to the jury has seemed to increase with their enlightenment. They emerged from their territory, and we have seen them spread across the universe. Some formed colonies; others, independent States. The body of the nation kept the king; several of the emigrants founded powerful republics. But everywhere the English equally advocated the institution of

2. *It would be something quite useful and curious to consider the jury as a judicial institution, to appreciate the effects that it produces in the United States and to try to find out in what way the Americans have made use of it. You could find in the examination of this question alone the subject of an entire book and a book interesting for France. You would try to find out there, for example, what portion of American institutions relative to the jury could be introduced among us and with the help of what gradual process. The American state that would provide the most light on this subject would be the state of Louisiana. Louisiana contains a mixed population of French and English. The two sets of law are found there face to face like the two peoples and combine little by little with each other. The most useful books to consult would be the collection of the laws of Louisiana in two volumes, entitled *Digeste des lois de la Louisiane*; and perhaps even more a course-book on civil procedure written in the two languages and entitled: *Traité sur les règles des actions civiles*, printed in 1830 in New Orleans, published by Buisson. This work presents a special advantage; it provides to the French an accurate and authentic explanation of English legal terms. The language of the law forms something like a separate language among all peoples, and among the English more than among any other.*

the jury.<sup>3</sup> They established it everywhere or hastened to reestablish it. A judicial institution that thus obtains the votes of a great people over a long succession of centuries, that is zealously reproduced at all periods of civilization, in all climates and under all forms of government cannot be contrary to the spirit of justice.<sup>4</sup>

[<Justice is one of the first needs of men, and there is no prejudice that can stifle it for long.>]

But let us leave this subject. It would singularly narrow your thought to limit yourself to envisioning the jury as a judicial institution; for, if it exercises a great influence on the outcome of trials, it exercises a very much greater one on the very destinies of society. So the jury is before all else a political institution. You must always judge it from this point of view.

I understand by jury a certain number of citizens taken at random and vested temporarily with the right to judge.

3. *All the English and American jurists are unanimous on this point. Mr. Story, Justice of the Supreme Court of the United States, in his [very fine] treatise on the federal Constitution returns again to the excellence of the institution of the jury in civil matters: "The inestimable privilege of a trial by Jury in civil cases [is (ed.)]" he says, "a privilege scarcely inferior to that in criminal cases, which is conceded by all persons to be essential to political and civil liberty" (Story, book III, ch. XXXVIII [p. 654 (ed.)]).*

4. *If you wanted to establish the utility of the jury as judicial institution, you would have many other arguments to offer, and among others the following:*

*As you introduce jurors into affairs, you can without inconvenience diminish the number of judges; this is a great advantage. When judges are very numerous, each day death creates a gap in the judicial hierarchy and opens new places for those who survive. So the ambition of the magistrates is continually in suspense and makes them naturally depend on the majority or on the man who appoints to empty posts: then you advance in the courts like you gain rank in the army. It is a state of things entirely contrary to the good administration of justice and to the intentions of the legislator. You want the judges to be irremovable so that they remain free; but what good is it that no one can take their independence away from them if they willingly sacrifice it themselves?*

*When judges are very numerous, it is impossible not to find many incompetent men among them: for a great magistrate is not an ordinary man. Now, I do not know if a half-enlightened court is not the worst of all combinations in order to attain the ends that are set when establishing the courts of justice.*

*As for me, I would prefer to abandon the decision in a trial to ignorant jurors led by a skillful magistrate, than to leave it to judges, the majority of whom would have only an incomplete knowledge of jurisprudence and of the laws.*

To apply the jury to the suppression of crime appears to me to introduce into the government an eminently republican institution. Let me explain.

The institution of the jury can be aristocratic or democratic, depending on the class from which you take the jurors; but it always retains a [an eminently] republican character, in that it places the real direction of society in the hands of the governed or of a portion of them, and not in the hands of those governing.

Force is never more than a fleeting element of success; soon after force comes the idea of right. A government reduced to being able to reach its enemies only on the field of battle would soon be destroyed. The true sanction of political laws is therefore found in the penal laws and if the sanction is lacking, the law sooner or later loses its force. So the man who judges in a *criminal court* is really the master of society. Now, the institution of the jury puts the people themselves, or at least a class of citizens, on the judge's bench. So the institution of the jury really puts the leadership of society into the hands of the people or of this class.<sup>5</sup>

In England, the jury is recruited from among the aristocratic portion of the nation. The aristocracy makes the laws, applies the laws and judges the infractions of the laws.<sup>B</sup> Everything is in accord: consequently England truly speaking forms an aristocratic republic. In the United States, the same system is applied to the whole people. Each American citizen is a voter and eligible for office and jury.<sup>C</sup> The system of the jury, such as it is understood in America, seems to me as direct and as extreme a consequence of the dogma of sovereignty of the people as universal suffrage. These are two equally powerful means to make the majority rule.

All the sovereigns who have wanted to draw the sources of their power from within themselves and lead society instead of letting themselves be led by society have destroyed the institution of the jury or have enervated

5. *An important remark must be made however:*

*The institution of the jury, it is true, gives to the people a general right of control over the actions of the citizens, but it does not provide them with the means to exercise this control in all cases or in an always tyrannical manner.*

*When an absolute prince has the right to have crimes judged by his appointees, the fate of the accused is so to speak fixed in advance. But were the people resolved to condemn, the composition of the jury and its lack of accountability would still offer some favorable chances to the innocent.*

it. The Tudors imprisoned jurors who would not condemn, and Napoleon had jurors chosen by his agents.

[It was the Bourbons who, in the year 1828, really reestablished among us the institution of the jury by making chance the principal arbiter of the choice of jurors. I cannot in this matter prevent myself from admiring the singular connection of events in this world. Bonaparte, who pretended to hold his right from the national will, made a law directly contrary to the sovereignty of the people, and the Bourbons, who said they held their right from themselves, returned the sanction to the hands of the people.<sup>x</sup>

The law of 1828 was, without the knowledge of those who passed it, an immense advance<sup>y</sup> made toward republican institutions in France. You would have noticed it clearly if the Restoration had not rushed headlong into an abyss. The jury thus emancipated would have been sufficient to bind the government little by little to the desires of the middle classes without having had the need to resort to force, because the majority of jurors was always found among the middle classes.]

However evident most of the preceding truths may be, they do not strike all minds, and often, among us, there still seems to be only a confused idea of the institution of the jury. If someone wants to know what elements should make up the list of jurors, the discussion is limited to considering the enlightenment and capacity of those called to be a part of the list, as if it was only a matter of a judicial institution. In truth, that seems to me to be preoccupied with the least portion of the subject. The jury is before all else a political institution; it should be considered as a mode of sovereignty of the people; it must be entirely rejected when you rule out the

x. To the side: “<In note if included.

≠The cause for it is that the first attached more value to absolute power than to the right to exercise it [v: the appearance] while the second still preferred the aspect of the thing to the thing itself≠ {have the right to do everything rather than to use it.}>”

y. Édouard de Tocqueville:

“I would like an *immense step* instead of an *immense advance*, because a *step* may not be an *advance* and it is still very doubtful that it is one in this case. In any case I do not think that you wish to express yourself in this regard or that you should.

“This expression of *advance*, moreover, implies blame for the Bourbons who granted it without knowing, that is to say against their will. While the word *step* cannot include this sense” (YTC, CIIIb, 1, p. 66).

sovereignty of the people, or must be put in harmony with the other laws that establish this sovereignty. The jury forms the part of the nation charged with ensuring the execution of the laws, as the legislative houses are the part of the nation charged with making the laws; and for society to be governed in a fixed and uniform manner, it is necessary that the list of jurors be expanded or restricted with the list of voters. This is the point of view that, in my opinion, must always attract the principal attention of the legislator. The rest is so to speak secondary.

I am so persuaded that the jury is before all else a political institution that I still consider it in this way when it is applied to civil matters. [This can seem extraordinary at first glance. Here are my reasons for doing so.]

Laws are always shaky as long as they do not rely on mores; mores form the only resistant and enduring power among a people.

When the jury is reserved for criminal affairs, the people see it act only from time to time and in particular cases; they get used to doing without the jury in the ordinary course of life, and they consider it as a means and not as the only means for obtaining justice.<sup>6</sup>

When, on the contrary, the jury is extended to civil affairs, its application comes into view at every moment; then it touches all interests; each person comes to contribute to its action; in this way it enters into the customs of life; it bends the human spirit to its forms and merges so to speak with the very idea of justice.

So the institution of the jury, limited to criminal affairs, is always at risk; once introduced into civil matters, it stands up against time and the efforts of men. If you had been able to remove the jury from the mores of the English as easily as from their laws, the jury would have completely succumbed under the Tudors. So it is the civil jury that really saved the liberties of England.

In whatever manner you apply the jury, it cannot fail to exercise a great

*6. This is true for all the more reason when the jury is applied only to certain criminal affairs.*

influence on the national character, but this influence increases infinitely the more you introduce it into civil matters.

The jury, and above all the civil jury, serves to give the mind of all citizens a part of the habits of mind of the judge; and these habits are precisely those that best prepare the people to be free.

It spreads in all classes respect for the thing judged and for the idea of right. Remove these two things, and the love of independence will be nothing but a destructive passion.

It teaches men the practice of equity. Each person, by judging his neighbor, thinks that he can be judged in his turn. That is above all true of the jury in civil matters: there is hardly anyone who fears one day being the object of a criminal proceeding; but everyone can have a civil trial.

The jury teaches each man not to retreat from responsibility for his own actions; a manly disposition, without which there is no political virtue.

It vests each citizen with a sort of magistracy; it makes all feel that they have duties to fulfill toward society and that they enter into its government. By forcing men to get involved in something other than their own affairs, it combats individual egoism, which is like the rust of societies [that ruins nations more than armies do].

The jury serves unbelievably to form the judgment and to augment the natural enlightenment of the people. That, in my opinion, is its greatest advantage. You must consider it as a free school, always open, where each juror comes to be instructed about his rights, where he enters into daily communication with the most learned and most enlightened members of the upper classes, where the laws are taught to him in a practical way, and are put within the reach of his intelligence by the efforts of the lawyers, the advice of the judge and the very passions of the parties. I think that the practical intelligence and good political sense of the Americans must be attributed principally to the long use that they have made of the jury in civil matters.

I do not know if the jury is useful to those who have legal proceedings, but I am sure that it is very useful to those who judge them. I regard it as one of the most effective means that a society can use for the education of the people.

What precedes applies to all nations; but here is what is special to the Americans, and in general to democratic peoples.

I said above that in democracies the jurists, and among them the magistrates, form the only aristocratic body that can moderate the movements of the people. This aristocracy is vested with no physical power; it exercises its conservative influence only over minds. Now, it is in the institution of the civil jury that it finds the principal sources of its power.

In criminal trials, where society struggles against a man, the jury is led to see in the judge the passive instrument of the social power, and it distrusts his advice. Moreover, criminal trials rest entirely on simple facts that good sense easily comes to appreciate. On this ground, judge and juror are equal.

It is not the same in civil trials; then the judge appears as a disinterested arbiter between the passions of the parties. The jurors view him with confidence, and they listen to him with respect; for here his intelligence entirely dominates theirs. He is the one who lays out before them the diverse arguments that have fatigued their memory and who takes them by the hand to lead them through the twists and turns of procedure; he is the one who confines them to the point of fact and teaches them the answer that they must give to the question of law. His influence over them is almost without limits.

Is it necessary to say finally why I am so little moved by arguments drawn from the incapacity of jurors in civil matters?

In civil trials, at least whenever it is not a matter of questions of fact, the jury has only the appearance of a judicial body.

The jurors deliver the decision that the judge has rendered. They lend to this decision the authority of the society that they represent and he, the authority of reason and the law.<sup>D</sup>

In England and in America, judges exercise an influence over the fate of criminal trials that the French judge has never known. It is easy to understand the reason for this difference: the English or American magistrate has established his power in civil matters; afterward he is only exercising it in another theater; he is not gaining it there.

There are cases, and they are often the most important ones, where the

American judge has the right to deliver a verdict alone.<sup>7</sup> He then finds himself, by happenstance, in the position where the French judge usually finds himself; but his moral power is very much greater: the memories of the jury still follow him, and his voice has almost as much power as that of the society of which the jurors were the organ.

His influence extends even well beyond the courtroom: in the diversions of private life as in the labors of political life, in the public square as within the legislatures, the American judge constantly finds around him men who are used to seeing in his intelligence something superior to their own; and, after being exercised in trials, his power makes itself felt in all the habits of mind and even on the very souls of those who have participated with him in judging.

So the jury, which seems to diminish the rights of the magistracy, really establishes its dominion, and there is no country where judges are as powerful as those where the people share their privileges.

With the aid of the jury in civil matters, above all, the American magistracy makes what I have called the spirit of the jurist enter into the lowest ranks of society.

Thus the jury, which is the most energetic means to make the people rule, is also the most effective means to teach them to rule.<sup>z</sup>

7. *Federal judges almost always decide alone questions that touch most closely on the government of the country.*

z. Among Beaumont's documents relative to the discussion of the constitutional committee of 1848, the following note is found, which gives an account of an intervention by Tocqueville concerning the jury: "Tocqueville sees a disadvantage in an immediate, absolute and general application of the jury in civil matters. Singular mixture sometimes of fact and law. Necessity of very enlightened public mores. Greater necessity of a more capable jury because of the difficulty of functions. Who says jury says *suppression* in nearly all cases of the double degree of jurisdiction. Great difficulty in leading the jury" (YTC, Beaumont, DIVk).



## CHAPTER 9

### *Of the Principal Causes That Tend to Maintain the Democratic Republic in the United States<sup>a</sup>*

The democratic republic<sup>b</sup> survives in the United States. The principal goal of this book has been to make the causes of this phenomenon understood.

The flow of my subject carried me, despite myself, close to several of these causes that I pointed out only from afar in passing. I could not deal with others. And those that I was allowed to expand upon have been left behind as if buried under details.

So I thought that before going further and speaking about the future, I had to gather together in a narrow scope all the reasons that explain the present.

In this type of summary I will be brief, for I will take care to recall only very summarily to the reader what he already knows, and among the facts that I have not yet had the occasion to put forth, I will choose only the principal ones.

I thought that all the causes that tend to maintain the democratic republic<sup>c</sup> in the United States could be reduced to three:<sup>d</sup>

a. At first this chapter was the last in the book; the tenth was added later.

Melvin Richter ("The Uses of Theory: Tocqueville's Adaptation of Montesquieu," in *Essays in Theory and History*, Cambridge: Harvard University Press, 1970, pp. 74–102) compares the method of Tocqueville in this chapter with that followed by Montesquieu in *Esprit des lois*.

b. In the manuscript: "A large democratic republic . . ."

c. The manuscript says: ". . . the large democratic republic . . ."

d. ≠Of the three causes the least influential is that of laws and it is, so to speak, the only one that depends on man. Peoples cannot change their position and the first

The particular and accidental situation in which Providence placed the Americans forms the first;

The second results from laws;

The third follows from habits and mores.

Of the Accidental or Providential Causes  
That Contribute to Maintaining the  
Democratic Republic in the United States<sup>e</sup>

*The Union does not have neighbors.—No large capital.—The Americans have had the good fortune of birth in their favor.—America is an empty country.—How this circumstance serves powerfully to maintain the democratic republic.—Manner in which the wilderness of America is populated.—Eagerness of the Anglo-Americans to take possession of the empty wilderness areas of the New World.—Influence of material well-being on the political opinions of the Americans.*

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conditions of their existence. A nation can in the long run modify its habits and its mores, but a generation cannot succeed in doing so. It can only change the laws. [In the margin: But what can the best laws do without circumstances and mores?] Now, of the three causes that we are speaking about, the least influential is precisely that which results from laws. So not only does man not exercise power around himself, but he possesses so to speak none over himself and remains almost completely a stranger to his own fate<sup>≠</sup> (YTC, CVh, 4, p. 19).

e. At first this part was entitled: *What Tends {to Moderate the Omnipotence of the Majority in America} to Make the Democratic Republic Practicable in America*. The first sentences of the initial draft show that this part was a continuation of that on the tyranny of the majority: “<sup>≠</sup>The causes that tend to moderate the omnipotence of the majority in the United States and to make the democratic republic practicable arise from the particular circumstances in which the country is or was, from laws and from mores.<sup>≠</sup>”

A note in the margin specifies: “<sup>≠</sup>To put immediately after the omnipotence of the majority what serves more particularly as a counterweight to it and then what in general favors the republic, for the omnipotence of the majority, which is the greatest obstacle to maintaining republics, is not the only one.<sup>≠</sup>”

There are a thousand circumstances<sup>f</sup> independent of the will of men that make it easy to have the democratic republic in the United States. Some are known, others are easy to make known: I will limit myself to explaining the principal ones.

The Americans do not have neighbors,<sup>g</sup> consequently no great wars, financial crisis, ravages, nor conquest to fear; they need neither heavy taxes nor a numerous army, nor great generals; they have almost nothing to fear from a plague more terrible for republics than all the others put together, military glory.

How to deny the incredible influence that military glory exercises on the spirit of the people? General Jackson, whom the Americans have twice chosen to put at their head, is a man of violent character and middling capacity; nothing in all the course of his career had ever proved that he had the qualities necessary to govern a free people; consequently, the majority of the enlightened classes of the Union have always been opposed to him. So who put him in the President's seat and still keeps him there? The memory of a victory won by him, twenty years ago, under the walls of New Orleans; now, this victory of New Orleans is a very ordinary feat of arms which cannot be of much interest for long except in a country where no battles are fought; and the people who allow themselves to be thus carried away

f. James T. Schleifer (*The Making of Tocqueville's "Democracy in America,"* p. 61) noted that the meaning of the word "circumstances" appreciably narrows from the drafts to the final version and ends by designating only physical circumstances. It can be added, in the same way, that the importance of the influence of climate, as has been seen elsewhere, is manifestly greater in the drafts and manuscript than in the final version.

During his journey, as the correspondence attests, Tocqueville accorded a great importance to climatic conditions: "When you see men who tell you that climate does nothing to the constitution of peoples, assure them that they are mistaken. We saw the French of Canada: they are a tranquil, moral, religious people; in Louisiana we left other French who were restless, dissolute, lax in everything. Between them was 15 degrees of latitude; that is in truth the best reason that I can give for the difference" (Letter to Ernest de Chabrol of 16 January 1832, YTC, Blaz). Also see *Correspondance avec Kergorlay, OC, XIII, 1*, pp. 225–36 and a letter of 1829, before the American journey, in *Correspondance avec Beaumont, OC, VIII, 1*, pp. 93–94.

g. For Rousseau, the absence of conflicts with neighbors constitutes one of the conditions for the existence of a good body of laws (*Du contrat social*, book II, chapter X, in *Oeuvres complètes*, Paris: Pléiade, 1964, III, p. 389). Jefferson often repeated the same idea.

by the prestige of glory is, certainly, the coldest, most calculating, least military and, if I can put it this way, the most prosaic of all the peoples of the world.<sup>[\*]h</sup>

America has no large capital<sup>l</sup> whose direct or indirect influence is felt over the whole extent of the territory; I consider this one of the first causes for maintaining republican institutions in the United States.<sup>j</sup> In cities, you can hardly prevent men from consulting each other, from getting worked

[\*]. {which has not prevented one of our compatriots who became American forty years ago} ≠ During our visit to America a medal was struck in honor of G[ener (ed.)]al. J[ackson (ed.)] having as an inscription: “quod Caesar fecit Jackson superavit,” which could have seemed a pleasant jest, but the author did not intend it as a joke. It is true that this unfortunate flatterer was a former French republican, a very ardent enemy of kings and the vices of the royal court [Edmond-Charles Genêt (ed.)].≠

h. This paragraph appears almost literally in a note of 1 November 1831 (pocket notebook 3, YTC, BIIa, and *Voyage, OC*, V, 1, p. 186). Tocqueville and Beaumont met Andrew Jackson on 19 January 1832. The evening spent at the White House seems hardly to have impressed the two Frenchmen favorably. Nor did it modify their opinion about the American President. Beaumont gave an account of this visit in a letter to his mother (*Lettres d'Amérique*, pp. 210–11). Also see George W. Pierson, *Tocqueville and Beaumont in America*, pp. 663–66.

i. *America does not yet have a large capital, but it already has three large cities. In 1830, Philadelphia numbered 161,000 inhabitants, and New York 202,000. The lower classes who inhabit these vast cities form a populace more dangerous than even that of Europe. It is made up first of all of emancipated Negroes, who are condemned by law and opinion to a state of hereditary degradation and misery. Also in its midst is found a multitude of Europeans pushed daily by misfortune and loose behavior to the shores of the New World; these men bring to the United States our worst vices, and they have none of the interests that could combat the influence of those vices. Inhabiting the country without being citizens, they are ready to take advantage of all the passions that agitate the country; consequently we have for some time seen serious riots break out in Philadelphia and New York. Such disorders are unknown in the rest of the country, which is not worried about them, because until now the city population has not exercised any power or any influence on the rural population.*

*I regard the large size of certain American cities and above all the nature of their inhabitants, however, as a genuine danger that threatens the future of the democratic republics of the New World, and I am not afraid to predict that it is there that they will perish, unless their government succeeds in creating an armed force that, while remaining subject to the will of the national majority, is nevertheless independent of the people of the cities and can repress their excesses.*

j. Compare chapter VIII of book II of *Ancien Régime et la Révolution* (*OC*, II, 1, pp. 139–40), where Tocqueville cites the Marquis de Mirabeau and Montesquieu on the same theme. Later, the great anti-metropolitan will be Rousseau (*Du contrat social*, book III, chapter XIII, *Oeuvres complètes*, Paris: Pléiade, 1964, III, p. 427).

up together, from making sudden and impassioned resolutions. Cities form like great assemblies of which all the inhabitants are members. The people exercise a prodigious influence over their magistrates there, and often the people execute their will there without intermediary.

So to subject the provinces to the capital is to put the destiny of the whole empire, not only in the hands of a portion of the people, which is unjust, but also to put it in the hands of the people acting by themselves, which is very dangerous. So the preponderance of capitals strikes a grave blow at the representative system. It makes modern republics succumb to the fault of the ancient republics which all perished from not knowing this system.

It would be easy for me to enumerate here a great number of other secondary causes that have favored the establishment and assure the maintenance of the democratic republics in the United States. But in the middle of this host of fortunate circumstances, I see two principal ones, and I hasten to point them out.

I have already said previously that I saw in the origin of the Americans, in what I called their point of departure, the first and most effective of all the causes to which the present prosperity of the United States could be attributed. The Americans have had the good fortune of birth in their favor: long ago their fathers imported to the land that they inhabit equality of conditions and intellectual equality, from which the democratic republic was bound to emerge one day as if from its natural source. This is still not all; with a republican social state, they passed on to their descendants the habits, ideas and mores most appropriate to make the republic flourish. When I think about what this original fact produced, I seem to see the whole destiny of America contained in the first Puritan who reached its shores, like the whole human race in the first man.

Among the fortunate circumstances that also have favored the establishment and assure the maintenance of the democratic republic in the United States, the first in importance is the choice of the country itself that the Americans inhabit. Their fathers gave them the love of equality and liberty, but it is God who, by giving them an unlimited continent, granted them the means to remain equal and free for a long time.<sup>k</sup>

k. To the side: “≠When a king finds himself troubled by his neighbors, he goes to war; when the people are discontent with their position, they make a revolution.≠”

General well-being favors the stability of all governments, but particularly of democratic government, which rests upon the dispositions of the greatest number, and principally on the dispositions of those who are the most exposed to needs. When the people govern, they must be happy so that they do not overturn the State. Misery produces among them what ambition does among kings. Now, causes that are material and independent of the laws and that can lead to well-being are more numerous in America than they have been in any country in the world, in any period of history. [In Europe the culmination of good laws is to produce well-being; in America all the work of bad laws would scarcely succeed in preventing well-being from being produced.]

In the United States, it is not only legislation that is democratic; nature itself works for the people.

Where to find, in the memory of man, anything resembling what is happening before our eyes in North America?

The famous societies of antiquity were all founded in the midst of enemy peoples who had to be conquered for those societies to be established in their place. Modern peoples have found in several parts of South America vast countries inhabited by peoples who were less enlightened than they, but who had already appropriated the soil by cultivating it. To establish their new States, they had to destroy or subjugate large populations, and they made civilization ashamed of their triumphs.

But North America was inhabited only by wandering tribes who did not think of using the natural riches of the soil. North America was still, properly speaking, a vacant continent, a deserted land, that awaited inhabitants.

Everything is extraordinary among the Americans, their social state as well as their laws; but what is still more extraordinary is the land that holds them.

When the earth was given to men by the Creator, it was young and inexhaustible,<sup>m</sup> but they were weak and ignorant; and when they had learned to take advantage of the treasures that it held in its bosom, they already

m. In the manuscript: "When God created the globe He at once gave part of it over to the efforts of its inhabitants. Providence held the rest in reserve, destined for happier generations.

"The land that thus became the first inheritance of man was young . . ."

covered the face of the land, and soon they had to fight to gain the right to have a refuge and to dwell in liberty.

That is when North America comes into sight, as if God had held it in reserve and it had only just emerged from the waters of the flood.

It presents, as at the first days of creation, rivers whose sources do not run dry, green and moist wildernesses, limitless fields not yet broken by the farmer's plow. In this state, it is no longer offered to the isolated, ignorant and barbaric man of the earliest ages, but to the man already master of the most important secrets of nature, united with his fellows, and educated by an experience of fifty centuries.

At the moment I speak, thirteen million civilized Europeans are spreading tranquilly across fertile wilderness areas whose resources or extent they do not yet exactly know. Three or four thousand soldiers push before them the wandering race of natives; behind the armed men, woodsmen advance who pierce the forests, drive away the wild game, explore the course of rivers and prepare the triumphant march of civilization across the wilderness.

Often, in the course of this work, I have alluded to the material well-being that the Americans enjoy; I have pointed it out as one of the great causes for the success of their laws. This reason had already been given by a thousand others before me: it is the only one that, falling in a way within the awareness of the Europeans, has become popular among us. So I will not expand upon a subject so often treated and so well understood; I will only add several new facts.<sup>n</sup>

It is generally imagined that the wilderness of America is populated with the help of European emigrants who arrive each year on the shores of the New World, while the American population increases and multiplies on the soil that their fathers occupied: that is a great error. The European who reaches the United States arrives there without friends and often without resources; to live, he is forced to hire out his services, and it is rare to see him go beyond the large industrial zone that extends along the ocean. You

n. In the margin: "≠The Americans are so fortunate that everything, even including their *vices*, is useful to them."

cannot clear the wilderness without capital or credit;[\*] before risking yourself in the middle of the forest, the body must become accustomed to the rigors of a new climate. So it is the Americans who, daily abandoning the place of their birth, go to create for themselves vast domains far away. Thus the European leaves his cottage to go to inhabit the transatlantic shores, and the American, who is born on these very shores, disappears in turn into the emptiness of the central part of America. This double movement of emigration never stops: it begins in the heart of Europe, it continues across the great ocean, it keeps on across the solitude of the New World. Millions of men march at the same time toward the same point of the horizon: their language, their religion, their mores differ, their goal is shared. They have been told that fortune is found somewhere toward the West, and they go in haste to find it.<sup>o</sup> [What are they going to do, in what precise place must they stop? They themselves do not know, but they march forward guided by the hand of God.]

Nothing can be compared with this continual displacement of the human species, except perhaps what happened at the fall of the Roman Empire. Then, as today, you saw men rush all in a throng toward the same point and meet turbulently in the same places; but the designs of Providence were different. [Then God wanted to destroy; today He wants to create.] Each new arrival brought in his train destruction and death; today each of them carries with him a seed of prosperity and life.

The distant consequences of this migration of the Americans toward the West is still hidden from us by the future, but the immediate results are easy to recognize: because one part of the former inhabitants moves each year away from the states where they were born, these states, as they grow older, are becoming populated only very slowly; thus in Connecticut, which still numbers only fifty-nine inhabitants per square mile, the population has only grown by a quarter during the past forty years, while in England it has increased by a third during the same period. So the emigrant from Europe always arrives in a country half-full where industry needs hands; he

[\*]. A note of explanation and details.

<sup>o</sup>. Cf. note h for p. 1313 of volume IV.

becomes a worker who is well-off; his son goes to find his fortune in an empty country and becomes a wealthy landowner. The first amasses the capital that the second turns to good account, and there is no poverty either among the foreigners or among the natives.

Legislation, in the United States, favors as much as possible the division of property; but a cause more powerful than legislation prevents property from dividing too much.<sup>2</sup> You can see it clearly in the states that are finally beginning to fill up. Massachusetts is the most populated country in the Union; the inhabitants number eighty per square mile, which is infinitely fewer than in France, where there are one hundred sixty-two gathered in the same space.

In Massachusetts, however, it is quite rare that small estates are divided: the eldest generally takes the land; the younger go to find their fortune in the wilderness.

The law abolished the right of primogeniture; but you can say that Providence reestablished it without anyone having to complain, and this time at least it does not offend justice.

You will judge by a single fact the prodigious number of individuals who leave New England in this way to go to move their homes into the wilderness. We are assured that in 1830, among the members of Congress, there were thirty-six who were born in the small state of Connecticut. So the population of Connecticut, which forms only one forty-third of that of the United States, provides one-eighth of the representatives.<sup>P</sup>

The state of Connecticut itself, however, sends only five representatives to Congress: the thirty-one others appear there as representatives of the new states of the West. If these thirty-one individuals had remained in Connecticut, it is probable that instead of being rich landowners, they would have remained small farmers and lived in obscurity without being able to open a political career, and that, far from becoming useful legislators, they would have been dangerous citizens

2. *In New England, the land is divided into small estates, but it is no longer being divided.*

p. Tocqueville got this information from Judge Dens of Hartford (non-alphabetic notebooks 2 and 3, YTC, BIIa, and *Voyage, OC*, V, 1, p. 102).

These considerations do not escape the mind of the Americans any more than ours.

Chancellor Kent writes in his *Commentaries on American Law* (vol. IV, p. 380):

It cannot be doubted that the division of property will produce great evils when it is carried to the extreme; to the extent that each portion of land can no longer provide for the support of a family; but these disadvantages have never been felt in the United States, and many generations will pass before they are felt. The immense area of our uninhabited territory, the abundance of adjacent lands and the continual flow of emigration that, departing from the shores of the Atlantic, goes constantly into the interior of the country, are sufficient and will be sufficient to prevent the breaking up of inherited lands for a long time yet to come.

It would be difficult to portray the greediness with which the American throws himself on this immense prize that fortune offers him. To pursue it he fearlessly defies the Indian's arrow and the diseases of the wilderness; the silence of the woods holds nothing that astonishes him, the approach of ferocious beasts does not rouse him; a stronger passion than love of life constantly spurs him on. Before him extends a continent nearly without limits, and you would say that, already afraid of having no room there, he hurries for fear of arriving too late. I spoke about the emigration from the old states, but what will I say about that from the new? Not fifty years ago Ohio was founded; most of its inhabitants were not born there; its capital has not existed thirty years, and an immense expanse of uninhabited country still covers its territory; the population of Ohio, however, has already started to march again toward the West; most of those who come into the fertile prairies of Illinois are inhabitants of Ohio. These men have left their first home to be comfortable; they leave the second to be still better off: nearly everywhere, they find fortune, but not happiness. Among them, the desire for well-being has become a restless and ardent passion that grows as it is being satisfied. Formerly they broke the ties that bound them to their birthplace; they have formed no other ties since. For them, emigration began as a need; today, it has become in their eyes a kind of game of chance, which they love for the emotions as much as for the gain.

Sometimes man moves so quickly that the wilderness reappears behind him. The forest has only bent under his feet; the moment he passes, it rises up again. It is not unusual, while traveling through the new states of the West, to encounter abandoned dwellings in the middle of the woods; often you find the ruins of a cabin in the deepest solitude, and you are amazed while crossing rough-hewn clearings that attest simultaneously to human power and inconstancy. Among these abandoned fields, over these day old ruins, the ancient forest does not delay growing new shoots; the animals retake possession of their realm; nature comes happily to cover the vestiges of man with green branches and flowers and hastens to make the ephemeral trace of man disappear.

I remember that while crossing<sup>q</sup> one of the uninhabited districts that still cover the state of New York, I reached the shores of a lake entirely surrounded by forests as at the beginning of the world. A small island arose in the middle of the water. The woods that covered it, spreading their foliage, entirely hid its banks. On the shores of the lake, nothing announced the presence of man; you noticed only a column of smoke on the horizon that, going straight up into the clouds above the top of the trees, seemed to hang from rather than rise into the sky.

An Indian canoe was pulled onto the sand. I took advantage of it to go to visit the island that had first attracted my attention and soon after I reached its shore. The entire island formed one of those delightful uninhabited places of the New World that almost make civilized men feel nostalgia for savage life. A vigorous vegetation proclaimed by its wonders the incomparable fertility of the soil. As in all the wildernesses of North America, a profound silence reigned that was interrupted only by the monotonous cooing of the woodpigeons or by the blows that the woodpecker struck on the bark of the trees. I was very far from believing that this place had formerly been inhabited, nature there seemed so left to itself; but upon reaching the center of the island, I suddenly thought that I had found vestiges of man. Then I carefully examined all the objects in the area, and soon

q. The manuscript adds "by chance." It is not at all by chance that Tocqueville found himself in this sparsely inhabited region of the state of New York. He was there expressly to visit the island that he describes here (see appendix I, *Voyage to Lake Oneida*).

I no longer doubted that a European had come to find a refuge in this place. But how his work had changed appearance! The woods that, long ago, he had hastily cut down to make himself a shelter had since grown shoots; his fence had become living hedges, and his cabin had been transformed into a grove. In the middle of these bushes you still saw a few stones blackened by fire, scattered around a small pile of ashes; undoubtedly this was the place of the hearth: the chimney, collapsing, had covered it with debris. For some time I admired in silence the resources of nature and the weakness of man; and when finally I had to leave these enchanted places, I again repeated with sadness: What! Ruins already!<sup>r</sup>

In Europe we are used to regarding as a great social danger restlessness of spirit, immoderate desire for wealth, extreme love of independence. These are precisely all the things that guarantee a long and peaceful future to the American republic. Without these restless passions, the population would concentrate around certain places and, as among us, would soon experience needs difficult to satisfy. How fortunate a country is the New World, where the vices of man are nearly as useful to society as his virtues!

This exercises a great influence on the way in which human actions are judged in the two hemispheres. Often the Americans call praiseworthy industry what we name love of gain, and they see a certain cowardice of heart in what we consider moderation of desires.

In France, simplicity of tastes, tranquillity of mores, spirit of family and love of birthplace are regarded as great guarantees of tranquillity and happiness for the State; but in America, nothing seems more prejudicial to society than such virtues. The French of Canada, who have faithfully preserved the traditions of the old mores, already find it difficult to live in their territory, and this small group of people just born will soon be prey to the miseries of old nations. In Canada, the men who have the most enlightenment, patriotism and humanity, make extraordinary efforts to give the

r. Hervé de Tocqueville: "I believe that in this place Alexis should add a note that would say a few words about the story of the emigrant" (YTC, CIIIb, 1, p. 57).

people a distaste for the simple happiness that is still enough for them. These men celebrate the advantages of wealth, just as among us they would perhaps praise the charms of honest mediocrity, and they take more care to incite human passions than is taken elsewhere to calm such passions. Nothing in their eyes merits more praises than to exchange the pure and tranquil pleasures presented by the native country to the poor man for the sterile enjoyments provided by well-being under a foreign sky; to flee the paternal hearth and the fields where his ancestors rest; to abandon the living and the dead in order to run after fortune.

In our time, America offers men resources always greater than the industry that develops those resources can be.

So in America, you cannot provide enough enlightenment; for all enlightenment, at the same time that it can be useful to whoever possesses it, still turns to the profit of those who do not. New needs are not to be feared there, because all needs are satisfied without difficulty. You do not have to fear giving birth to too many passions, because all passions find an easy and salutary means of satisfaction. You cannot make men too free, because they are almost never tempted to make bad use of liberty.

The American republics of today are like companies of merchants formed to exploit in common the uninhabited lands of the New World and occupied with a prospering commerce.

The passions that most profoundly agitate the Americans are commercial passions and not political passions, or rather they carry into politics the habits of business. They love order, without which business cannot prosper, and they particularly prize regularity of mores, which lays the foundation of good business establishments; they prefer good sense, which creates great fortunes, to genius, which often dissipates them; general ideas frighten their minds, accustomed to positive calculations, and among the Americans, practice is more honored than theory.

You must go to America to understand what power material well-being<sup>s</sup> exercises over political actions and even over opinions themselves, which should be subject only to reason. It is among foreigners that you principally

s. See chapter X of the second part of the third volume.

discover the truth of this. Most of the emigrants from Europe bring to the New World the wild love of independence and change that is so often born out of the midst of our miseries. I sometimes met in the United States some of those Europeans who formerly had been forced to flee their country because of their political opinions. All astonished me by their speeches; but I was struck by one of them more than any other. As I crossed one of the most distant districts of Pennsylvania, night surprised me, and I went to ask for shelter at the door of a wealthy planter: he was a Frenchman. He made me sit down beside his hearth, and we began to talk freely, as happens to men who find themselves in the depths of the forest two thousand leagues from the country where they were born. I was not unaware that forty years ago my host had been a great leveler and an ardent demagogue. His name was known to history.<sup>t</sup>

So I was strangely surprised to hear him discuss the right of property as an economist, I was almost going to say a landholder, would be able to do; he spoke of the necessary hierarchy that fortune establishes among men, of obedience to established law, of the influence of good mores in republics, of the aid that religious ideas lend to order and to liberty: he even cited as if by accident, in support of one of his political opinions, the authority of Jesus Christ.

While listening to him, I wondered at the weakness of human reason. Something is either true or false; how to find out amid the uncertainties of knowledge and the diverse lessons of experience? A new fact arises that relieves all my doubts. I was poor, now I am rich; if at least well-being, while acting upon my conduct, left my judgment free! But no, my opinions have indeed changed with my fortune, and in the happy outcome from which I profit, I have really discovered the decisive reason that I had lacked until then.

Well-being exercises an influence still more freely over the Americans than over foreigners. The American has always seen before his eyes order and public prosperity linked together and marching in step, he does not imagine that they can live separately; so he has nothing to forget, and, unlike

t. This person has not been identified.

so many Europeans, does not need to lose what he retains from his first education.

[Political society, however, is constantly agitated in the United States. But the movement is slow and measured. It influences the details and not the whole of public fortune. It bears more upon men than upon principles. You want to improve constantly, but are afraid of upsetting things; and while desiring the best, you are even more afraid of the worst.

What could I add to succeed in making my thought understood? What occurred to so many of the French republicans under the Empire and to some of the liberals of today happens to the *majority* of men in America. They find in the end that society does well, or nearly so, because they are doing well.]

## Of the Influence of Laws on Maintaining the Democratic Republic in the United States

*Three principal causes for maintaining the democratic  
republic.—Federal form.—Town institutions.—  
Judicial power.*

[≠The second general cause that I pointed out as serving to maintain the political institutions of the Americans is found in the very goodness of these institutions, that is to say in their conformity to the social state and physical position. ≠]

The principal goal of this book was to make the laws of the United States known; if this goal has been reached, the reader has already been able to judge for himself which ones, among these laws, tend really to maintain the democratic republic and which ones put it in danger. If I have not succeeded in the whole course of this book, I will succeed even less in this chapter.

So I do not want to pursue the course that I have already covered, and a few lines must suffice for me to summarize.

Three causes seem to contribute more than all the others to maintaining the democratic republic in the New World:

The first is the federal form that the Americans adopted, and that allows

the Union to enjoy the power of a large republic and the security of a small one.

I find the second in the town institutions that, by moderating<sup>u</sup> the despotism of the majority, give the people at the same time the taste for liberty and the art of being free.

The third is found in the constitution of the judicial power. I have shown how much the courts serve to correct the errors of democracy and how, without ever being able to stop the movements of the majority, they succeed in slowing and directing them.

### Of the Influence of Mores on Maintaining the Democratic Republic in the United States

I said above that I considered the mores as one of the great general causes to which maintaining the democratic republic in the United States can be attributed.

I understand the expression *mores* here in the sense that the ancients attached to the word *mores*; I apply it not only to mores strictly speaking, which could be called habits of the heart, but to the different notions that men possess, to the diverse opinions that are current among them, and to the ensemble of ideas from which the habits of the mind are formed.<sup>v</sup>

So by this word I understand the whole moral and intellectual state of

u. The manuscript says “by preventing.”

v. “I understand by *mores* the whole of the dispositions that man brings to the government of society. Mores strictly speaking, enlightenment, habits, knowledge . . .” (YTC, CVh, 3, p. 58).

Melvin Richter (“The Uses of Theory: Tocqueville’s Adaptation of Montesquieu,” in *Essays in Theory and History*, Cambridge: Harvard University Press, 1970, pp. 90–91) remarks that Tocqueville, by the term *mores*, designates all that Montesquieu understood by *general spirit*: precedents, mores, habits, economy, style of thought, etc.—with the exception of laws, which he considers apart. But the explanation, which ascribes such a meaning to Tocqueville’s bad memory and imprecision of method, is difficult to accept. The distinction between laws and mores seems more understandable if you refer to Rousseau, who defines and understands mores in a fashion quite similar to that of Tocqueville. On this point as on others, Tocqueville read Montesquieu through Rousseau. See *Du contrat social*, book II, chapter XII, *Cœuvres complètes*, Paris: Pléiade, 1964, III, pp. 393–94.

a people. My goal is not to draw a picture of American mores; I limit myself at this moment to trying to find out what among them is favorable for maintaining the political institutions.

Of Religion Considered as a Political Institution,  
How It Serves Powerfully to Maintain the  
Democratic Republic among the Americans<sup>[\*]</sup>

*North America populated by men who professed a democratic  
and republican Christianity.—Arrival of Catholics.—Why  
today Catholics form the most democratic and the most  
republican class.*

Alongside each religion is found a political opinion that is joined to it by affinity.<sup>w</sup>

Allow the human spirit to follow its tendency, and it will regulate in a uniform way political society and the holy city; it will seek, if I dare say so, to *harmonize* earth with heaven.<sup>x</sup>

Most of English America was populated by men who, after escaping from the authority of the Pope, submitted to no religious supremacy; so they brought to the New World a Christianity that I cannot portray better than by calling it democratic and republican: this will singularly favor the establishment of the republic and of democracy in public affairs. From the onset, politics and religion found themselves in accord, and they have not ceased to be so since.

[\*]. ≠I will examine in the second volume the state of religion in the United States, the sects, the religious mores. Here I am considering it only from the political point of view.≠

w. “Who could deny the fortunate influence of religion on mores and the influence of mores on the government of society?/

“The people see in religion the safeguard and the divine origin of liberty; the rich, the guarantee of their fortune and their life; the statesmen, the safeguard of society; the pioneer, something like his companion in the wilderness” (YTC, CVh, 3, p. 57).

x. In the margin in the first version: “≠Despotism can do without religion, but not liberty.

“Unanimity of statesmen on the utility of religion.≠”

About fifty years ago Ireland began to pour a Catholic population into the United States. For its part, American Catholicism made converts.<sup>y</sup> Today in the Union you find more than a million Christians who profess the truths of the Roman Church.

These Catholics show a great fidelity to the observances of their religion, and are full of ardor and zeal for their beliefs; however, they form the most republican and most democratic class that exists in the United States. This fact is a surprise at first glance, but reflection easily discloses the hidden causes.

[Christianity, even when it demands passive obedience in matters of dogma, is still of all religious doctrines the one most favorable to liberty, because it appeals only to the mind and heart of those whom it wants to bring into subjection.<sup>z</sup> No religion has so disdained the use of physical force as the religion of J[esus (ed.)]. C[hrist (ed.)]. Now, wherever physical force is not honored, tyranny cannot endure. Therefore you see that despotism has never been able to be established among Christians.<sup>a</sup> It has always lived there from day to day and in a state of alarm. When we say that a Christian nation is enslaved, it is in comparison to a Christian people that we judge. If we compare it to an infidel people, the Christian nation would seem free to us.

y. In the manuscript: "American Catholicism spread for its part by numerous conversions."

z. In a first version of the drafts, this sentence is also found: ". . . wants to bring into subjection. If it loves to rule despotically over the will of man, it is after the will has by itself bent to its yoke. No religion . . ." (YTC, CVh, 3, p. 49).

a. Hervé de Tocqueville:

Édouard's advice is to delete this piece up to the words *among the different Christian doctrines*.

I share his opinion concerning only the first paragraph. It is not useful and besides many claims can be challenged. The author says: *no religion has so disdained the use of physical force as much as the religion of Jesus Christ*. Someone will put forward the Albigensians, the Inquisition, the massacre of the Cévennes, etc. Later *despotism has never been able to be established among Christians* is found. Someone will reply by citing Spain since Philip II.

The paragraph on equality, which goes straight to the point and serves as a transition, must be kept here (YTC, CIIIb, 1, pp. 50–51).

I will say something analogous concerning equality.

Of all religious doctrines, Christianity, whatever interpretation you give it, is also the one most favorable to equality. Only the religion of J[esus (ed.)]. C[hrist (ed.)]. has placed the sole grandeur of man in the accomplishment of duties, where each person can attain it; and has been pleased to consecrate poverty and hardship, as something nearly divine.

I will add that among the different Christian doctrines, Catholicism seems to me one of the least contrary to the leveling of conditions.]

I think that it is wrong to regard the Catholic religion as a natural enemy of democracy. Among the different Christian doctrines, Catholicism seems to me on the contrary one of the most favorable to equality of conditions. Among Catholics, religious society is composed of only two elements: priest and people. The priest alone rises above the faithful; everything is equal below him.<sup>b</sup>

In matters of dogma, Catholicism places all minds on the same level; it subjects to the details of the same beliefs the learned as well as the ignorant, the man of genius as well as the common man; it imposes the same observances on the rich as on the poor, inflicts the same austerities on the powerful as on the weak; it compromises with no mortal, and by applying the same measure to each human being, it loves to mix all classes of society together at the foot of the same altar, as they are mixed together in the eyes of God.

So, if Catholicism disposes the faithful to obedience, it does not prepare them for inequality. I will say the opposite about Protestantism,<sup>c</sup> which, in general, carries men much less toward equality than toward independence.<sup>d</sup>

b. In the margin: “≠Catholicism favors the spirit of equality in the manner of absolute power. It places one man beyond all rank and leaves all the others mingled together in the crowd.≠”

c. “Protestantism is the government of the middle classes applied to the religious world” (YTC, CVh, 2, p. 85).

d. Hervé de Tocqueville: “I would delete this sentence for three reasons: 1. It implies a sort of contradiction with the beginning of the chapter where the author attributes to Protestantism the calm and regular establishment of democracy. 2. The thought is little developed. 3. The sentence is not useful here” (YTC, CIIIb, 1, pp. 51–52).

Catholicism is like an absolute monarchy. Remove the prince, and conditions there are more equal than in republics.<sup>e</sup>

The Catholic priest has often come out of the sanctuary to enter into society as a power, and he has come to take a seat amid the social hierarchy; sometimes he then used his religious influence to assure the lasting existence of a political order of which he is part. Then you could see Catholics as partisans of aristocracy by spirit of religion.

But once priests are excluded or withdraw from government, as they are in the United States, there are no men who, by their beliefs, are more disposed than Catholics to carry the idea of equality of conditions into the political world.

So if Catholics in the United States are not strongly led by the nature of their beliefs toward democratic and republican opinions, at least they are not naturally against them, and their social position, as well as their small number, makes it a rule for them to embrace those opinions.<sup>f</sup>

Most Catholics are poor, and they need all citizens to govern in order to reach the government themselves. Catholics are in the minority, and they need all rights to be respected in order to be assured of the free exercise of theirs. These two causes push them, even without their knowledge, toward

e. #I do not doubt that Protestantism, which places all religious authority in the universality of the faithful acting by themselves, is very favorable to the establishment of [v: indirectly supports the political dogma of the sovereignty of the people and thus serves] republican government. And Catholicism, subject to the intellectual authority of the Pope and Councils, seems to me to have more natural affinity with limited monarchy than with any other government# (YTC, CVh, 4, p. 71).

f. Hervé de Tocqueville:

This paragraph is badly written. I would put it this way: *If, moreover, Catholics in the United States were not led by the nature of their belief toward democratic and republican opinions, their social position as well as their small number would make it a rule for them to embrace those opinions.* Delete all the rest. This turn of phrase seems to me to present ideas in a more logical way and to serve as a natural transition to the true reason why Catholics in the United States love the republic. For at bottom you cannot close your eyes to the fact that the ecclesiastical hierarchy of Catholics is much more an image of monarchical government than of republican institutions. Not a word of the prayer must be omitted (YTC, CIIIb, 1, pp. 52–53).

political doctrines that they would perhaps adopt with less ardor if they were rich and predominant.

The Catholic clergy in the United States have not tried to struggle against this political tendency; they seek instead to justify it. Catholic priests in America have divided the intellectual world into two parts: in one, they left revealed dogmas, and there they submit without discussion; in the other, they put political truth, and there they think that God abandoned political truth to the free search of men. Thus, Catholics in the United States are simultaneously the most submissive faithful and the most independent citizens [that there are in the world].

So you can say that in the United States not a single religious doctrine shows itself hostile to democratic and republican institutions. All the clergy there use the same language; [≠and while American publicists make all the miseries of society flow from despotism and inequality of conditions, priests represent despotism and inequality of conditions as the most fertile sources of moral evil≠] opinions there are in agreement with laws, and only one current so to speak rules the human mind.

I was living for a short while in one of the largest cities of the Union when I was invited to attend a political meeting the goal of which was to come to the aid of the Poles, and to send them arms and money.

I found two or three thousand persons gathered in a vast room that had been prepared to receive them. Soon after, a priest, dressed in his ecclesiastical robes, came forward to the edge of the platform intended for the speakers. Those attending, after removing their hats, stood in silence, and he spoke in these terms:

God all-powerful! God of armies! Thou who sustained the hearts and guided the arms of our fathers when they upheld the sacred rights of their national independence; Thou who made them triumph over an odious oppression, and who granted to our people the benefits of peace and liberty; oh Lord! turn a favorable eye toward the other hemisphere; look with pity upon a heroic people who today struggle as we once did and for the defense of the same rights! Lord, who created all men on the same model, do not allow despotism to come to distort Thy work and to maintain inequality on earth. God all-powerful! watch over the destiny of the Poles, make them worthy to be free; may Thy wisdom rule in their councils, may

Thy strength be in their arms; spread terror among their enemies, divide the powers that plot their ruin, and do not allow the injustice that the world witnessed fifty years ago to be consummated today. Lord, who holds in Thy powerful hand the hearts of peoples as well as those of men, raise up allies for the sacred cause of right; make the French nation arise finally and, emerging from the sleep in which its leaders hold it, come to fight once again for the liberty of the world.

O Lord! never turn Thy face from us; allow us always to be the most religious people, as well as the most free.

God all-powerful, grant our prayer today; save the Poles. We ask Thee in the name of Thy beloved Son, Our Lord Jesus Christ, who died on the cross for the salvation of all men. *Amen.*

The entire assembly repeated *Amen* with reverence.

### Indirect Influence Exercised by Religious Beliefs on Political Society in the United States

*Morality of Christianity which is found in all sects.—  
Influence of religion on the mores of Americans.—Respect  
for the marriage bond.—How religion encloses the  
imagination of the Americans within certain limits and  
moderates among them the passion to innovate.—  
Opinion of Americans on the political utility of religion.—  
Their efforts to extend and assure its dominion.*

I have just shown what the direct action of religion on politics was in the United States. Its indirect action seems even more powerful to me, and it is when religion is not speaking about liberty that it best teaches the Americans the art of being free.<sup>g</sup>

There is an innumerable multitude of sects in the United States. All differ in the worship that must be given to the Creator, but all agree on the

g. To the side: “#Patriotic affection of the Americans for religion.

“I am not sure that the Americans are convinced of the truth of religion, but I am sure that they are convinced of its utility.#”

duties of men toward one another. So each sect worships God in its way, but all sects preach the same morality in the name of God. If it is very useful to a man as an individual that his religion be true, it is not the same for society. Society has nothing either to fear or to hope concerning the other life; and what is most important for society is not so much that all citizens profess the true religion but that they profess a religion. All the sects in the United States are, moreover, within the great Christian unity, and the morality of Christianity is the same everywhere. [{In America there are Catholics and Protestants, but Americans profess the Christian religion.}]

You are free to think that a certain number of Americans, in the worship they give to God, follow their habits more than their convictions. In the United States, moreover, the sovereign is religious, and consequently hypocrisy must be common; but America is still the place in the world where the Christian religion has most retained true power over souls; and nothing shows better how useful and natural religion is to man, since the country where today it exercises the most dominion is at the same time the most enlightened and most free.

I said that American priests come down in a general way in favor of civil liberty, without excepting even those who do not allow religious liberty; you do not see them lend their support, however, to any political system in particular. They take care to keep out of public affairs and do not get mixed up in the schemes of the parties. So you cannot say that in the United States religion exercises an influence on laws or on the detail of political opinions, but it directs mores, and it is by regulating the family that it works to regulate the State.

I do not doubt for an instant that the great severity of mores that is noticed in the United States has its primary source in beliefs. Religion there is often powerless to restrain the man amid the innumerable temptations presented by fortune. It cannot moderate in him the ardor to grow rich that comes to goad everyone, but it rules with sovereign power over the soul of the woman, and it is the woman who shapes the mores.<sup>h</sup> America is assuredly the country in the world in which the marriage bond is most respected,

h. See chapter IX of the third part of the fourth volume.

and in which the highest and most sound idea of conjugal happiness has been conceived.

In Europe, nearly all of the disorders of society are born around the domestic hearth and not far from the marital bed. That is where men conceive scorn for natural bonds and permitted pleasures, taste for disorder, restlessness of heart, instability of desires. Agitated by the tumultuous passions that have often troubled his own dwelling, the European submits only with difficulty to the legislative powers of the State. When, coming from the agitation of the political world, the American returns to the bosom of his family, he immediately encounters the image of order and peace. There, all his pleasures are simple and natural, his joys innocent and tranquil; and as he achieves happiness by the regularity of life, he easily gets used to regulating his opinions as well as his tastes.<sup>j</sup>

While the European seeks to escape his domestic sorrows by troubling society, the American draws from his home the love of order that he then carries into the affairs of the State.

In the United States, religion regulates not only mores; it extends its dominion even to the mind.

Among the Anglo-Americans, some profess Christian dogmas because they believe them; others, because they fear not appearing to believe them. So Christianity rules without obstacles, with the consent of all; as a result, as I have already said elsewhere, everything is certain and fixed in the moral world, while the political world seems abandoned to discussion and to the experiments of men. Thus the human mind never sees a limitless field before it; whatever its audacity, it feels from time to time that it must stop before insurmountable barriers. Before innovating, it is forced to accept certain primary givens, and to subject its boldest conceptions to certain forms that retard and stop it.

So the imagination of the Americans, in its greatest departures, has only a circumspect and uncertain movement; its ways are hampered and its

j. Basil Hall finds that Tocqueville exaggerated the domestic happiness of Americans (cf. the letter of Tocqueville to Basil Hall reproduced in note d for pp. 819–21 of the third volume).

works incomplete. These habits of restraint are found in political society and singularly favor the tranquillity of the people, as well as the continued existence of the institutions that the people have given themselves. Nature and circumstances had made out of the inhabitant of the United States an audacious man; it is easy to judge so when you see how he pursues fortune. If the mind of the Americans were free of all hindrances, you would soon find among them the boldest innovators and the most implacable logicians in the world. But the revolutionaries of America are obliged to profess publicly a certain respect for Christian morality and equity that does not allow them to violate laws easily when the laws are opposed to the execution of their designs; and if they could rise above their scruples, they would still feel checked by the scruples of their partisans. Until now no one has been found in the United States who has dared to advance this maxim: that everything is allowed in the interest of society. Impious maxim, that seems to have been invented in a century of liberty in order to legitimate all the tyrants to come. [In France a [illegible word] {man} seeks to justify this enormity by principles and facts, and he goes to take a seat in the councils of the prince.]

Therefore, at the same time that the law allows the American people to do everything, religion prevents them from conceiving of everything and forbids them to dare everything.<sup>k</sup>

So religion, which among the Americans never directly takes part in the government of society, must be considered as the first of their political institutions; for if it does not give them the taste for liberty, it singularly facilitates their use of it.

It is also from this point of view that the inhabitants of the United States themselves consider religious beliefs. I do not know if all Americans have faith in their religion, for who can read the recesses of the heart? But I am sure that they believe it necessary for maintaining republican institutions. This opinion does not belong to one class of citizens or to one party, but to the whole nation; you find it among all ranks.

In the United States, when a politician attacks a sect, it is not a reason

k. In the margin: “#American liberty was born in the bosom of religion and is still sustained in its arms.#”

for even the partisans of that sect not to support him; but if he attacks all sects together, each one flees from him, and he remains alone.

While I was in America, a witness appeared before the assizes of the county of Chester (State of New York) and declared that he did not believe in the existence of God and in the immortality of the soul. The presiding judge refused to admit his oath, given, he said, that the witness had destroyed in advance any faith that could be given to his words.<sup>3</sup> The newspapers reported the fact without comment.

Americans mix Christianity and liberty so completely in their mind that it is nearly impossible to make them conceive one without the other; and, among them, this is not one of those sterile beliefs that the past bequeaths to the present and that seem more to vegetate deep in the soul than to live.

I have seen Americans join together to send priests into the new states of the West and to found schools and churches there; they are afraid that religion may come to be lost in the middle of the woods, and that the people who are arising there may not be as free as those from whom they came. I met rich inhabitants of New England who abandoned the country of their birth with the goal of going to lay the foundations of Christianity and liberty on the banks of the Missouri or on the prairies of Illinois. This is how religious zeal in the United States constantly warms up at the hearth of patriotism. You think that these men act uniquely in consideration of the other life, but you are mistaken: eternity is only one of their concerns. If you question these missionaries of Christian civilization, you will be very surprised to hear them speak so often about the good things of this world and to find politicians where you thought to see only men of religion. "All the American republics stand together one with the others, they will say to you; if the republics of the West fell into anarchy or submitted to the yoke

3. *Here are the words in which the New York Spectator of 23 August 1831 reports the fact:*

*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 a belief.*

of despotism, the republican institutions that flourish on the shores of the Atlantic Ocean would be in great peril; so we have an interest that these new states are religious, in order that they allow us to remain free.”<sup>m</sup>

Such are the opinions of the Americans; but their error is clear. For each day someone proves to me very learnedly that everything is good in America, except precisely this religious spirit that I admire; and I learn that the only thing missing from the liberty and happiness of the human species, on the other side of the Ocean, is to believe with Spinoza<sup>n</sup> in the eternity of the world, and to uphold with Cabanis that the brain secretes thought. To that I have nothing to reply, in truth, if not that those who use this language have not been to America, and have not seen religious peoples any more than free peoples. So I will await their return.

[≠For me, if something could make me despair of the destiny of Europe, it is to see the strange confusion that reigns there in minds. I see pious men who would like to suffocate liberty, as if liberty, this great privilege of man, was not a nearly holy thing. Further along, I see others who think to arrive at being free by attacking all beliefs, but I do not see any who seem to notice the tight and necessary knot that ties [v: the republic] religion to liberty.≠]

There are men in France who consider republican institutions as the temporary instrument of their grandeur. They measure with their eyes the immense gap that separates their vices and their miseries from power and riches, and they would like to pile up ruins<sup>o</sup> in this abyss in order to try to fill it. These men are to liberty what the free companies of the Middle Ages were to kings; they make war on their own behalf even when they wear his colors; the republic will always live long enough to pull them out of their present low position. I am not speaking to them. But there are others who

m. In the margin: “≠We would not give ourselves all these difficulties if a regulating force existed outside of society. But how to govern yourself [v: an entire people] without the existence [v: support] of beliefs and mores?≠”

n. In place of Spinoza, the manuscript cites Voltaire.

o. In the manuscript: “. . . ruins and riches and they would like to throw the republic down like a narrow passageway and flying bridge over the abyss.”

see in the republic a permanent and tranquil state, a necessary end toward which ideas and mores lead modern societies each day, and who would sincerely like to prepare men to be free. When these men attack religious beliefs, they follow their passions and not their interests. Despotism can do without faith, but not liberty. Religion is much more necessary in the republic that they advocate than in the monarchy that they attack, and in democratic republics more than in all others. How could society fail to perish if, while the political bond grows loose, the moral bond does not become tighter? And what to do with a people master of itself, if it is not subject to God?

### Of the Principal Causes That Make Religion Powerful in America<sup>p</sup>

*Care that the Americans have taken to separate Church and State.—Laws, public opinion, the efforts of priests themselves, work toward this result.—To this cause must be attributed the power that religion exercises on souls in the United States.—  
Why.—What is today the natural state of man in*

p. In an initial plan of the work:

Religious society./

Nomenclature of the various sects.—From Catholicism to the sect that is furthest from it.

Quakers, Methodists.—Point out what is antisocial in the doctrine of Quakers, Unitarians.

Relations among the sects.

Freedom of worship.—Toleration: in the legal respect; with respect to mores.

Catholicism.

Place of religion in the political order and its degree of influence on American society (YTC, CVh, I, pp. 26–27).

Several ideas of this part are roughed out in a letter from Tocqueville to Chabrol dated 26 October 1831. Tocqueville answers certain questions that Louis Bouchitté had asked him concerning religion in the United States (YTC, B1a2).

This passage is not without many similarities to “Note on the religious movement in the United States” by Gustave de Beaumont, very particularly to part III, “Relations of religions with the State” (*Marie*, II, pp. 213–25).

*the matter of religion.—What particular and accidental  
cause, in certain countries, works against men  
conforming to this state.*

The philosophers of the XVIIIth century explained the gradual weakening of beliefs in a very simple way. Religious zeal, they said, must fade as liberty and enlightenment increase. It is unfortunate that facts do not agree with this theory.<sup>q</sup>

There is such a European population whose disbelief is equaled only by its brutishness and ignorance, while in America you see one of the most free and most enlightened<sup>r</sup> peoples in the world fulfill with ardor all the external duties of religion.

When I arrived in the United States, it was the religious aspect of the country that first struck my eyes.<sup>s</sup> As I prolonged my journey, I noticed the great political consequences that flowed from these new facts.

I had seen among us the spirit of religion and the spirit of liberty march almost always in opposite directions. Here, I found them intimately joined the one to the other: they reigned together over the same soil.

Each day I felt my desire to know the cause of this phenomenon increase.

To find it out, I asked the faithful of all communions; I sought, above all, the company of priests who are the keepers of the different faiths and who have a personal interest in their continued existence. The religion I

q. I have heard it said in Europe that it was very unfortunate that these poor Americans had religion. When you have been in the United States, conviction that religion is more useful in republics than in monarchies, and in democratic republics more than anywhere else. Disastrous misunderstanding in France. Despotism favors religion.

As for these cut-throats, liberty is the greatest gift of God, it is the republicans, I have nothing to say to them . . . but the others . . . may they know that liberty is an almost *holy* thing [v: what distinguishes us from beasts] (YTC, CVh, 3, p. 57).

r. The manuscript says: “. . . you see the most free and most enlightened . . .”

Hervé de Tocqueville: “Isn’t the expression a bit exaggerated?” (YTC, CIIb, 1 p. 44).

s. Several times Tocqueville uses the same expression in the book while referring to other aspects that attracted his attention, for example, the activity that reigns in the United States.

profess brought me particularly close to the Catholic clergy, and I did not delay in striking up a sort of intimacy with several of its members.<sup>t</sup> To each of them I expressed my astonishment and revealed my doubts. I found that all of these men differed among themselves only on the details; but all attributed the peaceful dominion that religion exercises in their country principally to the complete separation of Church and State. I am not afraid to assert that, during my visit in America, I did not meet a single man, priest or laymen, who did not agree on this point.

This led me to examine more attentively than I had done until then the position that American priests occupy in political society. I realized with

t. Few questions have provoked more commentary than the religious beliefs of Tocqueville. All commentators nonetheless take as true the confession of faith made to Madame Swetchine in the famous letter of 26 February 1857 (*Correspondance avec Madame Swetchine, OC, XV, 2, p. 315*). There Tocqueville says that he lost his faith when he was sixteen years old, after reading several passages chosen haphazardly from his father's library. His works and his correspondence allow us, however, to guess his assent to several great dogmas of Catholicism. As Luis Díez de Corral (*La mentalidad política de Tocqueville con especial referencia a Pascal*, Madrid: Real Academia de Ciencias Morales y Políticas, 1965, p. 118) notes, Tocqueville is closer to those who, in the words of Pascal, "seek while groaning," eternally plagued by doubt and uncertainty, captives to the "wager." In this regard, the author writes to Francisque de Corcelle:

If you know a recipe for belief, for God ! give it to me. But what power does the will have over the free processes of the mind? If will alone were sufficient for belief, I would have been devout a long time ago; or rather I would always have been devout, for doubt has always seemed to me the most unbearable of the ills of the world; I have constantly judged it to be worse than death and inferior only to illnesses (*Correspondance avec Corcelle, OC, XV, 2, p. 29*).

A little further in this chapter, Tocqueville explains what perhaps best corresponds to his own sentiment in the matter of religious beliefs. The latter, he says, are abandoned

by coldness rather than by hatred; you do not reject them, they leave you. While ceasing to believe religion true, the unbeliever continues to judge it useful. Considering religious beliefs from a human aspect, he recognizes their dominion over mores, their influence over laws. He understands how they can make men live in peace and gently prepare men for death. So he regrets faith after losing it, and deprived of a good of which he knows the whole value, he is afraid to take it away from those who still possess it (p. 486).

Also see Luis Díez del Corral, *El pensamiento político de Tocqueville*, Madrid: Alianza Universidad, 1989, pp. 227–71.

surprise that they fill no public position.<sup>4</sup> I did not see a single one of them in the administration, and I discovered that they were not even represented within the assemblies.

The law, in several states, had closed a political career to them;<sup>5</sup> opinion, in all the others.

When finally I found out what the mind of the clergy itself was, I noticed that most of its members seemed to remove themselves voluntarily from power, and to take a kind of professional pride in remaining apart from it.

I heard them anathematize ambition and bad faith, whatever the political opinions that ambition and bad faith carefully used to cover themselves. But I learned, by listening to them, that men cannot be blameworthy in the eyes of God because of these very opinions, when the opinions are sincere, and that there is no more sin in being wrong in matters of government than in being mistaken about the way in which your dwelling must be built or your furrow must be plowed.

I saw them separate themselves with care from all parties, and flee contact with all the ardor of personal interest.

These facts succeeded in proving to me that I had been told the truth. Then I wanted to go back from facts to causes. I asked myself how it could happen that by diminishing the apparent strength of a religion, you

4. *Unless you give this name to the functions that many among them occupy in schools. Most education is confided to the clergy.*

5. *See the Constitution of New York, art. 7, #4.*

*Id. of North Carolina, art. 31.*

*Id. of Virginia.*

*Id. of South Carolina, art. 1, #23.*

*Id. of Kentucky, art. 2, #26.*

*Id. of Tennessee, art. 8, #1.*

*Id. of Louisiana, art. 2, #22.*

*The article of the Constitution of New York is formulated as follows:*

And whereas the ministers of the gospel are, by their profession, dedicated to the service of God and the care of souls, and ought not to be diverted from the great duties of their function; therefore, no minister of the gospel, or priest of any denomination whatsoever, shall, at any time hereafter, under any presence or description whatever, be eligible to, or capable of holding, any civil or military office or place within this State.

came to increase its true power, and I believed that it was not impossible to find out.

Never will the short space of sixty years enclose all of the imagination of man; the incomplete joys of this world will never be enough for his heart. Among all beings, man alone shows a natural distaste for existence and an immense desire to exist: he scorns life and fears nothingness. These different instincts constantly push his soul toward the contemplation of another world, and it is religion that leads him there. So religion is only a particular form of hope, and it is as natural to the human heart as hope itself.<sup>u</sup> It is by a type of mental aberration and with the help of a kind of moral violence exercised over their own nature, that men remove themselves from religious beliefs; an irresistible inclination brings them back to beliefs. Unbelief is an accident; faith alone is the permanent state of humanity.

So by considering religion only from a human viewpoint, you can say that all religions draw from man himself an element of strength that they can never lack, because it is due to one of the constituent principles of human nature.

I know that there are times when religion can add to this influence, which is its own, the artificial power of laws and the support of the physical powers that lead society. We have seen religions, intimately united with

u. What touches me more than the miracles and the prophecies is the very character of Christianity. There is the greatest sign of its divine origin. Give honor to all the religious codes of the world, you will see that they necessarily apply to a certain country, to certain mores, to a particular social state or people. I do not examine the proofs of these religions, and I say that they are false, because they are not made for all times and for all men. But Christianity seems universal and immortal like the human species./

The influence that religion exercises over mores in the United States must not be exaggerated; it is not sufficient to make a *virtuous* people, but an *orderly* one./

Its action on the women. It is the women who make mores.

I said that democracy was the form of government in which it was most desirable that the people be happy; it is also the one in which it is most desirable that the people be moral and for the same reason.

I would not hesitate to say, because I write in an irreligious century, that in the United States religion is the first of political institutions. And I even add that I am that much less afraid to say so because of this reason (YTC, CVh, 3, p. 58).

the governments of the earth, dominate souls by terror and by faith at the same time; but when a religion contracts such an alliance, I am not afraid to say, it acts as a man could: it sacrifices the future with the present in mind, and by obtaining a power that is not its due, it puts its legitimate power at risk.

When a religion seeks to found its dominion only on the desire for immortality that equally torments the hearts of all men, it can aim for universality; but when it comes to unite with a government, it must adopt maxims that are applicable only to certain peoples. Therefore, by allying itself to a political power, religion increases its power over some and loses the hope of reigning over all.

As long as a religion relies only on the sentiments that console all miseries, it can attract the heart of the human species. Mingled with the bitter passions of this world, religion is sometimes constrained to defend allies that have offered interest rather than love; and it must reject as adversaries men who often still love it, even as they fight those men with whom religion is united. So religion cannot share the material strength of those who govern without burdening itself with a portion of the hatreds caused by those who govern.

The political powers that appear most established have as a guarantee of their continued existence only the opinions of a generation, the interests of a century, often the life of a man. A law can modify the social state that seems most definitive and most firm, and with it everything changes.

The powers of society are all more or less fleeting, just as our years upon the earth; they rapidly follow one another, like the various cares of life; and you have never seen a government that relied on an invariable disposition of the human heart and that was able to base itself on an immortal interest.

As long as a religion finds its strength in the sentiments, the instincts, the passions that are reproduced in the same way in all periods of history, it defies the effort of time, or at least it can be destroyed only by another religion. [Political powers can do nothing against it.] But when religion wants to rely on the interests of this world, it becomes almost as fragile as all the powers of the earth. Alone, religion can hope for immortality; tied

to ephemeral powers, it follows their fortune, and often falls with the passions of the day that sustain those powers.

So by uniting with different political powers, religion can only contract an onerous alliance. It does not need their help to live, and by serving them it can die.

The danger that I have just pointed out exists at all times, but it is not always as visible.

There are centuries when governments appear immortal, and others when you would say that the existence of society is more fragile than that of a man.

Certain constitutions keep citizens in a sort of lethargic sleep, and others deliver them to a feverish agitation.

When governments seem so strong and laws so stable, men do not notice the danger that religion can run by uniting with power.

When governments prove to be so weak and laws so changeable, the peril strikes all eyes, but then there is often no more time to escape. So you must learn to see it from afar.

To the extent that a nation assumes a democratic social state and you see societies lean toward the republic,<sup>v</sup> it becomes more and more dangerous to unite religion with authority; for the time is coming when power will pass from hand to hand, when political theories will succeed one another, when men, laws, constitutions themselves will disappear or change each day, and not for a time, but constantly. Agitation and instability stem from the nature of democratic republics, as immobility and sleep form the law of absolute monarchies.

If the Americans, who change the head of State every four years, who every two years choose new legislators, and replace provincial administrators every year; if the Americans, who have delivered the political world to the experiments of innovators, had not placed their religion somewhere outside of the political world, to what could they cling in the ebb and flow

v. In the manuscript: “. . . you see governments lean and rush toward the republic.”

Hervé de Tocqueville: “The words *and rush*, which are meaningless, must be struck out; you could put *and are carried toward*” (YTC, CIIIb, I, p. 46).

of human opinions? Amid the struggle of parties, where would the respect be that religion is due? What would become of its immortality when everything perishes around it?

American priests have seen this truth before anyone else, and they model their conduct on it. They have seen that religious influence had to be renounced, if they wanted to acquire a political power, and they preferred to lose the support of power than to share its vicissitudes.

In America, religion is perhaps less powerful than it has been in certain times and among certain peoples, but its influence is more durable. It has reduced itself to its own forces that no one can take away from it; it acts only within a single circle, but it covers it entirely and predominates within it without effort.

In Europe I hear voices that are raised on all sides; people deplore the absence of beliefs and ask how to give religion something of its former power.

It seems to me that we must first try attentively to find out what should be, today, the *natural state* of men in matters of religion. Then, knowing what we are able to hope and what we have to fear, we will see clearly the goal toward which our efforts must tend.

Two great dangers menace the existence of religions: schisms and indifference.

During centuries of fervor, men sometimes happen to abandon their religion, but they escape its yoke only to submit to the yoke of another religion. Faith changes objects; it does not die. The old religion then excites fervent love or implacable hatred in all hearts; some leave it with anger, others follow it with a new ardor: beliefs differ, irreligion is unknown.

But it is not the same when a religious belief is silently undermined by doctrines that I will call negative, because while asserting the falsity of one religion they establish the truth of no other.

Then prodigious revolutions take place in the human spirit, without man seeming to aid the revolutions with his passions and without suspecting them, so to speak. You see men who allow, as if by forgetfulness, the object of their most cherished hopes to escape. Carried along by an imperceptible current against which they do not have the courage to strug-

gle, but to which they yield with regret, they abandon the faith that they love to follow the doubt that leads them to despair.

During the centuries that we have just described, you abandon your beliefs by coldness rather than by hatred; you do not reject them, they leave you. While ceasing to believe religion true, the unbeliever continues to judge it useful. Considering religious beliefs from a human aspect, he recognizes their dominion over mores, their influence over laws. He understands how they can make men live in peace and gently prepare men for death. So he regrets faith after losing it, and deprived of a good of which he knows the whole value, he is afraid to take it away from those who still possess it.

From his side, the one who continues to believe is not afraid to reveal his faith to all eyes. In those who do not share his hopes, he sees unfortunate men rather than adversaries; he knows that he can gain their esteem without following their example; so he is at war with no one; and not considering the society in which he lives as an arena in which religion must struggle constantly against a thousand fierce enemies, he loves his contemporaries at the same time that he condemns their weaknesses and is distressed by their errors.

Those who do not believe, hiding their unbelief, and those who do believe, showing their faith, create a public opinion in favor of religion; it is loved, it is upheld, it is honored, and you must penetrate to the recesses of souls to discover the wounds that it has received.

The mass of men, whom religious sentiment never abandons, then see nothing that separates them from established beliefs. The instinct of another life leads them without difficulty to the foot of altars and delivers their hearts to the precepts and consolations of faith.

Why does this picture not apply to us?

I notice among us men who have ceased to believe in Christianity without adhering to any religion.

I see others who have halted at doubt, and already pretend to believe no more.

Further along, I meet Christians who still believe and dare not say so.

Amid these lukewarm friends and fiery adversaries, I finally discover a small number of the faithful ready to defy all obstacles and to scorn all dangers for their beliefs. The latter have acted contrary to human weakness

in order to rise above common opinion. Carried away by this very effort, they no longer know precisely where they should stop. Since they have seen that, in their country, the first use that man made of independence has been to attack religion, they fear their contemporaries and withdraw with terror from the liberty that the former pursue. Since unbelief appears to them as something new, they include in the same hatred everything that is new.<sup>w</sup> So they are at war with their century and their country, and in each of the opinions that are professed there they see a necessary enemy of faith.

Such should not be today the natural state of man in matters of religion.

An accidental and particular cause is found among us that prevents the human spirit from following its inclination and pushes it beyond the limits at which it should naturally stop.

I am profoundly persuaded that this particular and accidental cause is the intimate union of politics and religion.<sup>x</sup>

w. Hervé de Tocqueville:

Here are two thoughts that do not seem correct to me. Why would people be carried beyond truth because, to do good, they had the courage to defy prejudice? Then, you will never find faithful people foolish enough to believe that unbelief is something new. This paragraph is to review. The author has not arrived at the true cause of the estrangement of the clergy and of pious persons from free institutions. You must seek it in the memory of the persecutions that religion suffered as soon as the word liberty resounded in France, and in the fear that the persecutions are repeating. The impression was so strong that it is not erased and that pious persons believe that the aegis of an absolute power is necessary in order for priests to be out of danger and for religion to be able to resist philosophical intolerance. The author can link this thought well to earlier ones, for he speaks on page 15 of men without religion who persecute those who believe with all the fervor of proselytism.

Édouard de Tocqueville: "I agree with father. You must absolutely mention the memories of '93 as a powerful cause of the antipathy of the French clergy for liberal ideas" (YTC, CIIIb, 1, pp. 46–48). The sentence "Since they have seen . . . pursue" was added following the comments of the family.

x. As for me, I cannot believe that the evil is as great or as profound as is supposed. Never will the religious instinct perish in man, and what can better satisfy it than the religion of J[esus (ed.)]. C[hrist (ed.)].? Christianity is not defeated, it is only bowed down. Formerly religion [v: Christianity] allowed itself to be mingled with the powers of the earth, and today I see it as though buried very much alive under their debris.

Unbelievers in Europe pursue Christians as political enemies, rather than as religious adversaries; they hate faith as the opinion of a party much more than as a mistaken belief; and in the priest they reject the representative of God less than the friend of power.

In Europe, Christianity allowed itself to be intimately united with the powers of the earth. Today these powers are falling and Christianity is as though buried beneath their debris. It is a living thing that someone wanted to bind to the dead: cut the ties that hold it and it will rise again.

I do not know what must be done to give Christianity in Europe the energy of youth. God alone would be able to do so; but at least it depends on men to leave to faith the use of all of the forces that it still retains.

### How the Enlightenment, Habits, and Practical Experience of the Americans Contribute to the Success of Democratic Institutions

*What must be understood by the enlightenment of the American people.—The human mind has received a less profound cultivation in the United States than in Europe.—But no one has remained in ignorance.—Why.—Rapidly with which thought circulates in the half-empty states of the West.—How practical experience serves Americans even more than literary knowledge.*

In a thousand places in this work I have pointed out to readers what influence the enlightenment and habits of the Americans exercised on main-

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So let us try to extricate it; it still has enough strength to rise again, but not to lift the weight that overwhelms it. The Christian religion in Europe resembles an old man whose shoulders are loaded down with a heavy burden; he walks painfully across the obstacles in the road. He bends under the weight; his limbs are heavy, his breathing is labored. He walks only with difficulty and at each step you would say he was about to die (YTC, CVh, 4. p. 67; a nearly identical fragment is found in YTC, CVh, 4, pp. 31–32).

taining their political institutions. So now, few new things remain for me to say.

Until now America has had only a very small number of notable writers; it does not have any great historians and does not have one poet. Its inhabitants see literature strictly understood with a kind of disfavor; and a third-rank city in Europe publishes more literary works each year than the twenty-four states of the Union taken together.<sup>y</sup>

The American mind withdraws from general ideas; it does not turn toward theoretical discoveries. Politics itself and industry cannot lead it there. In the United States, new laws are made constantly; but great writers are still not found to seek out the general principles of laws.

The Americans have experts on the law and legal commentators; they lack writers on public affairs; and in politics, they give the world examples rather than lessons.<sup>[\*]</sup>

It is the same for the mechanical arts.

In America, the inventions of Europe are applied with sagacity, and after perfecting them, they are marvelously adapted to the needs of the country. Men there are industrious, but they do not cultivate the science of industry. You find good workers and few inventors there. Fulton<sup>[†]</sup> peddled his genius for a long time among foreign peoples before being able to devote it to his country. [So in America you find none of those great intellectual centers from which fire and light burst forth at the same time {as in Europe}. I do not know if perhaps we should thank heaven. America already carries an immense weight in the destinies of the world; and per-

y. See chapters XIII and XIV of the first part of the third volume.

[\*]. ≠Say a word about Livingston. He is more of a moralist.≠

[†]. ≠He is the one who applied steam to navigation. He offered his secret to Bonaparte who, after an examination, declared the thing absurd and impractical. As we know, one of the weaknesses of Bonaparte {this extraordinary man} was to want to pass judgment at first sight on matters that were foreign to him. Despite his prodigious perspicacity, too frequently he happened to be mistaken.≠

haps it only lacks great writers to overturn violently in a moment all the old societies of Europe.]<sup>z</sup>

So whoever wants to judge the state of enlightenment among the Anglo-Americans opens himself to seeing the same subject from two different views. If he pays attention only to the learned, he will be astonished by their small number; and if he counts the ignorant, the American people will seem to him the most enlightened on earth.

The entire population is placed between these two extremes; I have already said it elsewhere.

[In the United States, you find fewer great landowners and infinitely more landowners than anywhere else; less wealth and more comfort. Minds have been subjected to the same law. There scientific and literary genius is as rare as ability is common, and if you do not find great writers, everyone knows how to write. What could be the state of a few minds seems to have been divided equally among all.]

In New England, each citizen receives the elementary notions of human knowledge; furthermore, he learns the doctrines and the proofs of his religion; he is taught the history of his country and the principal features of the Constitution that governs it. In Connecticut and Massachusetts, it is very rare to find a man who only imperfectly knows all these things, and one who is absolutely ignorant of them is in a way a phenomenon.<sup>a</sup>

When I compare the Greek and Roman republics to these republics of America, the manuscript libraries of the first and their coarse populace, to the thousand newspapers that crisscross the second and to the enlightened people that inhabit the republics of America; when I then think of all the efforts that are still made to judge the one with the aid of the others and

z. In the margin:

≠Knowledge of reading and writing (but less useful than you think).

Knowledge of laws.

Experience.

Practical habit of affairs.

Extensive and homogeneous civilization. Pioneer, an ax and newspapers.

a. To the side: “≠Instruction of the Americans of New England is less advanced than in our colleges but more complete than in our schools.≠”

to foresee what will happen today by what happened two thousand years ago, I am tempted to burn my books,<sup>b</sup> in order to apply only new ideas to a social state so new.

You must not indiscriminately extend to the whole Union, moreover, what I say about New England. The more you advance toward the West or toward the South, the more the instruction of the people diminishes. In the states neighboring the Gulf of Mexico, a certain number of individuals are found, as among us, to whom the elements of human knowledge are foreign; but in the United States you would seek in vain for a single district that was plunged into ignorance. The reason for it is simple: the peoples of Europe left the shadows and barbarism in order to advance toward civilization and enlightenment. Their progress was unequal; some ran along the course, others in a way only walked; still others stopped and they are still asleep along the road.

It was not the same in the United States.

The Anglo-Americans arrived fully civilized on the soil that their posterity occupies; they did not have to learn, it was enough for them not to forget. Now, it is the sons of these very Americans who, each year, carry into the wilderness, with their dwelling-place, knowledge already acquired and respect for learning. Education made them feel the usefulness of enlightenment and made them capable of transmitting this very enlightenment to their descendents. So in the United States, society has no childhood; it is born in manhood.

The Americans make no use of the word peasant; they do not employ the word, because they do not have the idea; the ignorance of the first ages, the simplicity of the fields, the rusticity of the village, have not been preserved among them, and they imagine neither the virtues, nor the vices, nor the coarse habits, nor the innocent graces of a civilization being born.

At the extreme limits of the confederated states, at the confines of society and wilderness, is a population of hardy adventurers who, in order to flee the poverty ready to strike them under the paternal roof, have not been

b. Hervé de Tocqueville: "I do not like this idea. Why would you burn your books because a thousand newspapers crisscross the territory of the Union?" (YTC, CIIIb, 1, p. 42).

afraid to plunge into the empty areas of America and seek a new country there. Having barely arrived at the place that must serve him as a refuge, the pioneer hastily cuts down a few trees and raises a cabin under the leafy branches. Nothing offers a more miserable sight than these isolated dwellings. The traveler who approaches them toward the evening notices from afar the flame of the hearth shining through the walls; and at night, if the wind comes up, he hears the roof of foliage move noisily amid the trees of the forest. Who would not believe that this poor cottage serves as a refuge for coarseness and ignorance? You must not, however, establish any correlation between the pioneer and the place that serves him as a refuge. Everything is primitive and savage around him, but he is so to speak the result of eighteen centuries of efforts and experience. He wears city clothing, speaks the language of the city, knows the past, is curious about the future, argues about the present; he is a very civilized man who, for a time, submits to living in the woods and who plunges into the wilderness of the New World with the Bible, an ax and some newspapers.<sup>c</sup>

It is difficult to imagine with what incredible rapidity thought circulates in the heart of these wilderness areas.<sup>6</sup>

I do not believe that there is as great an intellectual movement in the most enlightened and most populated districts of France.<sup>7</sup>

c. Hervé de Tocqueville: "Could you not put: *an ax, tea and newspapers?* Tea, being something of a luxury, gives the idea of civilization" (YTC, CIIIb, I, p. 43). See, in appendix II, volume IV, pp. 1315–16, the description of the dwelling of the pioneer.

6. *I traveled over a part of the frontiers of the United States in a type of open carriage that was called a coach. We moved along briskly day and night over roads scarcely cleared amid immense forests of green trees; when the darkness became impenetrable, my driver lighted branches of larch and we continued our route by their light. Here and there we encountered a cabin amid the woods: it was the post office. At the door of this isolated dwelling, the mailman threw an enormous packet of letters, and we resumed our course at a gallop, leaving to each inhabitant in the neighborhood the care of coming to find his part of the treasure.*

7. *In 1832, each inhabitant of Michigan provided 1.22 fr. to the postal tax, and each inhabitant of Florida 1.5 fr. (see National Calendar, 1833, p. 244 [249 (ed.)]). In the same year, each inhabitant of the département du Nord paid the State, for the same purpose, 1.4 fr. (see Compte général de l'administration des finances, 1833, p. 623). Now, at this time Michigan still had only seven inhabitants per square league, and Florida, five; instruction was less widespread and activity not as great in these two districts as in most of the states of*

You cannot doubt that in the United States the instruction of the people serves powerfully to maintain the democratic republic. It will be so, I think, everywhere that the instruction that enlightens the mind is not separated from the education that regulates mores.

Nonetheless, I do not exaggerate this advantage, and I am still far from believing, as a great number of people in Europe do, that it is sufficient to teach men to read and write to make them citizens immediately. [≠I do not consider elementary knowledge as the most potent means to educate the people; it facilitates the study of liberty for them, but it does not give them the art of being free.≠>]

True enlightenment arises principally from experience, and if the Americans had not been accustomed little by little to governing themselves, the book learning that they possess would not be a great help today in succeeding to do so.

I have lived a great deal with the people of the United States, and I cannot say how much I have admired their experience and their good sense.<sup>c</sup>

Do not lead the American to speak about Europe; he will ordinarily show a great presumption and a quite foolish pride. He will be content with those general and indefinite ideas that, in all countries, are such a great help to the ignorant. But interrogate him about his country, and you will see the cloud that enveloped his mind suddenly dissipate; his language will become clear, plain and precise, like his thought. He will teach you what his rights are and what means he must use to exercise them; he will know by what practices the political world operates. You will notice that the rules of administration are known to him and that he has made himself familiar with the mechanism of the laws. The inhabitant of the United States has not

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*the Union, while the département du Nord, which includes 3,400 inhabitants per square league, is one of the most enlightened and most industrial portions of France.*<sup>d</sup>

d. "It is now a matter of comparing this to France, but for that it would be necessary to have the budget and even statistical details that probably are not to be found [in the *National Calendar* (ed.)]. Ask D'Aunay and N. [sic] Roger of the French Academy" (YTC, CVh, 1, p. 16). It undoubtedly concerns Félix Le Peletier d'Aunay and Jean-François Roger.

e. To the side: "It is truly from this side that the Americans are [v: the United States prove to be] superior to all the peoples of the world."

drawn this practical knowledge and these positive notions from books; his formal education may have prepared him to receive them, but has not provided him with them.

It is by participating in legislation that the American learns to know the laws; it is by governing that he finds out about the forms of government. The great work of society is carried out each day before his eyes and, so to speak, by his hands.

In the United States, the whole of the education of men is directed toward politics; in Europe, its principal goal is to prepare for private life. The activity of citizens in public affairs is too rare a fact to be anticipated in advance.

As soon as you cast your eyes on the two societies, these differences are revealed even in their external appearance.

In Europe, we often bring the ideas and habits of private existence into public life, and as we happen to pass suddenly from the interior of the family to the government of the State, you often see us discuss the great interests of society in the same way we converse with our friends.

In contrast, the Americans almost always carry the habits of public life into private life. Among them, the idea of the jury is found in school games, and you find parliamentary forms even in the order of a banquet.

### That Laws Serve More to Maintain the Democratic Republic in the United States than Physical Causes, and Mores More than Laws

*All the peoples of America have a democratic social state.—Democratic institutions only continue to exist however among the Anglo-Americans.—The Spanish of South America, as favored by physical nature as the Anglo-Americans, are not able to support the democratic republic.—Mexico, which has adopted the Constitution of the United States, is not able to do it.—The Anglo-Americans of the West support it with more difficulty than those of the East.—Reasons for these differences.*

I said that maintaining democratic institutions in the United States had to be attributed to circumstances, laws and mores.<sup>8</sup>

Most Europeans know only the first of these three causes, and they give it a preponderant importance that it does not have.

It is true that the Anglo-Americans brought equality of conditions to the New World. Never were either commoners or nobles found among them; prejudices of birth there have always been as unknown as prejudices of profession. Since the social state is therefore democratic, democracy had no difficulty establishing its dominion.

But this fact is not particular to the United States; nearly all the colonies of America were founded by men equal among themselves or who became equal by inhabiting the colonies. There is not a single part of the New World where Europeans were able to create an aristocracy.

Democratic institutions prosper only in the United States, however.

The American Union has no enemies to fight. It is alone in the middle of the wilderness like an island in the heart of the Ocean.

But nature had isolated in the same way the Spanish of [Mexico, those of Peru] South America [the Portuguese of Brazil, the French of the Antilles, the Dutch of Guyana], and this isolation did not prevent them from maintaining armies. They made war on each other when foreigners were lacking. Only the Anglo-American democracy, until now, has been able to remain at peace.

The territory of the Union presents a limitless field to human activity; it offers an inexhaustible sustenance to industry and to work. So love of wealth takes the place of ambition there, and well-being quells the fervor of parties.

But in what portion of the world do you meet more fertile wildernesses, larger rivers, more untouched and more inexhaustible riches than in South America? Yet South America cannot support democracy. If, for peoples to be happy, it was sufficient to have been placed in a corner of the universe

8. Here I recall to the reader the general sense in which I take the word mores; I understand by this word the whole of the intellectual and moral dispositions that man brings to the state of society.

and to be able to spread at will over uninhabited lands, the Spanish of South America would not have to complain about their lot. And when they would not enjoy the same happiness as the inhabitants of the United States, they would at least make the peoples of Europe envious. There are, however, no nations on the earth more miserable than those of South America.

Therefore, not only can physical causes not lead to analogous results among the Americans of the South and those of the North, but they cannot even produce among the first something that is not inferior to what is seen in Europe, where physical causes act in an opposite direction.

So physical causes do not influence the destiny of nations as much as is supposed.<sup>f</sup>

I met men of New England ready to abandon a country where they would have been able to find ease and comfort, in order to go to seek their fortune in the wilderness. Nearby, I saw the French population of Canada squeeze itself into a space too small for it, when the same wilderness was near; and while the emigrant of the United States acquired a great estate at the cost of a few days of work, the Canadian paid as much for land as if he still lived in France.

Thus nature, while delivering the uninhabited areas of the New World to Europeans, offers them assets that they do not always know how to use.

I notice among other peoples of America the same conditions of prosperity as among the Anglo-Americans, without their laws and their mores; and these peoples are miserable. So the laws and mores of the Anglo-Americans form the special reason for their grandeur and the predominant cause that I am seeking.

I am far from pretending that there is an absolute good in American laws; I do not believe that they are applicable to all democratic peoples; and, among those laws, there are several that, even in the United States, seem dangerous to me.

You cannot deny, however, that the legislation of the Americans, taken

f. In the margin: “≠So the original equality of conditions and the nature of the country do not explain in a sufficient way what is happening in the United States. Because elsewhere these same causes do not produce the same effects.≠”

as a whole, is well adapted to the genius of the people that it must govern and to the nature of the country.<sup>g</sup>

So American laws are good, and a great part of the success that the government of democracy achieves in America must be attributed to them; but I do not think that they are the principal cause. And if the laws appear to me to have more influence on the social happiness of the Americans than the very nature of the country, from another perspective I see reasons to believe that they exercise less influence than mores.

The federal laws surely form the most important portion of the legislation of the United States.

Mexico, which is as happily situated as the Anglo-American Union, appropriated these same laws, and it is not able to get accustomed to the government of democracy.

So there is a reason independent of physical causes and laws that makes democracy able to govern the United States.<sup>h</sup>

But here is what proves it even more. Nearly all the men who inhabit the territory of the Union are born of the same blood. They speak the same language, pray to God in the same way, are subject to the same physical causes, obey the same laws.

So what produces the differences that must be observed among them?

Why, in the [North] East of the Union, does republican government appear strong and well-ordered, why does it proceed with maturity and deliberation? What cause marks all its acts with a character of wisdom and lasting existence?

Why, in contrast, do the powers of society in the West [and in the South] seem to move haphazardly?

g. To the side: "And in certain cases, it would be more correct to say that the Americans prosper despite their laws rather than thanks to them."

h. "Mexico is not able to support the republic, however. The republic prospers only within the Anglo-American Union. From so many similar causes, the Union a different one. And this cause of prosperity which is special prevails over all the others together. The people of the Union are not only the most religious and most enlightened in the world, they are also the ones whose political education is the most advanced" (YTC, CVh, 4, p. 45).

Why, in the movement of affairs, does something disorderly, passionate, you could almost say feverish, reign that does not herald a long future?

I am no longer comparing the Anglo-Americans to foreign peoples; now I am contrasting the Anglo-Americans to each other, and I am seeking why they do not resemble each other. Here all arguments drawn from the nature of the country and from the difference of laws are missing at the same time. I must resort to some other cause; and where will I find this cause, if not in mores?

It is in the East [North] that the Anglo-Americans have contracted the longest use of the government of democracy, and that they have formed habits and conceived ideas most favorable to maintaining it. [In the North] Democracy there has little by little penetrated customs, opinions, forms; you find it in all the details of social life as in the laws. It is in the East [North] that the book learning and the practical education of the people have been most perfected and that religion has best intermingled with liberty. What are all these habits, these opinions, these customs, these beliefs, if not what I called mores?

In the West, in contrast, a part of these same advantages is still lacking. Many Americans of the states of the West are born in the woods, and they mix with the civilization of their fathers the ideas and customs of savage life. Among them, passions are more violent, religious morality less powerful, ideas less settled. Men there exercise no control over each other, for they scarcely know each other.<sup>j</sup> So the nations of the West show, to a certain extent, the inexperience and the unruly habits of emerging peoples. Societies in the West are formed from old elements; but the assembly is new.<sup>k</sup>

j. In a slip of paper inserted in the manuscript:

Three centuries ago the English colonies were founded, but only sixty years ago national and centralized governments were established among them. Before this time citizens [v: subjects], dispersed in a vast wilderness two thousand leagues from the sovereign, lived in an almost complete independence. Which really explains why, among the Americans, individuals always appear experienced and [often] the State, inexperienced.

k. In the North the republic is a strong and well-ordered government, which proceeds

So mores, particularly, make the Americans of the United States, alone among all Americans, capable of supporting the dominion of democracy; and mores also make the various Anglo-American democracies more or less well-regulated and prosperous.

Therefore, in Europe, the influence that the geographic position of the country exercises on the continued existence of democratic institutions is exaggerated. Too much importance is attributed to laws, too little to mores. These three great causes undoubtedly serve to regulate and to direct American democracy; but if they had to be classified, I would say that physical causes contribute less than laws, and laws infinitely less than mores.

I am persuaded that the most fortunate situation and the best laws cannot maintain a constitution in spite of mores, while the latter still turn to good account the most unfavorable positions and the worst laws. The importance of mores is a common truth to which study and experience constantly lead. It seems to me that I find it placed in my mind like a central point; I see it at the end of all my ideas.<sup>m</sup>

I have only one more word to say on this subject.

If, in the course of this work, I have not succeeded in making the reader

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with maturity and deliberation, and which marks all its acts with a character of wisdom and lasting existence. In the West and in the South, the powers of society seem in contrast to move haphazardly, and there you observe, in the movement of affairs, something disorderly, passionate and you could almost say feverish that heralds neither strength nor continued existence [nor (ed.)] a long future (YTC, CVh, 4, p. 47).

m. Of the superiority of mores over laws./

After I have reflected carefully about the principles that make governments act, about those that sustain them or ruin them; when I have spent a good deal of time carefully calculating what the influence of laws is, their relative goodness and their tendency, I always arrive at this point that, above and beyond all these considerations, beyond all these laws, I find a power superior to them. It is the *spirit* and the *mores* of the people, their *character*. The best laws are not able to make a constitution work in spite of the mores; mores turn to good account the worst laws. That is a common truth, but one to which my studies bring me back constantly. It is placed in my mind like a central point; I see it at the end of all my ideas.

Laws, however, work toward producing the spirit, the mores and the character of the people. But in what proportion? There is the great problem that we cannot think about too much (YTC, CVe, p. 52; you can find the same fragment with a few differences, in YTC, CVh, 4, pp. 46–47).

feel the importance that I attributed to the practical experience of the Americans, to their habits, to their opinions, in a word, to their mores, in maintaining their laws, I have missed the principal goal that I set for myself by writing it.

Would Laws and Mores Be Sufficient to  
Maintain Democratic Institutions  
Elsewhere than in America?

*The Anglo-Americans, transported to Europe, would be obliged to modify their laws.—Democratic institutions must be distinguished from American institutions.—You can imagine democratic laws better than or at least different from those that American democracy has given itself.—The example of America proves only that we must not despair of regulating democracy with the aid of laws and mores.*

I said<sup>n</sup> that the success of democratic institutions in the United States was due to the laws themselves and to mores more than to the nature of the country.

But does it follow that these same causes alone transported elsewhere have the same power, and if the country cannot take the place of laws and mores, can laws and mores in turn take the place of the country?

Here you will understand without difficulty that the elements of proof are lacking. In the New World you meet peoples other than the Anglo-Americans, and since these peoples are subject to the same physical causes as the latter, I have been able to compare them to each other.

But outside of America there are no nations that, deprived of the same physical advantages as the Anglo-Americans, have still adopted their laws and their mores.

n. In the manuscript: "I proved . . ."

Édouard de Tocqueville (or Louis de Kergorlay?): "I propose to put: *I believe that I proved*. The peremptory tone must be avoided" (YTC, CIIIb, 1, p. 27).

Therefore we do not have a point of comparison in this matter; we can only hazard opinions.

It seems to me first that the institutions of the United States must be carefully distinguished from democratic institutions in general.

When I think of the state of Europe, its great peoples, its populous cities, its formidable armies, the complexities of its politics, I cannot believe that the Anglo-Americans themselves, transported with their ideas, their religion, their mores to our soil, could live there without considerably modifying their laws.

But you can imagine a democratic people organized in a different manner from the American people.

Is it impossible to conceive of a government based on the real will of the majority, but in which the majority, doing violence to its natural instincts of equality, in favor of order and the stability of the State, would consent to vest a family or a man with all the attributions of the executive power? Can you not imagine a democratic society in which national forces would be more centralized than in the United States, in which the people would exercise a less direct and less irresistible dominion over general affairs, and in which, nonetheless, each citizen, vested with certain rights, would, within his sphere, take part in the working of the government?<sup>o</sup>

What I saw among the Anglo-Americans leads me to believe that democratic institutions of this nature, introduced prudently into so-

o. Hervé de Tocqueville:

Here royalty or the monarchy, and if possible the hereditary monarchy, must find a place. It is indispensable that the author establish that the monarchical State is not incompatible with democratic institutions.

Alexis must pay the greatest attention to avoid a pitfall in which he would be destroyed, that of allowing the belief that he has written a book in favor of the republic. Beyond the fact that reason, enlightened by experience, rejects the possibility of establishing republics strictly speaking among the great European nations, the idea and even the word republic are antipathetic to the very great majority of the French. So if Alexis left the slightest doubt about his dispositions on this subject, he would be blamed by the very greatest number and applauded only by a few scatterbrains and a few muddleheads (YTC, CVh, 3, p. 15).

ciety,<sup>p</sup> which would mix little by little with the habits and would gradually merge with the very opinions of the people, would be able to subsist elsewhere than in America.<sup>q</sup>

If the laws of the United States were the only democratic laws that could be imagined or the most perfect that it is possible to find, I understand that you could conclude that the success of the laws of the United States proves nothing for the success of democratic laws in general, in a country less favored by nature.

But if the laws of the Americans seem to me defective in many points, and it is easy for me to imagine others, the special nature of the country does not prove to me that democratic institutions cannot succeed among a people where, physical circumstances being less favorable, the laws would be better.

If men showed themselves to be different in America from what they are elsewhere; if their social state gave birth among them to habits and opinions contrary to those that are born in Europe from this same social state, what happens in the American democracies would teach nothing about what should happen in other democracies.

If the Americans showed the same tendencies as all the other democratic peoples, and their legislators resorted to the nature of the country and to the favor of circumstances in order to keep these tendencies within just

p. In the margin: "I can imagine a democratic nation in which, because political life was more active and more threatened, the executive power was stronger and more active than it has been until now in the New World."

q. Édouard de Tocqueville or Louis de Kergorlay:

Here you seem to formulate a desire, and that seems to me to move away from the goal of your work, beyond other disadvantages that it can have in my view.

Your book can only aspire to a great and general influence if you are very careful not to make yourself into a party man. Now, if you show yourself or if some see you as a republican, you will be considered as a party man.

Take care that this ending does not appear as a plea on behalf of the republic. I tell you this from my soul and conscience, that ending has the appearance of being so and will be regarded as such; now this is what you have always told me you wanted to avoid.

To show, to demonstrate that free institutions can be established in a lasting way only sheltered by morality and religious spirit is a superb thought. It is your whole book. Try not to compromise it (YTC, CIIIb, 1, pp. 27–28).

limits, the prosperity of the United States, having to be attributed to purely physical causes, would prove nothing in favor of peoples who would like to follow their example without having their natural advantages.<sup>r</sup>

But neither the one nor the other of these suppositions is justified by the facts.

I encountered in America passions analogous to those we see in Europe. Some were due to the very nature of the human heart; others, to the democratic state of society.

Thus I found in the United States the restlessness of heart that is natural to man when, all conditions being more or less equal, each one sees the same chances to rise. There I encountered the democratic sentiment of envy expressed in a thousand different ways. I observed that the people often showed, in the conduct of affairs, a great blend of presumption and ignorance, and I concluded that in America, as among us, men were subject to the same imperfections and exposed to the same miseries.

But when I came to examine attentively the state of society, I discovered without difficulty that the Americans had made great and happy efforts to combat these weaknesses of the human heart and to correct these natural defects of democracy.

Their various municipal laws appeared to me as so many barriers that held within a narrow sphere the restless ambition of citizens, and turned to the profit of the town the same democratic passions that could overturn the State. It seemed to me that American legislators had managed to oppose, not without success, the idea of rights to the sentiments of envy; the immobility of religious morality, to the continual movements of the political world; the experience of the people, to their theoretical ignorance; and their habit of affairs, to the hotheadedness of their desires.

So the Americans did not resort to the nature of the country to combat the dangers that arise from their constitution [v: social state] and from their

r. Édouard de Tocqueville or Louis de Kergorlay: "You give, it seems to me, in this paragraph and in a few others of the preceding chapter much too great an influence to the physical nature of a country on the mores and the tendencies of the inhabitants of this country. This influence is not non-existent, but it is far, I believe, from being what you suppose" (YTC, CIIIb, 1, p. 28).

political laws. To the evils that they share with all democratic peoples, they applied remedies that until now only they were aware of; and although they were the first to try them out, they succeeded.

The mores and laws of the Americans are not the only ones that can be suitable for democratic peoples; but the Americans have shown that we must not despair of regulating democracy with the help of laws and mores.

If other peoples, borrowing from America this general and fruitful idea, and without wishing to imitate the inhabitants of America in the particular application that they have made of this idea, attempted to adapt themselves to the social state that Providence imposes on men today, and thus sought to escape the despotism or the anarchy that threatens them, what reasons do we have to believe that they must fail in their efforts?<sup>s</sup>

The organization and the establishment of democracy among Christians is the great political problem of our time. The Americans undoubtedly do not solve this problem, but they provide useful lessons to those who want to solve it.

s. In the manuscript:

If other democratic nations less fortunately situated than the American people, but instructed by experience, succeeded in making use of its discoveries while rejecting its errors, what reason do we have to believe that they must fail in their efforts? So if the example of the United States does not prove in a sufficient way that all countries can adapt themselves to democratic institutions, you can infer even less from it that democratic institutions suit only the United States.

## Importance of What Precedes in Relation to Europe<sup>t</sup>

You easily discover why I have engaged in the research that precedes.<sup>u</sup> The question that I have raised interests not only the United States, but the entire world; not one nation, but all men.

If peoples whose social state is democratic could remain free only when they lived in the wilderness, we would have to despair of the future fate of the human species; for men are marching rapidly toward democracy, and wildernesses are filling.

If it were true that laws and mores were insufficient for maintaining democratic institutions, what other refuge would remain for nations, if not the despotism of one man?<sup>v</sup>

I know that today there are many honest men hardly frightened by this future, who, fatigued by liberty, would love finally to rest far from its storms.<sup>w</sup>

t. Hervé de Tocqueville:

I begin my remarks with a general observation which is suggested to me by the very title of this chapter. The author speaks about all of Europe; but he draws his arguments only from the current social state of France, a social state which that of several other great nations of Europe will not resemble for many years to come. All his descriptions portray what is happening in France and not elsewhere. All his predictions relate to France; but he is addressing himself to the whole of Europe. Isn't it to be feared that a strict and exact reader might make this remark with a sort of blame?" (YTC, CIIIb, 1, p. 36).

u. "When I searched for the causes that serve most powerfully to maintain democratic institutions, I did not abandon myself to a vain curiosity. While looking at America, I still saw Europe; and while thinking about American liberty, I thought of that of all men" (YTC, CVh, 4, p. 68).

v. In the manuscript: "if not {monarchy} {absolute power} slavery?"

Édouard de Tocqueville (?): "You must be careful not to use these expressions un-  
stintingly: *slavery*, *servitude*, which perhaps smack a bit of the orator, as if there were not a thousand degrees between absolute liberty and complete enslavement!" (YTC, CIIIb, 1, pp. 29–30).

w. In the margin:

≠Today.

Liberty with its storms.

But the latter know very badly the port toward which they are heading. Preoccupied by their memories, they judge absolute power by what it was formerly, and not by what it could be today. [There are differences even in despotism, as in liberty.]

If absolute power came to be established once again among the democratic peoples of Europe, I do not doubt that it would take a new form and would show itself with features unknown to our fathers.

There was a time in Europe when the law, as well as the consent of the people, had vested kings with a power almost without limits. But they hardly ever happened to use it.

[They had the right rather than the practice of omnipotence.]

I will not talk about the prerogatives of the nobility, about the authority of the sovereign courts, about the right of corporations, about provincial privileges, which, while softening the blows of authority, maintained a spirit of resistance in the nation.

These political institutions, though often contrary to the liberty of individuals, nonetheless served to foster the love of liberty in souls, and in this respect their utility is easily conceived. Apart from these institutions, opinions and mores raised less known, but no less powerful barriers around royal power.

Religion, love of subjects, the goodness of the prince, honor, family spirit, provincial prejudices, custom and public opinion limited the power of kings and enclosed their authority within an invisible circle.

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Despotism with its rigors.

Nothing intermediate between.

Something like the Roman empire.

So there is only one path to salvation, which is to seek to regulate liberty. To moralize democracy.

As for me, I believe that the enterprise is possible.

I am not saying that we must do as America; I am not saying that the Americans have done the best.

(Is there only one type of republic, only one type of royalty?) in the same way there is more than one way to make democracy rule.≠

Then the constitution of peoples was despotic and their mores, free. Princes had the right, but neither the faculty nor the desire to do everything.

Of the barriers that formerly stopped tyranny, what remains to us today?

Since religion has lost its dominion over souls, the most visible limit that divided good and bad is overturned; all seems doubtful and uncertain in the moral realm; kings and people move there haphazardly, and no one can say where the natural limits of despotism and the bounds of license are.

Long revolutions have forever destroyed the respect that surrounded heads of State. Released from the weight of public esteem, princes can henceforth abandon themselves without fear to being drunk with power.<sup>x</sup>

When kings see, coming before them, the heart of peoples, they are lenient because they feel strong; and they treat the love of their subjects carefully, because the love of subjects is the support of the throne. Then, between the prince and the people, an exchange of sentiments is established whose gentleness recalls within society the interior of the family. Subjects, while murmuring against the sovereign, are still distressed to displease him, and the sovereign strikes his subjects with a light hand, as a father chastises his children.

But once the prestige of royalty has vanished amid the tumult of revolutions; when kings, following each other upon the throne, have one by one exposed to the view of the people the weakness of *right* and the harsh-

x. Hervé de Tocqueville:

*Released from the weight of public esteem*, etc. First, I observe that this paragraph and the two following are badly placed; they are inserted in a series of ideas that they interrupt. As for the sentence of which I have quoted the first words, it is turned in a picturesque and energetic way, but it lacks clarity; the author wants to say that kings will more easily do ill because they will no longer have to fear the loss of public esteem. There is the sense; but one searches for it. Is the idea, moreover, very correct? Although the prestige of royalty is partially destroyed, a good king who is an honest man will always garner public esteem and this esteem will be a barrier to his passions (YTC, CIIIb, 1, pp. 37–38).

ness of *fact*,<sup>y</sup> no one any longer sees in the sovereign the father of the State, and each one sees a master there. If he is weak, he is scorned; he is hated if he is strong. He is himself full of rage and fear; he sees himself as a stranger in his country and treats his subjects as the vanquished.

When provinces and cities were so many different nations in the middle of the common native land, each one of them had a particular spirit that opposed the general spirit of servitude; but today when, after losing their franchises, their customs, their prejudices and even their memories and their names, all parts of the same empire have become accustomed to obeying the same laws, it is no more difficult to oppress all of them together than to oppress one separately from the rest.

While the nobility enjoyed its power, and still long after it had lost it, aristocratic honor gave an extraordinary strength to individual resistance.

Then you saw men who, despite their impotence, still maintained a high idea of their individual value, and dared to resist in isolation the exertion of public power. [<For honor is a religion; it cannot be conquered by force.>]<sup>z</sup>

But today, when all classes are merging together, when the individual disappears more and more in the crowd and is easily lost amid the common obscurity; today, when nothing any longer sustains man above himself, be-

y. Hervé de Tocqueville:

You must put *the weakness of right and the harshness of fact*. It is essential that Alexis be very careful not to strike the fallen Restoration and the deposed and unhappy sovereigns. It would perhaps even be appropriate enough that he not strike Louis-Philippe too hard. Alexis is beginning his career; it would be disagreeable for him to have all the government newspapers against him. This is undoubtedly a very secondary consideration, but it will be good to consider it (YTC, CIIIb, I, pp. 38–39).

z. Édouard de Tocqueville (?):

All that is good in thought and style. Nothing easier than to keep it while indicating precisely how far we are by our mores from the mores of the Americans. A truth that is good to put in relief, because if we succeed in changing our mores, we will perhaps be worthy of the pure democratic state that is perhaps in fact the best. But how far we are from that! And for how long a time still would a similar attempt be fatal! (YTC, CIIIb, I, p. 30).

cause monarchical honor has nearly lost its dominion without being replaced by virtue,<sup>a</sup> who can say where the exigencies of [absolute] power and the indulgences of weakness would stop?

As long as family spirit lasted, the man who struggled against tyranny was never alone; he found around him clients, hereditary friends, close relatives. And if this support were missing, he still felt sustained by his ancestors and roused by his descendants. But when patrimonies are dividing, and when in so few years races are merging, where to locate family spirit?

[≠Within a restless crowd a man surrounded by soldiers will come to take a place. No one will see in him the father of the State. Each one will

a. Of virtue in republics./

The Americans are not a virtuous people and yet they are free. This does not absolutely prove that virtue, as Montesquieu thought, is not essential to the existence of republics. The idea of Montesquieu must not be taken in a narrow sense. What this g[reat (ed.)]. m[an (ed.)]. meant is that republics could subsist only by the action of society over itself. What he means by virtue is the moral power that each individual exercises over himself and that prevents him from violating the right of others.

When this triumph of man over temptation is the result of the weakness of the temptation or of a calculation of personal interest, it does not constitute virtue in the eyes of the moralist; but it is included in the idea of Montesquieu who spoke of the effect much more than of the cause. In America it is not virtue that is great, it is temptation that is small, which comes to the same thing. It is not disinterestedness that is great, it is interest that is well understood, which again comes back to almost the same thing. So Montesquieu was right although he spoke about ancient virtue, and what he says of the Greeks and Romans is still applicable to the Americans (YTC, CVE, pp. 66–67).

During his journey, however, Tocqueville had noted:

The principle of the ancient republics was the sacrifice of particular interest to the general good. In this sense, you can say that they were *virtuous*. The principle of this one appears to me to be to make particular interest part of the general interest. A kind of refined and intelligent egoism seems the pivot on which the whole machine turns. These people do not trouble themselves to find out if public virtue is good, but they claim to prove that it is useful. If this last point is true, as I think it is in part, this society can pass for enlightened, but not virtuous. But to what degree can the two principles of individual good and general good in fact be merged? To what point will a conscience that you could call a conscience of reflection and calculation be able to control the political passions that have not yet arisen, but which will not fail to arise? That is what the future alone will show us. Sing-Sing, 29 May, 1831 (alphabetic notebook A, YTC, BIIa, and *Voyage, OC*, V, 1, pp. 234–35).

see a master. He will no longer be respected; he will be feared; and love will be replaced by fear.

He himself will be agitated and restless. He will feel that he rules only by force and not by right, by fear and not by love. His subjects will be strangers in his eyes; he himself will be a stranger in theirs.≠]

What strength remains to customs among a people who have changed entirely and who change constantly, where all the acts of tyranny already have a precedent, where all crimes can rest on an example, where you can find nothing so old that you are afraid to destroy it, nor anything so new that you cannot dare to do it?

What resistance is offered by mores that have already given way so many times?

What can public opinion itself do, when not *twenty*<sup>b</sup> persons are gathered together by a common bond; when there is neither a man, nor a family, nor a body, nor a class, nor a free association that can represent and get this opinion to act?

When each citizen equally impotent, equally poor, equally isolated can oppose only his individual weakness to the organized strength of the government?

In order to imagine something analogous to what would then happen among us,<sup>c</sup> you must resort not to our historical annals. You must perhaps search the memorials of antiquity<sup>d</sup> and refer to those horrible centuries of Roman tyranny, when mores were corrupt, memories obliterated, habits destroyed, [religions shaken], opinions wavering; liberty, chased from the laws, no longer knew where to take refuge in order to find a shelter. Then nothing protected citizens any longer, and citizens no longer protected

b. Allusion to the French law of association that demanded prior permission for all meetings of more than twenty persons.

c. In the manuscript: “. . . among the nations of Europe.”

d. Édouard de Tocqueville (?): “I contest this idea. Antiquity is so far away, so different from our current social state, that you cannot, I believe, draw from it any point of comparison to what exists today. And I think that amid the general divergence of opinions, the only incontestable point is that what is happening in our time is without precedents” (YTC, CIIIb, pp. 30–31).

themselves; you saw men mock human nature and princes exhaust the mercy of heaven rather than the patience of their subjects.<sup>e</sup>

Those who think to rediscover the monarchy of Henry IV or Louis XIV seem very blind to me. As for me, when I consider the state which several European nations have already reached and toward which all the others are tending, I feel myself led to believe that among them there will soon no longer be a place except for democratic liberty<sup>f</sup> or for the tyranny of the Caesars.<sup>g</sup>

Doesn't this merit reflection? If men must in fact reach the point where they must all be made free or all slaves, all equal in rights or all deprived of rights; if those who govern societies were reduced to the alternative of gradually raising the crowd up to their level or allowing all citizens to fall below

e. "Characteristics of Roman society./

No more {love of country} patriotism.

No more fear of God.

Individual egoism" (YTC, CVh, 4, p. 57). See note a for p. 18.

f. "If peoples saw a stopping point between absolute power and democratic government, they would do well to settle there. But this point does not exist, and they must keep moving" (YTC, CVh, 4, pp. 53–54).

g. Hervé de Tocqueville:

The two paragraphs of these two pages are very beautiful in style, written with great force, but the colors are too dark. The horrible state of Rome under the Caesars is not to be feared for many years, neither for France nor for Europe. For that to happen civilization would have to regress and the Christian religion would have to be destroyed.

Alexis must be careful that he is not accused of having presented a dismal phantasm in order to win acceptance for his democratic ideas. The expression of an orator who wants to move his listeners powerfully can be energetic beyond bounds. That of a writer must always be wise and measured. In all, I would like Alexis to launch out more into the future and apply these last portraits less to the present state.

What Alexis says is true in this sense, that the sovereign of France, like that of Rome, combined in his person a plenitude of powers and authority. He abused them undoubtedly, but not in the same way as the Caesars, nor with the same bloody and ignoble violence. The author could perhaps revise in this sense (YTC, CIIIb, 1, pp. 39–40).

Cf. note e for p. 1249 of the fourth volume.

the level of humanity, wouldn't this be enough to overcome many doubts, reassure many consciences, and prepare each person to make great sacrifices easily?

Shouldn't the gradual development of democratic institutions and mores then be considered, not as the best, but as the sole means that remains for us to be free; and without loving the government of democracy, wouldn't we be disposed to adopt it as the most applicable and most decent remedy that may be opposed to the present ills of society?<sup>h</sup>

It is difficult to make the people participate in government; it is still more difficult to provide them with the experience and give them the sentiments that they lack to govern well.<sup>j</sup>

The will of democracy is changeable; its agents, crude; its laws, imperfect; I grant it. But if it were true that soon no intermediary must exist between the dominion of democracy and the yoke of one man, shouldn't we tend toward the one rather than subject ourselves voluntarily to the other? And if it were necessary finally to arrive at a complete equality, wouldn't it be better to allow ourselves to be leveled by liberty than by a despot?

Those who, after reading this book, would judge that by writing it I wanted to propose the Anglo-American laws and mores for the imitation of all peoples who have a democratic social state would have made a great error; they would be attached to the form, abandoning the very substance of my thought.<sup>k</sup> My goal has been to show, by the example of America,

h. "If the establishment of liberty [v: democracy] was the sole means available to preserve human independence, shouldn't it be followed with order even by those who do not judge it the most desirable?" (YTC, CVh, 4, p. 9).

j. "I would like the upper classes and the middle classes of all of Europe to be as persuaded as I am myself that henceforth it is no longer a matter of knowing if the people will come to share power, but in what way they will use their power. That alone is where the great problem of the future is located" (YTC, CVh, 3, p. 32).

k. Importance of this fact for Europe.

Irresistible march of democracy.

To regulate it, to instruct it, great problem of the present.

Misfortunes that would result for the human species from not doing so, intolerable despotism, without safeguard. . . . What is happening in America does not show that it can be done, although it does not prove that it must be done in the same way.

that laws and above all mores could allow a democratic people to remain free. I am, moreover, very far from believing that we must follow the example that American democracy has given and imitate the means that it used to attain the goal of its efforts;<sup>m</sup> for I am not unaware of the influence exercised by the nature of the country and antecedent facts on political constitutions, and I would regard it as a great misfortune for humankind if liberty, in all places, had to occur with the same features.<sup>n</sup>

But I think that if we do not manage little by little to introduce and finally to establish democratic institutions among us, and if we abandon giving all citizens the ideas and sentiments that first prepare them for liberty and then allow them the practice of those ideas and sentiments, there will be independence for no one, neither for the bourgeois, nor for the noble,

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It is the thought, always present, of this future, *irresistible* that (illegible word) was always present to the author of this book.

I proved well that the physical situation of the Americans without their laws and their mores would not suffice, but I did not prove that their laws and their mores are sufficient without their physical situation (YTC, CVh, 2, p. 110).

m. “What I wanted to say . . . that *mores* and *laws* had more power than the *country*. If that is true, why would we not hope to succeed? Why would we despair of making something stable and lasting?”

“I am not saying that we must do as the Americans, but we can arrive at the same result by another path, and their example can provide useful light” (YTC, CVh, 4, p. 11).

n. The paragraph is written this way in the manuscript:

The institutions of the United States are not the only ones that must assure the liberty of men. I am certainly far from believing so. I will admit without difficulty that a nation can remain free without having precisely the same habits and the same ideas as the American people. While retracing the laws and portraying the mores of the American democracy, I have not claimed that all democratic peoples can imitate the first and adopt the second, for I am not unaware of the influence exercised by the nature of the country on its political constitution and I would regard it as a great misfortune for humankind if liberty could only occur under a single form. So I am far from believing that in everything we must imitate the government that American democracy has given itself.

nor for the poor, nor for the rich, but an equal tyranny for all; and I foresee that if we do not succeed over time in establishing among us the peaceful dominion of the greatest number, we will arrive sooner or later at the *unlimited* power of one man.<sup>o</sup>

o. The question of knowing the name of the one who reigns, even the questions of royalty or republic, capital questions in ordinary times, have only a secondary interest, however, in the extraordinary century in which we live, unless they are attached to another still more vast. The great, the capital interest of the century is the organization and education of democracy.

[In the margin: We must not forget, today it is very much more a matter of the very existence of society than of one form of government rather than another, but it is of civilization as much as of laws [v: to know if we will be free or slave], of human dignity as much as of the prosperity of some, of the fate of three or four hundred million men and not of the destiny of a nation. It is much more about the very history of society . . .]

But that is what we scarcely consider. Placed in the middle of a rapid river, we obstinately fix our eyes on some debris that we still see on the bank, while the torrent carries us away and pushes us backward toward the abyss.

I spoke above about men who were present at the ruin of the Roman empire. Let us fear that the same fate (illegible word) us. This time the barbarians will come not out of the frozen North; they are rising from the heart of our fields and from the very midst of our cities (YTC, CVh, 3, p. 31).



## CHAPTER IO

### *Some Considerations on the Present State and Probable Future of the Three Races That Inhabit the Territory of the United States<sup>a</sup>*

The principal task that I had set for myself has now been fulfilled; I have succeeded, at least as much as I could, in showing what the laws of the American democracy were; I have made its mores known. I could stop here, but the reader would perhaps find that I have not satisfied his expectation.

You encounter in America something more than an immense and complete democracy; the peoples who inhabit the New World can be seen from more than one point of view.

In the course of this work, my subject often led me to speak about In-

a. Added at the last moment, this chapter could not be the object of the critical readings by the family, Kergorlay, or Beaumont. It is not easy to date its composition in a precise way, but many indications lead to the idea that it was written during the spring or summer of 1834. On the 15th of August of that year, his manuscript under his arm, Tocqueville arrived at the chateau de Gallarande, in the Sarthe, invited by Madame Eugénie de Sarce, sister of Gustave de Beaumont. He remained with the Beaumonts until the middle of September. In July, Tocqueville had written to Beaumont to confide in him that he did not believe that Gosselin had read the manuscript and to ask his help on the titles of chapters, which indicates that the manuscript sent to Gosselin did not then constitute the definitive text.

In this chapter, the similarity to the ideas of Beaumont on the Indians and Blacks is clear. It consists not only of the consideration of identical questions; it even touches on sources and citations. Did Beaumont persuade Tocqueville to treat a question that, in the beginning, belonged to *Marie*? Does Tocqueville's decision have something to do with the racial problems that broke out on the East coast of the United States during the summer of 1834? Did Tocqueville review and correct this chapter while with the Beaumont family at the end of the summer? The manuscript of the chapter does not present great differences from the published version and the number of drafts, appreciably less than that for other chapters, attests to a rapid composition.

dians and Negroes, but I never had the time to stop to show what position these two races occupy in the midst of the democratic people that I was busy portraying; I said according to what spirit, with the aid of what laws, the Anglo-American confederation had been formed; I could only indicate in passing, and in a very incomplete way, the dangers that menace this confederation, and it was impossible for me to explain in detail what its chances of enduring were, apart from laws and mores. While speaking about the united republics, I hazarded no conjecture about the permanence of republican forms in the New World, and although alluding frequently to the commercial activity that reigns in the Union, I was not able to deal with the future of the Americans as a commercial people.

These topics touch on my subject, but do not enter into it; they are American without being democratic, and above all I wanted to portray democracy. So I had to put them aside at first; but I must return to them as I finish.<sup>b</sup>

The territory occupied today, or claimed by the American Union, extends from the Atlantic Ocean to the shores of the Pacific Ocean. So in the east or in the west, its limits are those of the continent itself; the territory advances in the south to the edge of the Tropics and then goes back up to the middle of the frozen areas of the North.

The men spread throughout this space do not form, as in Europe, so many offshoots of the same family. You discover among them, from the outset, three naturally distinct and, I could almost say, enemy races. Education, laws, origins and even the external form of their features, have raised an almost insurmountable barrier between them; fortune gathered them together on the same soil, but it mixed them together without being able to blend them, and each one pursues its destiny apart.

Among such diverse men, the first who attracts attention, the first in enlightenment, in power, in happiness, is the white man, the European, man *par excellence*;<sup>c</sup> below him appear the Negro and the Indian.

b. In a draft the paragraph continues in this way: "I am still going to talk about America, but no more about democracy" (YTC, CVh, 3, p. 33).

c. In another version: "{To him belongs the most beautiful portion of the future. Why this unequal sharing of the good things of this world? Who can say?}"

These two unfortunate races have neither birth, nor facial features, nor language, nor mores in common; their misfortunes alone are similar. Both occupy an equally inferior position in the country that they inhabit; both suffer the effects of tyranny; and if their miseries are different, they can blame the same authors for them.

Wouldn't you say, seeing what is happening in the world, that the European is to the men of other races what man himself is to the animals? He makes them serve his purposes, and when he cannot make them bend, he destroys them.<sup>d</sup>

Oppression deprived the descendants of the Africans at a stroke of nearly all the privileges of humanity. The Negro of the United States has lost even the memory of his country; he no longer hears the language spoken by his fathers; he has renounced their religion and forgotten their mores. While thus ceasing to belong to Africa, however, he has acquired no right to the good things of Europe; but he has stopped between the two societies; he has remained isolated between the two peoples; sold by the one and repudiated by the other; finding in the whole world only the home of his master to offer him the incomplete picture of a native land.

The Negro has no family; he cannot see in a woman anything other than the temporary companion of his pleasures and, at birth, his sons are his equals.

Shall I call it a benefit of God or a final curse of His anger, this disposition of the soul that makes man insensible to extreme miseries and often even gives him a kind of depraved taste for the cause of his misfortunes?

Plunged into this abyss of evils, the Negro scarcely feels his misfortune; violence had placed him in slavery; the practice of servitude has given him the thoughts and ambition of a slave; he admires his tyrants even more than he hates them, and finds his joy and his pride in servile imitation of those who oppress him.

His intelligence has fallen to the level of his soul.

The Negro enters into servitude and into life at the same time. What

d. To the side of a first version: "≠Why of these three races, is one born to perish, the other to rule and the last to serve?≠"

am I saying? Often he is purchased right from the womb of his mother, and so to speak he starts to be a slave before being born.

Without need as without pleasure, useless to himself, he understands, by the first notions that he receives of existence, that he is the property of another, whose interest is to watch over his days; he sees that the care for his own fate has not devolved upon him. The very use of thought seems to him a useless gift from Providence, and he peacefully enjoys all the privileges of his servility.

If he becomes free, independence often then seems to him to be a heavier chain than slavery itself; for in the course of his existence, he has learned to submit to everything, except to reason; and when reason becomes his sole guide, he cannot recognize its voice. A thousand new needs besiege him, and he lacks the knowledge and the energy necessary to resist them. Needs are masters that must be fought, and he has only learned to submit and to obey. So he has reached this depth of misery in which servitude brutalizes him and liberty destroys him.

Oppression has exercised no less influence over the Indian races, but its effects are different.

[≠Europeans have introduced some new needs and some unknown vices among the savages of North America; but they have not been able entirely to modify the character of these savage bands. Europeans have been able to make their tribes disappear, to invade [v: to take the land away from them] their native land, but they have never submitted to the Europeans. Some have evaded servitude by flight, others by death.≠]

Before the arrival of whites in the New World, the men who inhabited North America lived tranquilly in the woods. Given over to the ordinary vicissitudes of savage life, they exhibited the vices and virtues of uncivilized peoples.<sup>[\*]</sup> Europeans, after scattering the Indian tribes far into the wilderness, condemned them to a wandering and restless life, full of inexpressible miseries.

[\*]. See on the history, the mores of the natives of America before the arrival of the Europeans and on the philosophy of their languages the very curious research of R. Heckewelder, Duponceau . . . , contained in the first volume of the transactions of the American Philosophical Society, Philadelphia, 1819. Say what [two illegible words] Cooper drew from him.

Savage nations are governed only by opinions and mores.

By weakening the sentiment of native land among the Indians of North America, by scattering their families, by obscuring their traditions, by interrupting the chain of memory, by changing all their habits, and by increasing their needs inordinately, European tyranny has made them more disorderly and less civilized than they already were. The moral condition and physical state of these peoples did not cease to deteriorate at the same time, and they became more barbaric as they became more unhappy. Nonetheless, Europeans have not been able entirely to modify the character of the Indians, and with the power to destroy them, they have never had that of civilizing and subjugating them.

The Negro is placed at the furthest limits of servitude; the Indian, at the extreme limits of liberty. The effects of slavery on the first are scarcely more harmful than the effects of independence on the second.

The Negro has lost even ownership of his person, and he cannot dispose of his own existence without committing a kind of larceny.

The savage is left to himself as soon as he can act. He has hardly known the authority of family; he has never bent his will to that of his fellows; no one has taught him to distinguish a voluntary obedience from a shameful subjection, and he is unaware of even the name of law. For him, to be free is to escape nearly all the bonds of society. He delights in this barbarous independence, and he would prefer to perish rather than to sacrifice the smallest part of it. Civilization has little hold over such a man.

The Negro makes a thousand hapless efforts in order to enter into a society that pushes him away; he bows to the tastes of his oppressors, adopts their opinions, and aspires, by imitating them, to be mingled with them. He has been told since birth that his race is naturally inferior to that of the whites and he is not far from believing it; so he is ashamed of himself. In each one of his features he finds a mark of slavery and, if he could, he would joyfully consent to repudiate himself completely.

The Indian, in contrast, has an imagination entirely filled with the alleged nobility of his origin. He lives and dies amid these dreams of his pride.<sup>e</sup> Far

e. In the margin: “#He perishes by the exaggeration of the sentiments that the first one lacks.#”

from wanting to bend his mores to ours, he is attached to barbarism as a distinctive sign of his race, and he rejects civilization perhaps still less out of hatred for it than out of fear of resembling the Europeans.<sup>1</sup>

To the perfection of our arts, he wants to oppose only the resources of the wilderness; to our tactics, only his undisciplined courage; to the depth of our plans, only the spontaneous instincts of his savage nature. He succumbs in this unequal struggle.<sup>g</sup>

The Negro would like to mingle with the European, and he cannot do so. The Indian could, to a certain point, succeed in doing so, but he disdains to try. The servility of the one delivers him to slavery, and the pride of the other, to death.

I remember that traveling through the forests that still cover the state of

1. *The native of North America keeps his opinions and even the smallest detail of his habits with an inflexibility that is without example in history. During the more than two hundred years that the wandering tribes of North America have had daily connections with the white race, they have borrowed so to speak neither an idea nor a custom. The men of Europe have, however, exercised a very great influence over the savages. They have made the Indian character more disordered, but they have not made it more European. Finding myself in the summer of 1831 beyond Lake Michigan, in the place named Green-Bay, which serves as the extreme frontier of the United States with the Indians of the Northwest, I met an American officer, Major H., who, one day, after talking to me a great deal about the inflexibility of the Indian character, told me about the following event:*

*"I once knew," he says to me, "a young Indian who had been raised in a college in New England. He had been very successful there, and had taken the full external appearance of a civilized man. When war broke out between us and the English in 1810,<sup>f</sup> I saw this young man again; he was then serving in our army, at the head of some warriors of his tribe. The Americans had allowed Indians in their ranks only on the condition that they abstained from the horrible custom of scalping the defeated. The evening of the battle of \*\*\*, C. . . came to sit down close to the fire of our bivouac; I asked him what had happened to him during the day; he told me, and gradually growing excited with the memory of his exploits, he ended by half-opening his jacket while saying:—'Don't betray me, but see!' In fact I saw," added Major H., "between his body and his shirt, the scalp of an Englishman still dripping with blood."*

f. It certainly concerns the War of 1812. The person Tocqueville was speaking to was Major Lamard (non-alphabetic notebook 1, YTC, BIIa, and *Voyage, OC, V, 1*, pp. 75–78).

g. To the side: "≠The Negro by being a slave loses the taste for and the possibility of being free; the Indian by being free becomes incapable of becoming civilized. The one cannot learn to be free; the other, to put limits on his liberty.≠"

Alabama, I arrived one day next to the cabin of a pioneer. I did not want to enter the dwelling of the American, but I went to rest for a few moments at the edge of a spring not far from there in the woods. While I was in this place, an Indian woman came (we then were near the territory occupied by the Creek nation); she held the hand of a small girl five or six years old, belonging to the white race, whom I supposed to be the daughter of the pioneer. A Negro woman followed them. A kind of barbaric luxury distinguished the costume of the Indian woman: metal rings were suspended from her nostrils and ears; her hair, mixed with glass beads, fell freely over her shoulders, and I saw that she wasn't married, for she still wore the shell necklace that virgins customarily put down on the nuptial bed. The Negro woman was dressed in European clothes almost in tatters.

All three came to sit down beside the spring, and the young savage, taking the child in her arms, lavished on her caresses that you could have believed were dictated by a mother's heart; on her side, the Negro woman sought by a thousand innocent tricks to attract the attention of the small Creole. The latter showed in her slightest movements a sentiment of superiority that contrasted strangely with her weakness and her age; you would have said that she received the attentions of her companions with a kind of condescension.

Squatting in front of her mistress, watching closely for each of her desires, the Negro woman seemed equally divided between an almost maternal attachment and a servile fear; while a free, proud, and almost fierce air distinguished even the savage woman's effusion of tenderness.

I approached and contemplated this spectacle in silence; my curiosity undoubtedly displeased the Indian woman, for she suddenly arose, pushed the child far away from her with a kind of roughness, and, after giving me an irritated look, plunged into the woods.

I had often happened to see gathered in the same places individuals belonging to the three human races that people North America. I had already recognized by a thousand various effects the preponderance exercised by the whites. But, in the scene that I have just described, there was something particularly touching: a bond of affection united the oppressed to the oppressors here, and nature, by trying hard to bring them together, made still more striking the immense space put between them by prejudice and laws.

Present State and Probable Future of  
the Indian Tribes That Inhabit the  
Territory Possessed by the Union<sup>h</sup>

*Gradual disappearance of the native races.—How it is taking place.—Miseries that accompany the forced migrations of the Indians.—The savages of North America had only two means to escape destruction: war or civilization.—They can no longer wage war.—Why they do not want to become civilized when they could do so, and, when they reach the point of wanting to do so, they no longer can.—Example of the Creeks and the Cherokees.—Policy of the particular states toward these Indians.—Policy of the federal government.*

All the Indian tribes that formerly inhabited the territory of New England, the Narragansetts, the Mohicans, the Pequots no longer live except in the

h. Detached note in the manuscript:

Plan of the chapter.

1. Destruction of the Indians, *a fact*.

2. How it is taking place.

You make the wild game flee. You buy the land. (Here introduce commercial mores.)

3. Inevitable destruction.

1. War or civilization.

War, they can no longer wage it.

2. Civilization remains.

Difficulty that hunting peoples have in becoming civilized. It would be necessary to have [in advance (?) (ed.)] to become a farmer.

*Idleness* and *pride* that prevent them from wanting to do so.

When they want to do so, they are not longer able (here I placed the *half-breeds*, perhaps elsewhere). Effects of an incomplete civilization in contact with a complete one.

What precedes is an imperceptible and so to speak involuntary action of one race on another, but often the positive and voluntary action of governments is joined with it. Cherokees, Creeks, way of acting toward them of the state and federal governments.

The appendix devoted to the Indians in the second volume of *Marie* ("Note on the past state and the present condition of the Indian tribes of North America") gives interesting details on their way of life and their habits that do not appear in Tocqueville's work.

See Harry Liebersohn, *Aristocratic Encounters* (Cambridge: Cambridge University Press, 1998), pp. 92–112.

memory of men; the Lenapes [Delawares] who received Penn, one hundred and fifty years ago, on the banks of the Delaware, have disappeared today.<sup>j</sup> I met the last of the Iroquois; they were begging. All the nations that I have just named formerly extended as far as the shores of the sea; now you must go more than one hundred leagues into the interior of the continent to meet an Indian. These savages have not only withdrawn, they are destroyed.<sup>2</sup> As the natives move away and die, an immense people comes and increases continuously in their place. Neither a development so prodigious nor a destruction so rapid has ever been seen among nations.

It is easy to indicate the manner in which this destruction is taking place.

When the Indians lived alone in the wilderness from which they are exiled today, their needs were few [and the means to provide for them very numerous]; they made their own arms; river water was their only drink; and they had as clothing the hide of the animals whose flesh served to nourish them.

Europeans introduced to the natives of North America firearms, iron and brandy; they taught them to replace with our fabrics the barbarian clothing that contented Indian simplicity until then. While contracting new tastes, the Indians have not learned the art of satisfying them, and they have had to resort to the industry of whites. In return for these goods, which he himself did not know how to create, the savage could offer nothing, other than the rich furs that his woods still contained. From this moment, the hunt had to provide not only for his needs, but also for the frivolous passions of Europe. He no longer pursued the beasts of the forest only to

j. On a loose slip of paper in the manuscript: "Present state of the relations of the United States with all the Indians who surround their territory. See report of the Secretary of War, L. Cass, 29 November 1833. *National Intelligencer* of 10 December 1833." Beaumont had subscribed to the *National Intelligencer* in 1833. Tocqueville drew from this newspaper many details for writing this chapter.

2. *In the thirteen original states, only 6,273 Indians remain.* (See *Legislative Documents, 20th Congress, n. 117, p. 90*).

nourish himself, but to obtain the only objects of exchange that he could give us.<sup>3</sup>

While the needs of the natives grew in this way, their resources did not cease to diminish.

From the day when a European settlement forms in the neighborhood of the territory occupied by the Indians, the wild game becomes alarmed.<sup>4</sup> Thousands of savages, wandering in the forests, without fixed abodes, do not frighten the game; but the instant the continuous noises of European industry are heard in some place, the game begins to flee and to withdraw toward the west, where its instinct teaches it that still limitless wildernesses will be found. "But the buffalo is constantly receding," say Messrs. Cass and Clark in their report to Congress, 4 February 1829. "A few years since,

3. Messrs. Clark and Cass, in their report to Congress, 4 February 1829, p. 23, said:

*The time is already long past when the Indians could supply themselves with the things necessary for their food and clothing without resorting to the industry of civilized men. Beyond the Mississippi, in a country where immense herds of buffalo are still found, live Indian tribes that follow the migrations of these wild animals; the Indians that we are speaking about still find the means to live by following all the customs of their fathers; but the buffalo are constantly withdrawing. Now you can no longer get, except with rifles or traps, the smaller type of wild animals, such as bear, deer, beaver, muskrat, that particularly provide the Indians with what is necessary to sustain life.*

*It is principally in the northwest that the Indians are forced to expend excessive effort to nourish their families. Often the hunter devotes several days in a row to pursuing game without success; during this time, his family must eat bark and roots or perish; consequently many of them die of hunger every winter.<sup>k</sup>*

*The Indians do not want to live like the Europeans; they cannot do without the Europeans, however, nor live entirely as their fathers did. You will judge so by this sole fact, the knowledge of which I draw as well from an official source. Some men belonging to an Indian tribe on the shores of Lake Superior had killed a European; the American government forbid trading with the tribe of which the guilty parties were part, until they had been surrendered: which took place.*

k. This citation is also found in *Marie*, II, pp. 291–92.

4. "Five years ago," says Volney in his *Tableau des Etats-Unis*, p. 370, "while going from Vincennes to Kaskaskia, territory included today in the state of Illinois, then entirely wild (1797), you did not cross the prairies without seeing herds of four to five hundred buffaloes; today none of them remain; they crossed the Mississippi by swimming, bothered by hunters and above all by the bells of American cows."

they approached the base of the Alleghany, and a few years hence they may even be rare upon the immense plains which extend to the base of the Rocky Mountains." I was assured that this effect of the approach of whites [{"Europeans"}] often makes itself felt two hundred leagues from their frontier. Their influence is exercised therefore on tribes whose name they hardly know and who suffer the evils of usurpation long before knowing the authors of it.<sup>5</sup>

Soon hardy adventurers penetrate the Indian countries; they advance fifteen or twenty leagues beyond the extreme frontier of the whites and go to build the dwelling of civilized man in the very midst of barbarism. It is easy for them to do so: the limits of the territory of a hunting people are poorly fixed. This territory belongs, moreover, to the entire nation and is not precisely the property of anyone; so individual interest defends no part of it.<sup>m</sup>

A few European families, occupying widely separated points, then succeed in chasing forever the wild animals from all the intermediate space that stretches between them. The Indians, who had lived until then in a sort of abundance, find it difficult to survive, still more difficult to obtain the objects of exchange that they need. By making their game flee, it is as if you made the fields of our farmers sterile. Soon they almost entirely lack the means of existence. You then meet these unfortunate people prowling about like famished wolves amid their deserted woods. Instinctive love of native land attaches them to the soil where they were born,<sup>6</sup> and they no

5. *You can be persuaded of the truth of what I am advancing here by consulting the general portrait of the Indian tribes contained within the limits claimed by the United States* (Legislative Documents, 20th Congress, n. 117, pp. 90–105). You will see that the tribes in the center of America are rapidly decreasing, although the Europeans are still very far from them.

m. An identical sentence can be found in *Marie* (II, p. 233).

6. *The Indians, say Messrs. Clark and Cass in their report to Congress, p. 15, are attached to their country by the same sentiment of affection that ties us to ours; and furthermore, to the idea of alienating the lands that the Great Spirit gave to their ancestors, they attach certain superstitious ideas that exercise a great power over the tribes that have still not given anything up or who have given up only a small portion of their territory to Europeans. "We do not sell the place where the remains of our fathers rest," such is the first response that they always make to whoever proposes to buy their lands.*

longer find anything there except misery and death. They finally make up their minds; they leave, and following at a distance the flight of the elk, the buffalo and the beaver, they leave to these wild animals the care of choosing a new homeland for them. So it is not, strictly speaking, the Europeans<sup>n</sup> who chase the natives of America away, it is famine; happy distinction that had escaped the old casuists and that modern [{Protestant}] doctors have discovered.

You cannot imagine the dreadful evils that accompany these forced emigrations. At the moment when the Indians left their paternal lands, they were already exhausted and reduced. The country where they are going to settle is occupied by wandering tribes who see the new arrivals only with jealousy. Behind them is hunger, ahead of them is war, everywhere there is misery. In order to escape so many enemies, they divide up. Each one of them tries to isolate himself in order to find furtively the means to sustain his existence, and lives in the immensity of the wilderness like the outlaw in the bosom of civilized societies. The social bond, long weakened, then breaks. For them, there already was no longer a native land. Soon there will no longer be a people; families will scarcely remain; the common name is being lost, language forgotten, the traces of origin disappear. The nation has ceased to exist. It scarcely lives in the memory of American antiquarians and is known only to a few European scholars.

I would not want the reader to be able to believe that I am exaggerating my descriptions here.<sup>o</sup> I have seen with my own eyes several of the miseries that I have just described; I have gazed upon evils that would be impossible for me to recount.

At the end of the year 1831, I found myself on the left bank of the Mississippi, at a place named Memphis by the Europeans. While I was in this place, a numerous troop of Choctaws (the French of Louisiana call them *Chactas*) came; these savages left their country and tried to pass to the right bank of the Mississippi where they flattered themselves about finding a refuge that the American government had promised them. It was then the

n. If the word *European* is kept here, in most cases it has been crossed out and *Anglo-Americans* substituted.

o. In the manuscript: "that I am inventing [v: creating] descriptions at will here."

heart of winter, and the cold gripped that year with unaccustomed intensity; snow had hardened on the ground, and the river swept along enormous chunks of ice. The Indians led their families with them; they dragged along behind them the wounded, the sick, the newborn children, the elderly about to die. They had neither tents nor wagons, but only a few provisions and weapons. I saw them embark to cross the great river, and this solemn spectacle will never leave my memory. You heard among this assembled crowd neither sobs nor complaints; they kept quiet. Their misfortunes were old and seemed to them without remedy. All the Indians had already entered the vessel that was to carry them; their dogs still remained on the bank; when these animals saw finally that their masters were going away forever, they let out dreadful howls, and throwing themselves at the same time into the icy waters of the Mississippi, they swam after their masters.

The dispossession of the Indians often takes place today in a regular and, so to speak, entirely legal manner.

When the European population begins to approach the wilderness occupied by a savage nation, the government of the United States commonly sends to the latter a solemn embassy. The whites assemble the Indians in a great field and, after eating and drinking with them, say to them:

What are you doing in the land of your fathers? Soon you will have to dig up their bones to live there. How is the country where you live better than another? Are there woods, marshes and prairies only here where you are, and can you live only under your sun? Beyond these mountains that you see on the horizon, beyond the lake that borders your territory on the west, you find vast countries where wild game is still found in abundance; sell us your lands and go to live happily in those places.

After giving this speech, firearms, woolen clothing, casks of brandy, glass necklaces, tin bracelets, earrings and mirrors are spread out before the eyes of the Indians.<sup>7</sup> If, at the sight of all these riches, they still hesitate, it is

7. See in the Legislative Documents of Congress, *doc. 117*, the account of what happens in these circumstances. This curious piece is found in the report already cited, made

insinuated that they cannot refuse the consent demanded of them, and that soon the government itself will be unable to guarantee to them the enjoyment of their rights.\*] What to do? Half persuaded, half forced, the Indians move away; they go to inhabit new wildernesses where whites will not leave them in peace for even ten years. In this way the Americans acquire at a very low price entire provinces that the richest sovereigns of Europe could not afford.<sup>8</sup>

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by Messrs. Clark and Lewis Cass, to Congress, 4 February 1829. Today Mr. Cass is the Secretary of War.

*The Indians, as has been stated, say Messrs. Clark and Cass, reach the treaty ground poor, and almost naked. Large quantities of goods are taken there by the traders, and are seen and examined by the Indians. The women and children become importunate to have their wants supplied, and their influence is soon exerted to induce a sale. Their improvidence is habitual and unconquerable. The gratification of his immediate wants and desires is the ruling passion of an Indian. The expectation of future advantages seldom produces much effect. The experience of the past is lost, and the prospects of the future disregarded. This is one of the most striking traits in their character, and is well known to all who have had much intercourse with them. It would be utterly hopeless to demand a cession of land, unless the means were at hand of gratifying their immediate wants; and when their condition and circumstances are fairly considered, it ought not to surprise us that they are so anxious to relieve themselves.*

[\*]. See the treaty with the Osages. Everett, p. 16. *Long's Expedition*, vol. II, p. 245.

8. On 19 May 1830, Mr. Ed. Everett asserted before the House of Representatives that the Americans had already acquired by treaty, east and west of the Mississippi, 230,000,000 acres.

In 1808, the Osages gave up 48,000,000 acres for an income of 1,000 dollars.

In 1818, the Quapaws gave up 29,000,000 acres for 4,000 dollars; they reserved a territory of 1,000,000 acres for hunting. It had been solemnly sworn that it would be respected; it was not long before it was invaded like the rest.

*In order to appropriate the uninhabited lands to which the Indians claim ownership, said Mr. Bell, secretary of the Indian affairs committee of Congress, 24 February 1830, we have adopted the practice of paying the Indian tribes the value of their hunting ground after the game has fled or has been destroyed. It is more advantageous and certainly more in conformity with the principles of justice and more humane to act in this way than to take the territory of the savages by force of arms.*

*The practice of buying from the Indians their title of ownership is therefore nothing more than a new mode of acquisition that humanity and expediency have substituted for violence, and that will equally make us masters of the lands that we claim by virtue of*

I have just recounted great evils, I add that they seem irremediable to me. I believe that the Indian race of North America is condemned to perish, and I cannot prevent myself from thinking that the day the Europeans settle on the shores of the Pacific Ocean, that race will have ceased to exist.<sup>9</sup>

The Indians of North America had only two paths to salvation: war or civilization; in other words, they had to destroy the Europeans or become their equal.

At the birth of the colonies, it would have been possible for them, by uniting their forces, to rid themselves of the small number of foreigners who had just arrived at the shores of the continent.<sup>10</sup> More than once, they attempted to do it and saw themselves on the verge of success. Today the disproportion of resources is too great for them to be able to consider such an undertaking.<sup>p</sup> But men of genius still arise among the Indian nations, who foresee the final fate reserved for the savage populations and who seek to bring together all the tribes in a common hatred of Europeans [and to silence individual animosities in order to deal only with this objective [v:

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*discovery, and that moreover assures us the right of civilized nations to settle the territory occupied by savage tribes.*

*Until now, several causes have constantly diminished in the eyes of the Indians the value of the soil that they occupy, and then the same causes have led them to sell it to us without difficulty. The practice of buying from the savages their right of occupancy has therefore never been able, to any perceptible degree, to slow the prosperity of the United States.*

(Legislative Documents, 21st Congress, n. 227, p. 6).

9. *This opinion seemed to us, moreover, that of nearly all the American statesmen.*

*"Judging of the future by the past," said Mr. Cass to Congress, "we cannot err in anticipating a progressive diminution of their numbers, and their eventual extinction, unless our border should become stationary, and they be removed beyond it, or unless some radical change should take place in [the principles of (ed.)] our intercourse with them, which it is easier to hope for than to expect."*

10. *See among others the war undertaken by the Wampanoags and the other confederated tribes, under the leadership of Metacom [King Philip (ed.)], in 1675, against the colonists of New England, and the war that the English had to withstand in 1622 in Virginia.*

p. According to Beaumont, the only possibility rested on an alliance of Indians with the Black population. Nonetheless, in his novel, this alliance and the revolt that follows lead to a sharp defeat.

to consider all saving themselves});[\*] but their efforts are ineffectual. The tribes that are near the whites are already too weak to offer effective resistance; the others, abandoning themselves to this childish lack of concern about tomorrow that characterizes savage nature, wait for the danger to appear before giving it their attention. The first cannot act, the others do not want to act.

[≠If at the same time that the Indians gave up hope of chasing the Europeans away from American soil, they had succeeded in becoming civilized, they would still be able to avoid the destruction that threatens them, for it is nearly impossible to dispossess a farming people completely.≠]

It is easy to foresee that the Indians will never want to become civilized, or that they will try too late, when they reach the point of wanting to do so.

Civilization is the result of a long work of society that proceeds in the same place and that the different successive generations bequeath to one another. It is among hunting peoples that civilization has the greatest difficulty managing to establish its dominion. Tribes of herders change places, but they always follow a regular order in their migrations and constantly retrace their steps; the dwelling-place of hunters varies like that of the very animals they pursue.

Several times the attempt has been made to bring enlightenment to the Indians while leaving them with the mores of wandering peoples; the Jesuits had tried to do it in Canada, the Puritans in New England.<sup>11</sup> Both accomplished nothing lasting. Civilization was born within the hut and went to die in the woods. The great failing of these legislators of the Indians was not to understand that, to succeed in civilizing a people, it is necessary

[\*]. Red Jacket.<sup>9</sup> Cite and translate the speech of Oconostata in Everett, p. 44. Insert afterward the note from the work.

9. John C. Spencer, on the occasion of a long conversation, provided Tocqueville with information on Red Jacket (alphabetic notebook A, YTC, BIIIa, and *Voyage, OC*, V, 1, pp. 221–23). Edward Everett, for his part, had sent Beaumont several documents on the Indians, including his speech of 1830 to the House of Representatives. Cf. two letters from Beaumont to Edward Everett dated 18 February and 1 May 1832, YTC, B1c.

11. See the different historians of New England. Also see *Histoire de la Nouvelle-France by Charlevoix and Lettres édifiantes*. [See report of the Commission of Indian Affairs, 21st Congress, n. 217, p. 25.]

above all to get them to settle down, and they can only do so by cultivating the soil; so it was first a matter of making the Indians farmers.

Not only do the Indians not possess this indispensable preliminary of civilization, but also it is very difficult for them to acquire.

Men who have once given themselves over to the idle and adventurous life of hunters feel an almost insurmountable distaste for the constant and regular work required by farming. You can see it even within our societies; but it is even much more visible among peoples for whom hunting habits have become the national customs.

Apart from this general cause, a cause no less powerful is found only among the Indians. I have already pointed it out; I believe I must return to it.

The natives of North America consider work not only as an evil, but also as a dishonor, and their pride struggles against civilization almost as obstinately as their idleness.<sup>12</sup>

There is no Indian so miserable who, in his bark hut, does not maintain a proud idea of his individual value; he considers the cares of industry as degrading occupations; he compares the farmer to the ox that traces the furrow, and in each of our arts he sees only the work of slaves. It is not that he has not conceived a very high idea of the power of whites and of the grandeur of their intelligence; but, if he admires the result of our efforts, he scorns the means that we have used to obtain them, and, even while under our influence, he still believes himself superior to us. Hunting and war seem to him the only cares worthy of a man.<sup>13</sup> So the Indian, deep

12. "In all the tribes," says Volney in his *Tableau des Etats-Unis*, p. 423, "there still exists a generation of old warriors who, seeing the hoe handled, do not cease to shout about the degradation of ancient mores and who claim that the savages owe their decline only to these innovations, and that, to recover their glory and their power, it would be sufficient for them to return to their primitive mores."

13. In an official document the following portrait is found:

*Until a young man has been engaged with an enemy, and can boast of his prowess, he is held in no estimation, and is considered little better than a woman.*

*At their great war dances, all the warriors in succession strike the post, as it is called, and recount the feats they have done. The auditory, upon these occasions, is composed of the relations, the friends, and the companions of the narrator, and the intensity of their*

within the misery of his woods, nurtures the same ideas, the same opinions as the noble<sup>[\*]</sup> of the Middle Ages in his fortress, and to resemble him fully he only needs to become a conqueror. How strange! It is in the forests of the New World, and not among the Europeans who populate its shores, that the ancient prejudices of Europe are found today.

I have tried more than once, in the course of this work, to make understood the prodigious influence that the social state seemed to me to exercise on the laws and mores of men. Allow me to add a single word to the subject.

When I notice the similarity that exists between the political institutions of our fathers, the Teutons, and those of the wandering tribes of North America, between the customs recounted by Tacitus and those that I was sometimes able to witness, I cannot prevent myself from thinking that the same cause has produced, in the two hemispheres, the same results, and that amid the apparent diversity of human affairs, it is not impossible to find a small number of generative facts from which all the others derive. So in all that we call Teutonic institutions, I am tempted to see only the habits of barbarians, and the opinions of savages in what we call feudal ideas.<sup>r</sup>

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*feelings is manifested by the deep silence with which they listen to his tale, and by the loud shouts with which he is hailed at the termination. Unfortunate is the young man who has no deeds of valor to recount at these assemblages; and instances are not wanting, where young warriors, in the excitement of their feelings, have departed alone from these dances, in search of trophies to exhibit, and of adventures to relate.*

[\*]. See the piece from Cass and Clark, p. 29, on the need for military glory that makes itself universally felt among them.

r. In the second lecture of his *History of Civilization in Europe*, Guizot asserted that the savage life of the American Indians had some similarity to the mores of the ancient Teutons. He added that the idea of individual independence, that of modern personal liberty, had appeared in Europe on the occasion of the great Teutonic invasions. The same ideas are found, more developed, in the seventh lecture of the course on civilization in France. Montesquieu, Saint-Simon and Boulainvilliers, before Guizot, had shown a great admiration for Teutonic institutions.

Whatever the vices and prejudices that prevent the Indians of North America from becoming farmers and civilized, necessity sometimes forces them to do so.

Several considerable nations of the South, among others those of the Cherokees and the Creeks,<sup>14</sup> found themselves as though encircled by Europeans who, landing on the shores of the Ocean, going down the Ohio and coming back up the Mississippi, surrounded them all at once. They were not chased from place to place, as the tribes of the North were, but were squeezed little by little into limits that were too narrow, as hunters first make an enclosure around a thicket before entering simultaneously into the interior. The Indians, placed then between civilization and death, saw themselves reduced to living shamefully by their work like whites; so they became farmers, and without entirely abandoning either their habits or their mores, they sacrificed what was absolutely necessary for their existence.

The Cherokees went further; they created a written language, established a fairly stable form of government; and, as everything moves with a hurried step in the New World, they had a newspaper<sup>15</sup> before all had clothes.

What singularly favored the rapid development of European habits among these Indians was the presence of half-breeds.<sup>16</sup> Sharing the enlightenment of his father without necessarily abandoning the savage customs

14. *These nations today are encompassed in the states of Georgia, Tennessee, Alabama and Mississippi.*

*There were formerly in the south (you see the remnants of them) four great nations: the Choctaws, Chickasaws, Creeks and Cherokees.*

*The remnants of these four nations still had about 75,000 individuals in 1830. There is at present, in the territory occupied or claimed by the Anglo-American Union, a count of about 300,000 Indians. (See Proceedings of the Indian Board in the City of New York.) Official documents provided to Congress bring the number to 313,130. The reader curious to know the name and strength of all the tribes that inhabit the Anglo-American territory should consult the documents that I have just indicated. (Legislative Documents, 20th Congress, n. 117, pp. 90–105.)*

15. *I brought back to France one or two copies of this singular publication. [Cite the statistical details that are found in the speech of Everett, p. 26. See id., p. 29.]*

16. *See in the report of the committee of Indian affairs, 21st Congress, n. 227, p. 23, what makes the half-breeds multiply among the Cherokees; the principal cause goes back to the War of Independence. Many Anglo-Americans from Georgia, having taken England's side, were forced to withdraw among the Indians and married there.*

of his maternal race, the half-breed forms the natural link between civilization and barbarism. Wherever half-breeds have multiplied, savages are seen to modify little by little their social state and change their mores.<sup>17</sup>

So the success of the Cherokees proves that the Indians have the ability to become civilized, but it in no way proves that they can succeed in doing so.<sup>s</sup>

This difficulty that the Indians find in submitting to civilization arises from a general cause that is nearly impossible for them to elude.

17. *Unfortunately half-breeds have been fewer and have exercised a smaller influence in North America than anywhere else.*

*Two great nations of Europe peopled this portion of the American continent: the French and the English.*

*The first did not take long to enter into unions with the young native women; but misfortune decreed that a secret affinity be found between the Indian character and theirs. Instead of giving to the barbarians the taste and habits of civilized life, it was they who often became passionately attached to savage life; they became the most dangerous inhabitants of the wilderness, and won the friendship of the Indian by exaggerating his vices and his virtues. M. de Sénonville [Denonville (ed.)], Governor of Canada, wrote to Louis XIV, in 1685: "For a long time we believed it necessary to move the savages near us to make them more French; we all have good grounds to recognize that we were wrong. Those who moved near us did not become French, and the French who haunted them became savage. They pretend to dress like them, to live like them" (Histoire de la Nouvelle-France, by Charlevoix, vol. II, p. 345).*

*The Englishman, in contrast, living stubbornly attached to the opinions, the customs and to the slightest habits of his fathers, remained in the middle of the American wilderness what he was within the cities of Europe; so he wanted to establish no contact with the savages that he despised, and carefully avoided mingling his blood with that of the barbarians.*

*Thus, while the Frenchman exercised no salutary influence on the Indians, the Englishman was always a stranger to them.*

s. Note on a small sheet of paper separate from the manuscript, but which, according to Tocqueville's indications, should have been placed here:

I recall having been very surprised in the middle of the woods by hearing savages shout to me: *bonjour* with an air of friendship. This attachment of the Indians to the [lacking: *French* (ed.)] is due in part to very honorable causes: "If we pay attention," say Messrs. Clark and Cass in their report to Congress, doc. n. 117, p. 11, "to the influence acquired and exercised by the French on the Indians, influence whose visible traces you still see today after two generations have passed, you will be led to conclude that the French used their power with honor and impartiality."

The attraction of savage life for Europeans and the scorn of savage populations for civilization appear in the *Discours sur l'origine de l'inégalité* of Rousseau (*Oeuvres complètes*, Paris: Pléiade, 1964, III, note XVI, pp. 220–21).

If you cast an attentive eye on history, you discover that in general barbaric peoples have risen little by little by themselves, and by their own efforts, toward civilization.

When it happened that they went to draw enlightenment from a foreign nation, they did so with the rank of conquerors, and not the position of the vanquished.

When the conquered people are enlightened and the conquering people half-savage, as in the invasion of the Roman Empire by the nations of the North, or in that of China by the Mongols, the power that victory assures to the barbarian is enough to keep him at the level of the civilized man and allow him to move as his equal, until he becomes his equal; the one has strength in his favor, the other, intelligence; the first admires the arts and sciences of the vanquished, the second envies the power of the conquerors. The barbarians end by introducing the civilized man into their palaces, and the civilized man in turn opens his schools to them. But when the one who possesses physical force enjoys intellectual preponderance at the same time, it is rare for the vanquished to become civilized; he withdraws or is destroyed.

Therefore you can say in a general way that savages are going to seek enlightenment with weapons in hand, but that they do not receive it.<sup>t</sup>

If the Indian tribes who now inhabit the center of the continent could find in themselves enough energy to undertake becoming civilized, they would perhaps succeed. Superior then to the barbarian nations that surround them, they would little by little gain strength and experience, and, when the Europeans finally appeared on their frontiers, they would be in a state, if not to maintain their independence, at least to make their rights to the soil recognized and to become integrated with the conquerors. But the misfortune of the Indians is to enter into contact with the most civi-

t. In the margin, in a first version:

≠It is sufficient to see the natives of North America to be persuaded that their race is in no way inferior to ours. The social state has so to [speak (ed.)] drawn around the mind of the Indians a narrow circle, but in this circle, they show themselves the most intelligent of all men. There is without doubt in what the Cherokees have done more [v: as much] natural genius than in the greatest efforts of civilized peoples.≠

lized, and I will add the most greedy people of the globe, while they are themselves still half barbarian; to find in their teachers, masters, and to receive oppression and enlightenment at the same time.<sup>14</sup>

Living within the liberty of the woods, the Indian of North America was miserable, but he felt inferior to no one; from the moment he wants to enter into the social hierarchy of the whites, he can occupy only the last rank; for he enters ignorant and poor into a society where knowledge and wealth reign. After leading an agitated life, full of evils and dangers, but filled at the same time with emotions and grandeur,<sup>18</sup> he must submit to a

u. In his "Report on the proposed law concerning the extraordinary credits asked for Algeria" (*Moniteur universel*, 1 June 1847, pp. 1379–84, reproduced in *OC*, III, 1, pp. 309–89), Tocqueville suggests taking into account the errors of the conquest of America and preventing the destruction of the Arabs by Western civilization (pp. 327–30).

18. *There is in the adventurous life of hunting peoples some irresistible attraction that catches hold of the heart of man and carries him away despite his reason and experience. You can be persuaded of this truth by reading the Mémoires de Tanner.*

*Tanner is a European who was carried off at the age of six by the Indians and who remained for thirty years in the woods with them. It is impossible to see anything more dreadful than the miseries he describes. He shows us tribes without chiefs, families without nations, isolated men, mutilated remnants of powerful tribes, wandering haphazardly amid the ice and among the desolate wilderness areas of Canada. Hunger and cold pursue them; each day life seems ready to escape from them. Among them, mores have lost their sway, traditions are without power. Men become more and more barbaric. Tanner shares all these evils; he knows his European origin, he is not forcibly kept far from whites; he goes, on the contrary, each year to trade with them, to wander through their dwelling-places, to see their comfort; he knows that the day he wants to reenter civilized life he will easily be able to succeed in doing so, and he remains thirty years in the wilderness. When he finally returns to civilized society, he confesses that the existence whose miseries he has described has secret charms for him that he cannot define; he returns there constantly after having left and pulls himself away from so many evils only with a thousand regrets; and when he has finally settled among the whites, several of his children refuse to come to share with him his tranquillity and his comfort.*

*I met Tanner myself at the entry to Lake Superior. He appeared to me still to resemble a savage much more than a civilized man.*

*You do not find in the work of Tanner either order or taste; but the author draws, even unknowingly, a lively picture of the prejudices, passions, vices and above all the miseries of those among whom he lived.*

*Viscount Ernest de Blasseville, author of an excellent work on the penal colonies of England, has translated the Mémoires de Tanner.<sup>v</sup> The Viscount de Blasseville added to his*

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*translation notes of great interest that will allow the reader to compare the facts recounted by Tanner with those already related by a great number of ancient and modern observers.*

*All those who desire to know the present state and to foresee the future destiny of the Indian races of North America should consult the work of the Viscount de Blosseville.*

v. In the first edition: “of Tanner and will publish them in the course of the year about to begin.”

George W. Pierson (*Tocqueville and Beaumont in America*, p. 235) indicates that the travelers met Tanner on the steamboat *Ohio*, on the way to Detroit, 19 July 1831, and that the latter offered them his book. Beaumont gives the following account of a conversation with Tanner, that he places on the Mississippi:

The Choctaws were being escorted by an agent of the American government charged with implementing their removal. This man, who did not know the language of the Indians, had an interpreter close to them, an inhabitant of the United States named Tanner, who is famous in America for having spent more than thirty years among the savage tribes of the north. I congratulated myself all the more about meeting him because I had often desired to do so; this circumstance, joined with the interest that the misfortune of the Indians inspired in me, suggested to me the thought of crossing the Mississippi with them and accompanying them to their new territory. I shared this idea with my traveling companion who very much approved it. As soon as I had resolved to do so, I felt a burst of joy and enthusiasm thinking that I was going to see the beautiful forests dreamed of in my imagination, the vast prairies described by Cooper, and the profound solitudes unknown in the Old World.

The signal for the departure was given and Tanner, with whom I soon began to converse, assured me that in less than a day we would reach the mouth of the Arkansas and that one day more would be enough for us to move up the river a distance of more than 150 miles.

While we descended the Mississippi, I did not cease questioning Tanner about the mores of the Indians and about the causes for their misfortune. He gave me notions full of interest about them that I would like one day to be able to make known in all their scope.—“You, who sympathize with their misfortunes,” he says to me, “hurry to know them!, for soon they will have disappeared from the earth. The forests of Arkansas are *given forever* to them! These are, it is true, the terms of the treaty! But what mockery! The lands that they occupied in Georgia had also been given to them, thirty years ago, *forever!* They will be left in this new country that is abandoned to them as long as their lands are not needed. But as soon as the American population finds itself too squeezed together on the left bank of the Mississippi, it will sweep into the fertile countries of the other bank and the Indian will again undergo the fate that was reserved for him, that of retreating before European civilization. Note,” Tanner also said to me, “that it is, to a certain point, in the interest of the Indian to act in this way at the approach of whites; in fact he lives almost exclusively on game, and the game itself moves away as soon as civilized society approaches it. It is enough to put a large road through a country to chase away all the wild buffaloes. The Indian who goes closely along with them is only following his means of existence, but by

monotonous, obscure and degraded existence. To earn by hard work and amid shame the bread that must nourish him, such in his eyes is the sole result of this civilization that is praised to him.

And he is not always sure to obtain even this result.

When the Indians undertake to imitate the Europeans their neighbors, and like them to cultivate the land, they soon find themselves exposed to the effects of a very destructive competition. The white is master of the secrets of agriculture. The Indian starts out crudely in an art that he does not know. The one easily makes great harvests grow, the other extracts the fruits of the earth only with a thousand efforts.

The European is placed amid a population that he knows and whose needs he shares.

The savage is isolated in the middle of an enemy people whose mores, language and laws he knows incompletely, but without whom he cannot manage. Only by exchanging his products for those of the whites can he become well-off, for his compatriots are nothing more than a feeble help to him.

Therefore, when the Indian wants to sell the fruits of his work, he does not always find the buyer that the European farmer easily finds, and he can produce only at great cost what the other delivers for a small price.

So the Indian has escaped from the evils to which barbarian nations are exposed only to subject himself to the greatest miseries of civilized peoples, and he finds almost as much difficulty living amid our abundance as within his forests.

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constantly advancing toward the west, he will meet the Pacific Ocean.—This will be the end of his journey and of his life. How many years will pass before his ruin? You could not say. Each vessel from Europe that brings to America new inhabitants accelerates the destruction of the Indians. After halting in Arkansas, the Choctaws will be pushed back beyond the Rocky Mountains; this will be their second stage; and when the wave of the American population arrives, they will not be able either to remain or to go beyond. Their destiny will be fulfilled.”

While Tanner thus spoke to me, I felt penetrated by a profound sadness.

This conversation belongs to the notes and drafts of *Marie* (YTC, Beaumont, CIX). The details that precede and follow this conversation appear in *Marie*, II, pp. 48–55 and 292–93.

At home, however, the habits of the wandering life are still not destroyed. Traditions have not lost their dominion; the taste for hunting has not been extinguished. The savage joys that he formerly experienced deep within the woods are then represented by the most vivid colors in his troubled imagination; the privations that he endured there seem to him less dreadful in contrast, the perils that he encountered less great. The independence that he enjoyed among his equals contrasts with the servile position that he occupies in civilized society.

From another perspective, the solitude where, for so long, he lived free is still near him; a few hours of walking can restore it to him. For the half-cleared field from which he draws hardly enough to feed himself, the whites, his neighbors, offer him a price that to him seems high. Perhaps this money that the Europeans present to him would allow him to live happily and tranquilly far from them. He leaves his plow, picks up his weapons, and goes into the wilderness again forever.<sup>19</sup>

19. *This destructive influence that very civilized peoples exercise on those who are less so is noticeable among the Europeans themselves. [See what Volney says in his Tableau du climat et du sol des Etats-Unis, p. 360.]*

*Some French had founded, nearly a century ago, in the middle of the wilderness, the city of Vincennes on the Wabash. They lived there in great abundance until the arrival of the American emigrants. The latter soon began to ruin the old inhabitants by competition; then they bought their lands from them for a small sum. At the moment when Volney, from whom I borrow this detail, came upon Vincennes, the number of French was reduced to a hundred individuals, most of whom were prepared to move to Louisiana or Canada. These French were honest men, but without enlightenment and without industry; they had contracted part of the savage habits. The Americans, who were perhaps inferior to them from the moral point of view, had an immense intellectual superiority over them; they were industrious, educated, rich, and used to governing themselves.*

*I myself saw in Canada, where the intellectual difference between the two races is much less pronounced, the Englishman, master of commerce and industry in the country of the Canadian, stretch out on all sides and squeeze the Frenchman into limits too narrow.*

*In the same way, in Louisiana, nearly all the commercial and industrial activity is concentrated in the hands of the Anglo-Americans.*

*Something still more striking is happening in the province of Texas; the state of Texas is, as you know, part of Mexico and serves as the frontier with the United States. For several years, Anglo-Americans have entered individually into this province still poorly populated, bought lands, taken hold of industry, and rapidly taken the place of the original population. You can foresee that if Mexico does not hasten to stop this movement, Texas will not take long to escape from it.*

You can judge the truth of this sad portrait by what is happening among the Creeks and the Cherokees, whom I cited.

These Indians, in the little that they have done, have surely shown as much natural genius as the peoples of Europe in their wider undertakings; but nations, like men, need time to learn, whatever their intelligence and their efforts.<sup>w</sup>

While these savages worked to become civilized, the Europeans continued to envelop them from all sides and to squeeze them in more and more. Today, the two races have finally met; they touch each other. The Indian has already become superior to his father, the savage, but he is still very inferior to the white, his neighbor. With the aid of their resources and their enlightenment, the Europeans did not take long to appropriate most of the advantages that possession of the soil could provide to the natives; the Europeans settled among them, seized the land or bought it at a low price, and ruined the Indians by a competition that the latter could in no way sustain. Isolated in their own country, the Indians no longer formed anything except a small colony of inconvenient foreigners in the middle of a numerous and dominating people.<sup>20</sup>

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*If a few differences comparatively not very perceptible in European civilization lead to such results, it is easy to understand what must happen when the most perfected civilization of Europe enters into contact with Indian barbarism.*

w. On a detached sheet: "Put the piece from Jefferson on Logan to prove capacity of the Indians. See *Notes On Virginia*, p. 153."

20. See, in the Legislative Documents, 21st Congress, n. 89, *the excesses of all kinds committed by the white population on the territory of the Indians. Sometimes the Anglo-Americans settle on one part of the territory, as if land was lacking elsewhere, and troops from Congress must come to expel them; sometimes they carry away the livestock, burn the houses, cut down the fruit of the natives or use violence against their persons.*

*All these documents provide evidence that each day the natives are victims of abuse by force. Normally the Union maintains an agent among the Indians charged with representing it; the report of the agent for the Cherokees is found among the documents that I am citing; the language of this official is nearly always favorable to the savages. "The intrusion of whites into the territory of the Cherokees," he says, p. 12, "will cause the ruin of those who live there leading a poor and inoffensive existence." Further along you see that the state of Georgia, wanting to narrow the limits of the Cherokees, proceeds to a boundary marking; the federal agent remarks that, having been made only by the whites and without full hearings, the boundary marking has no value.*

Washington said, in one of his messages to Congress: "We are more enlightened and more powerful than the Indian nations; it is to our honor to treat them with kindness and even with generosity."

This noble and virtuous policy has not been followed.

The greediness of the colonists usually joins with the tyranny of the government. Although the Cherokees and the Creeks were settled on the soil they inhabited before the arrival of the Europeans, although the Americans often negotiated with them as with foreign nations, the states within which they find themselves did not want to recognize them as independent peoples, and undertook to subject these men, barely out of the forests, to their magistrates, to their customs and to their laws.<sup>21</sup> Misery had pushed these unfortunate Indians toward civilization, oppression drives them today back toward barbarism. Many of them, leaving their half-cleared fields, resume the habit of savage life.

If you pay attention to the tyrannical measures adopted by the legislatures of the states of the South, to the conduct of their governors and the actions of their courts, you will easily be convinced that the complete expulsion of the Indians is the final goal toward which all their efforts simultaneously tend. The Americans of this part of the Union enviously regard the lands that the natives possess;<sup>22</sup> they feel that the latter have not yet completely lost the traditions of savage life, and before civilization has firmly attached them to the soil, they want to reduce them to despair and force them to move away.

Oppressed by the particular states, the Creeks and Cherokees addressed

21. *In 1829, the state of Alabama divides the territory of the Creeks into counties and submits the Indian population to European magistrates.*

*In 1830, the state of Mississippi classes the Choctaws and the Chickasaws with the whites and declares that those among them who take the title of chief will be punished with a fine of 1,000 dollars and a year in prison.*

*When the state of Mississippi thus extended its laws over the Choctaw Indians who lived within its limits, the latter assembled together; their chief showed them what the claim of the whites was and read to them some of the laws to which the whites wanted to subject them. The savages declared with one voice that it would be better to plunge again into the wilderness. (Mississippi Papers.)*

22. *The Georgians, who find themselves so bothered by the nearby presence of the Indians, occupy a territory that still does not number more than seven inhabitants per square mile. In France, there are one hundred sixty-two individuals in the same space.*

the central government. The latter is not insensitive to their misfortunes; that government would sincerely like to save the remnants of the natives and assure them the free possession of the territory that it guaranteed to them.<sup>23</sup> But when it seeks to execute this plan, the particular states put up a formidable resistance, and then the central government resolves without difficulty to let a few savage tribes, already half destroyed, perish in order not to put the American Union in danger.<sup>x</sup>

Powerless to protect the Indians, the federal government would at least like to ease their lot; to this end, it has undertaken to transport them at its expense to other places.<sup>[\*]</sup>

23. In 1818, Congress ordered that the territory of Arkansas would be visited by American commissioners, accompanied by a deputation of Creeks, Choctaws and Chickasaws. This expedition was commanded by Messrs. Kennerly, McCoy, Wash Hood and John Bell. See the different reports of the commissioners and their journal in the papers of Congress, n. 87, House of Representatives.

x. Note not included in the chapter, but which appears in the manuscript in this place:

Extract from a speech given before a town meeting of Philadelphia, 11 January 1830:

Can a government founded on the celebrated statement of the rights of man that accompanies our Declaration of Independence consent shamelessly to violate among others those very rights for which it then fought? If *dependent* nations have been able to declare themselves *independent*, how can we refuse to allow nations that are already independent to remain so? Is the people that abuses its power in order to exercise tyranny externally a sincere friend of liberty? And would it not be tyrannical to drive a nation from its partially cultivated lands and from its homes and to send it to create a new settlement in the wilderness, where greed will not long allow it to remain in peace, if we are to judge the future by the past? Amid the discouragement that they must feel, will the Indians even have the energy to undertake what we expect of them?

The expulsion of the Moors from Spain is universally considered an act of tyranny. The Moors, however, were the sons of the former conquerors and the former enemies of the religion and mores of Spain. The Cherokees are in no way the enemies of the people of the United States.

This note is found with others in a copy that is not in Tocqueville's hand. A note on the jacket of the section on the Indians explains the origin of the copies: "To dictate or copy before thinking about correcting." The copies remaining in this jacket consist of unpublished fragments and notes.

[\*]. See the instructions of the Secretary of War to Generals Cannall [Carroll (ed.)] and Goffre [Coffee (ed.)], dated 30 May 1830.

There are 75,000 Indians to transport.

Between the latitudes of 33rd and 37th degrees north, extends a vast country that has taken the name Arkansas, from the principal river that waters it. It borders on one side the frontier of Mexico, on the other, the banks of the Mississippi. A multitude of small streams and rivers cut across it from all sides; the climate is mild and the soil fertile. Only a few wandering hordes of savages are found there.<sup>[\*]</sup> It is to a section of this country, which is closest to Mexico and at a great distance from American settlements, that the government of the Union wants to transport the remnants of the native populations of the South.

At the end of the year 1831, we were assured that 10,000 Indians had already gone to the banks of the Arkansas; others arrived every day. But Congress has not been able to create as well a unanimous will among those whose fate it wanted to determine. Some consent with joy to move away from the home of tyranny; the most enlightened refuse to abandon their growing crops and new dwellings; they think that if the work of civilization is interrupted, it will not be resumed again; they fear that sedentary habits, barely contracted, will be permanently lost in the middle of still savage countries where nothing is prepared for the subsistence of a farming people; they know that in this new wilderness they will find enemy hordes and, to resist them, they no longer have the energy of barbarism and have not yet acquired the strength of civilization. The Indians easily discover, moreover, all that is provisional in the settlement that is proposed to them. Who will assure them that they will finally be able to rest in peace in their new refuge? The United States promises to maintain them there; but the territory that they now occupy had formerly been guaranteed to them by the most solemn oaths.<sup>24</sup> Today the American government does not, it is true, take their

[\*]. See *Journey of Long*, vol. II.

24. You find, in the treaty made with the Creeks in 1790, this clause: "The United States solemnly guarantee to the Creek Nation, all their lands within the limits of the United States to the westward and southward of the boundary described in the preceding article."

The treaty concluded in July 1791 with the Cherokees contains what follows: "The United States solemnly guarantee to the Cherokee nation, all their lands not hereby ceded. If any citizen of the United States, or other person not being an Indian, shall settle on any of the Cherokees' lands, such person shall forfeit the protection of the United States, and the Cherokees may punish him or not, as they please." Art. [7 and (ed.)] 8.

lands from them, but it allows their lands to be invaded. In a few years, undoubtedly, the same white population that now presses around them will again be at their heels in the solitude of Arkansas; they will then find the same evils again without the same remedies; and sooner or later without land, they will still have to resign themselves to dying.

There is less cupidity and violence in the way the Union acts toward the Indians than in the policy followed by the states; but the two governments equally lack good faith.

The states, while extending what they call the benefit of their laws to the Indians,<sup>y</sup> count on the fact that the latter will prefer to move away than to submit; and the central government, while promising these unfortunate people a permanent refuge in the West, is not unaware that it is not able to guarantee it to them.<sup>25</sup>

Therefore, the states, by their tyranny, force the savages to flee; the Union, by its promises and with the aid of its resources, makes the flight easy. These are different measures that aim at the same end.<sup>26</sup>

y. Note of Tocqueville on a small sheet of paper not part of the manuscript: "It is admitted by all, says Mr. Everett in his speech, that the Indians are not able to live under the laws of the states. The Indians say it; the government says it. The states do not deny it. Clearly the laws of whites have not been made for the Indians; we and they are in agreement on this point."

25. *That does not prevent promising it to them in the most formal manner. See the letter of the President addressed to the Creeks, 23 March 1829 (Proceedings of the Indian Board in the City of New York, p. 5): "Beyond the great river Mississippi, [. . . (ed.) . . .]—your father has provided a country large enough for all of you [. . . (ed.) . . .]. There your white brothers will not trouble you; they will have no claim to the land, and you can live upon it, you and all your children, as long as the grass grows or the water runs, in peace and plenty. It will be yours for ever."*

*In a letter written to the Cherokees by the Secretary of the War Department, 18 April 1829, this official declares to them that they must not deceive themselves about retaining the enjoyment of the territory that they occupy at the moment, but he gives them this same positive assurance for the time when they will be on the other side of the Mississippi (same work, p. 6). As if the power that he now lacked would not be lacking in the same way then!*

26. *To have an exact idea of the policy followed by the particular states and by the Union vis-à-vis the Indians, you must consult: 1. the laws of the particular states relating to the Indians (this collection is found in the legislative documents, 21st Congress, n. 319); 2. the laws of the Union relating to the same subject, and in particular that of 30 March 1802 (these laws are found in the work of Mr. Story entitled: Laws of the United States); 3. finally, to know*

“By the will of our Father in Heaven, the Governor of the whole world,” said the Cherokees in their petition to Congress,<sup>27</sup> “the red man of America has become small, and the white man great and renowned.”

When the ancestors of the people of these United States first came to the shores of America, they found the red man strong—though he was ignorant and savage, yet he received them kindly, and gave them dry land to rest their weary feet. They met in peace, and shook hands in token of friendship.

Whatever the white man wanted and asked of the Indian, the latter willingly gave. At that time the Indian was the lord, and the white man the suppliant. But now the scene has changed. The strength of the red man has become weakness. As his neighbors increased in numbers, his power became less and less, and now, of the many and powerful tribes who once covered these United States, only a few are to be seen—a few whom a sweeping pestilence has left. The Northern tribes, who were once so numerous and powerful, are now nearly extinct. Thus it has happened to the red man of America.

Shall we, who are remnants, share the same fate? [. . . (ed.) . . .]

The land on which we stand we have received as an inheritance from our fathers, who possessed it from time immemorial, as a gift from our common Father in Heaven. [. . . (ed.) . . .] They bequeathed it to us as their children, and we have sacredly kept it, as containing the remains of our beloved men. This right of inheritance we have never ceded nor ever forfeited. Permit us to ask what better right can the people have to a country than the right of inheritance and immemorial peaceable possession? We know it is said of late by the State of Georgia, and by the Executive of the United States, that we have forfeited this right—but we think this is said gratuitously. At what time have we made the forfeit? What great crime have we committed, whereby we must forever be divested of our country?<sup>28</sup> Was it when we were hostile to the United States, and took part with the King of Great Britain, during the struggle for independence? If so, why was not this forfeiture declared in the first treaty of peace between

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*what the current state is of the relations of the Union with all of the Indian tribes, see the report made by Mr. Cass, Secretary of War, 29 November 1823.*

27. 19 November 1829. *This piece is translated word for word.*

z. In the manuscript: “. . . of our country and rights?”

the United States and our beloved men? Why was not such an article as the following inserted in the treaty: "The United States give peace to the Cherokees, but, for the part they took in the late war, declare them to be but tenants at will, to be removed when the convenience of the States, within whose chartered limits they live, shall require it"? That was the proper time to assume such a possession. But it was not thought of, nor would our forefathers have agreed to any treaty whose tendency was to deprive them of their rights and their country.

Such is the language of the Indians; what they say is true; what they foresee seems inevitable to me.

From whatever side you envisage the destiny of the natives of North America, you see only irremediable evils. If they remain savage, they are pushed ahead and kept on the move; if they want to become civilized, contact with men more civilized than they delivers them to oppression and misery. If they continue to wander from wilderness to wilderness, they perish; if they undertake to settle down, they still perish. They can become enlightened only with the aid of Europeans, and the approach of Europeans depraves them and pushes them back toward barbarism. As long as you leave them in their empty wilderness, they refuse to change their mores, and when they are finally forced to want to change them, there is no more time to do so.

The Spanish unleash their dogs on the Indians as on wild beasts; they pillage the New World like a city taken by assault, without discrimination and without pity; but you cannot destroy everything, fury has an end. The rest of the Indian populations that escaped the massacres ended up mingling with their conquerors and adopting their religion and their mores [{"the Indians today share the rights of those who conquered them and one day perhaps will rule over them}].<sup>28</sup>

The conduct of the Americans of the United States toward the natives radiates, in contrast, the purest love of forms and of legality. Provided that the Indians remain in the savage state, the Americans do not in any way

*28. But the Spanish must not be honored for this result. If the Indian tribes had not already been settled on the soil by agriculture at the moment of the arrival of the Europeans, they would have undoubtedly been destroyed in South America as in North America.*

get involved in their affairs and they treat them as independent peoples; they do not allow themselves to occupy their lands without having duly acquired them by means of a contract; and if by chance an Indian nation is no longer able to live in its territory, the Americans take it fraternally by the hand and lead it themselves to die outside of the country of its fathers.

The Spanish, with the help of monstrous crimes without precedents, while covering themselves with an indelible shame [that will live as long as their name]], were not able to succeed in exterminating the Indian race, nor even in preventing it from sharing their rights;<sup>a</sup> the Americans of the United States have achieved this double result with a marvelous ease, calmly, legally, philanthropically, without shedding blood, without violating a single one of the great principles of morality<sup>29</sup> in the eyes of the world. You cannot destroy men while better respecting the laws of humanity.

{[This world is, it must be admitted, a sad and ridiculous theater.]}

a. Several of these ideas already appear in a letter from Tocqueville to his mother, dated 25 December 1831, from Mississippi (YTC, B1a1, reproduced in *OCB*, VII, pp. 99–106). In a travel note after this letter, and dated 3 January 1832, Tocqueville remarks:

Why of all the European races of the New World is the English race the one that has most preserved the purity of its blood and has least mingled with the native races? Apart from powerful reasons drawn from national character, from temperament, a particular cause of difference exists. Spanish America was peopled by adventurers attracted by thirst for gold, and who, transplanted alone on the other side of the Atlantic, found themselves forced in a way to contract unions with the women of the countries they inhabited. The English colonies were peopled by men who fled their country out of religious passion, or whose goal, by coming to the New World, was to live there by cultivating the land. They came with women and children and were able at once to form a complete society (pocket notebook 3, YTC, B11a, and *Voyage*, *OC*, V, 1, p. 192).

29. See among others the report made by Mr. Bell in the name of the Committee of Indian Affairs, 24 February 1830, in which it is established, p. 5, by very logical reasons, and where it is proved very learnedly that: “The fundamental principle, that the Indians had no right by virtue of their ancient possession either of soil, or sovereignty, has never been abandoned expressly or by implication.” That is to say that the Indians, by virtue of their ancient possession, have acquired no right of either property or sovereignty, fundamental principle that has never been abandoned, either expressly or tacitly.

While reading this report, written moreover by a skillful hand, you are astonished by the facility and ease with which, from the first words, the author gets rid of arguments founded on natural right and reason, that he calls abstract and theoretical principles. The more I

Position That the Black Race Occupies in  
the United States;<sup>30</sup> Dangers to Which  
Its Presence Exposes the Whites<sup>c</sup>

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*consider it, the more I think that the only difference that exists between the civilized man and the one who is not, in relation to justice, is this: the one contests in the judicial system the rights that the other is content to violate.*

30. *Before treating this matter, I owe the reader a warning. In a book that I spoke about already at the beginning of this work, and that is now on the verge of appearing, M. Gustave de Beaumont, my traveling companion, had as his principal object to make the position of Negroes amid the white population of the United States known in France. M. de Beaumont has thoroughly treated a question that my subject has only allowed me to touch upon. His book, whose notes contain a very great number of very precious and entirely unknown legislative and historical documents, also presents scenes whose energy can be equaled only by the truth. The work of M. de Beaumont should be read by those who want to understand to what excesses of tyranny men are pushed little by little once they have begun to go beyond nature and humanity.*<sup>b</sup>

b. This note does not exist in the manuscript.

c. To ask about Blacks.

1. Black population, slave and emancipated in the United States (illegible word).
2. Is it true that the laws of the Carolinas and Georgia forbid teaching slaves to read and write? Gazette of December.
  - (1) How do these laws set about to prohibit the (illegible word)?
  - (2) What does the President want for [the (ed.)] bank, to destroy it or to replace it?
  - (3) What did he do against the federal courts. (YTC, CVh, 2, p. 86).

The Quaker Collection of the library of Haverford College in Pennsylvania preserves three pages of questions in English concerning the “colored population.” A note from the last page attributes these questions to Tocqueville, but the writing is that of Gustave de Beaumont. The questions bear upon the separation of Blacks and whites in the schools, hospitals, churches and other public places, on the intellectual equality of the two races, on the possibility of a gradual abolition, and on the danger of a race war. Beaumont is concerned as well about the differences between the law and its execution: “In a government founded upon the will of the people, *the public opinion* secures the *impartial* execution of the law?—How is it possible that the law is *impartially* executed in reference to black people when the public opinion concerning such people is not *impartial* itself?” It has not been possible to identify the person to whom this inquiry is addressed. It probably concerns one of the persons that Tocqueville and Beaumont met in Pennsylvania (see George W. Pierson, *Tocqueville and Beaumont in America*, pp. 782–86). With the kind permission of Haverford College, Pennsylvania (Quaker Collection, E. W. Smith, no. 95).

*Why it is more difficult to abolish slavery and to make its mark disappear among modern peoples than among ancient peoples.—In the United States, prejudice of whites against Blacks seems to become stronger as slavery is destroyed.—Situation of Negroes in the states of the North and the South.—Why the Americans abolish slavery.—Servitude, which brutalizes the slave, impoverishes the master.—Differences that you notice between the right bank and the left bank of the Ohio.—To what they must be attributed.—The Black race moves back toward the South as slavery does.—How this is explained.—Difficulties that the states of the South have in abolishing slavery.—Dangers for the future.—Preoccupation of minds.—Founding of a Black colony in Africa.—Why the Americans of the South increase the rigors of slavery, at the same time that they are growing disgusted with it.*

The Indians will die in isolation as they lived; but the destiny of the Negroes is in a way intertwined with that of the Europeans. Although the two races are bound to each other, they do not blend together. It is as difficult for them to separate completely as to unite.

The most formidable of all the evils that threaten the future of the United States arises from the presence of Blacks on their soil. When you seek the cause of the present troubles and future dangers of the Union, you almost always end up at this first fact, from no matter where you start.

Men generally need to make great and constant efforts to create lasting evils; but there is one evil that enters into the world furtively. At first, you barely notice it amid the usual abuses of power; it begins with an individual whose name is not preserved by history; it is deposited like an accursed seed at some point in the soil; it then feeds on itself, spreads effortlessly, and grows naturally with the society that received it. This evil is slavery.

Christianity had destroyed servitude; the Christians of the sixteenth century reestablished it; but they never allowed it in their social system other than as an exception, and they took care to restrict it to a single one of the

human races. They therefore gave humanity a wound not as extensive, but infinitely more difficult to heal.<sup>d</sup>

Two things must be carefully distinguished: slavery in itself and its consequences.

The immediate evils produced by slavery were nearly the same among ancient peoples as they are among modern peoples, but the consequences of these evils were different. Among the ancients the slave belonged to the same race as his master, and often he was superior to him in education and in enlightenment.<sup>31</sup> Liberty alone separated them; once liberty was granted, they easily blended.

So the ancients had a very simple means to rid themselves of slavery and its consequences; this means was emancipation, and as soon as they used it in a general way, they succeeded.<sup>f</sup>

d. "Europeans by destroying millions of Indians in the New World inflicted a horrible, but temporary evil on humanity. Slavery [v: the presence of Blacks] is an evil that feeds on itself [v: perpetuates itself with the generations], that is constantly reborn, and that can only cease by evils greater than itself" (YTC, CVh, 2, p. 93).

31. *We know that several of the most celebrated authors of antiquity were or had been slaves: Aesop and Terence are among this number. Slaves were not always taken from among barbarian nations; war put very civilized men into servitude.*<sup>e</sup>

e. In the work of Thomas Clarkson *An Essay on the Slavery and Commerce of the Human Species* (London: J. Phillips, 1788, pp. 13–16), you find reflections very similar to those of Tocqueville on the difference between modern and ancient slavery; the author likewise cites Aesop and Terence as examples of civilized slaves. Beaumont possessed a French edition of this book in his library (Cf. *Marie*, I, pp. 296–301), as well as the following works on slavery: Brissot de Warville, *Examen critique des "Voyages dans l'Amérique septentrionale" de M. le marquis de Chastellux*; Marquis de Condorcet, *Réflexions sur l'esclavage des Noirs*; Thomas Clarkson, *Essai sur les désavantages de la traite*; Benjamin S. Frossard, *La cause des esclaves nègres et des habitants de la Guinée, portée au tribunal de la justice, de la religion, de la politique*; Daniel Lescallier, *Réflexions sur le sort des noirs dans nos colonies*; Théophile Mandar, *Discours sur le commerce et l'esclavage des nègres* (this information is contained in the thesis of Alvis Lee Tinnin, *Gustave de Beaumont, Prophet of the American Dilemma*, New Haven, Yale University, 1961).

f. When it is said that slavery is disappearing, it has disappeared in effect. Nothing like that. Prejudices that remain. Law of New England. As slavery withdraws, whites fear blending more, become scornful. Small number of mulattos. School, church and industry [separate(?) (ed.)]. The laws less harsh, hatreds more so. Slavery was cruel. You can make slavery end, but not the prejudices that it gave birth to; you can make the Negro cease to be a slave, but not make him become the equal of the white (YTC, CVh, 2, pp. 95–96).

Not that the marks of servitude in antiquity did not still continue to exist for some time after servitude was destroyed. [Real inequality was followed by social inequality.]

There is a natural prejudice that leads man to scorn the one who has been his inferior, long after he has become his equal; real inequality produced by fortune or law is always followed by an imaginary inequality that has its roots in mores; but among the ancients this secondary effect of slavery came to an end. The emancipated man so strongly resembled the men who were born free that it soon became impossible to distinguish him from them.

What was more difficult among the ancients was to change the law; what is more difficult among modern peoples is to change mores, and for us the real difficulty begins where in antiquity it ended.

This happens because among modern peoples the non-material and transitory fact of slavery is combined in the most fatal way with the material and permanent fact of the difference of race. The memory of slavery dishonors the race, and race perpetuates the memory of slavery.

There is not an African who came freely to the shores of the New World; from that it follows that all those who are found there today are slaves or emancipated. Thus the Negro, together with life, transmits to all of his descendants the external sign of his shame. Law can destroy servitude; but only God alone can make its mark disappear.<sup>g</sup>

The modern slave differs from the master not only in liberty, but also in origin. You can make the Negro free, but he remains in the position of a stranger vis-à-vis the European.

That is still not all. In this man who is born in lowliness, in this stranger that slavery introduced among us, we scarcely acknowledge the general features of humanity. His face appears hideous to us, his intelligence seems limited to us, his tastes are base; we very nearly take him for an intermediate being between brute and man.<sup>32</sup>

g. "When you see the difficulty of destroying the inequality in the laws, you understand what is impracticable about destroying the one in nature" (YTC, CVh, 2, p. 90).

32. *For whites to abandon the opinion that they have conceived of the intellectual and moral inferiority of their former slaves, it would be necessary for Negroes to change, and they cannot change as long as this opinion persists.*

So after abolishing slavery, modern peoples still have to destroy three prejudices much more elusive and more tenacious than slavery: the prejudice of the master, the prejudice of race, and finally the prejudice of the white.

It is very difficult for us, who have had the good fortune to be born among men whom nature made our fellows and the law our equals; it is very difficult for us, I say, to understand what insurmountable distance separates the Negro of America from the European. But we can have a remote idea of it by reasoning by analogy.<sup>h</sup>

We formerly saw among us great inequalities whose principles were only in legislation. What more fictitious than a purely legal inequality! What more contrary to the instinct of man than permanent differences established among men clearly similar! These differences have continued to exist for centuries however; they still continue to exist in a thousand places; everywhere they have left imaginary marks that time can scarcely erase. If the inequality created solely by laws is so difficult to uproot, how to destroy the one that seems to have its immutable foundations in nature itself?<sup>m</sup>

As for me, when I consider what difficulty aristocratic bodies of whatever nature have merging with the mass of the people, and the extreme care that they take to preserve for centuries the imaginary barriers that separate them, I despair of seeing an aristocracy founded on visible and imperishable signs disappear.<sup>n</sup>

h. In the margin: “I regard the mixing of races as the greatest misfortune of humanity.≠”

m. “Among the Americans slavery seemed contrary neither to religion nor to the interest of the State; what was more difficult was to establish it in the laws” (YTC, CVh, 3, pp. 2–3).

n. In the margin:

≠Thus in America prejudice seems to grow stronger as slavery withdraws. The difference becomes marked in the mores as it fades away in the laws. In several countries of Europe different peoples found themselves together. They took centuries to blend; but they were similar on all points. The Moors who hardly differed from the Spanish could not manage to mingle with them. If the various offshoots of the same human family have so much difficulty mingling and blending, how to admit that two radically different races will ever manage to do so? If a slight difference in the nature of features was found to be a nearly insurmountable obstacle, what will it be when you find a difference so great that what appears beautiful to one seems the height of ugliness to the other?≠

So those who hope that one day the Europeans will blend with the Negroes seem to me to entertain a chimera. My reason does not lead me to believe it, and I see nothing in the facts that indicate it.

Until now, wherever whites have been the most powerful, they have held Negroes in degradation or in slavery. Wherever Negroes have been the strongest, they have destroyed whites; it is the only accounting that might ever be possible between the two races.

If I consider the United States of our day, I see clearly that in a certain part of the country the legal barrier that separates the two races is tending to fall, but not that of mores. I see slavery receding; the prejudice to which it gave birth is immovable.

In the part of the Union where Negroes are no longer slaves, have they drawn nearer to whites? Every man who has lived in the United States will have noted that an opposite effect has been produced. {[In no part of the Union are the two races as separated as in New [England (ed.)] [v: the North].}]

Racial prejudice seems to me stronger in the states that have abolished slavery than in those where slavery still exists, and nowhere does it appear as intolerant as in the states where servitude has always been unknown.<sup>[f] o</sup>

o. These alphabetical notes appear in the manuscript, but not the text of the notes, which is found, however, in one of the drafts:

(a) Among the states where slavery is abolished, Massachusetts is the only one I know that has prohibited the legitimate union of the two races. See *Laws of Massachusetts*, vol. I, p. [blank (ed.)].

(b) Among the states that have abolished slavery or did not allow it, the states of Delaware, Ohio, Indiana and Illinois are the only ones I know that have excluded Negroes from electoral rights. In the others the law is silent about it and consequently allows it. In the constitution of the state of New York, amended in 1821, Negroes can vote, but particular property qualifications are required of them, which makes the permission of the law illusory.

(c) In most of the states where slavery is abolished, the law does not make any color distinction while establishing the qualification for the jury. But as it leaves an arbitrary power to the officials charged with drawing up the list, care is taken never to put the name of a Black on it.

(d) While I was in New York a French (illegible word) [Creole (?) (ed.)] from the Antilles, coming to the theater, {was taken for a mulatto and refused} was resisted in

It is true that in the North of the Union the law allows Negroes and whites to contract legitimate unions;<sup>[a]</sup> but opinion declares vile the white who joins in marriage with a Negro woman; and it would be difficult to cite an example of such a deed.

In nearly all the states where slavery is abolished, the Negro has been given electoral rights;<sup>[b]</sup> but if he presents himself to vote, he risks his life.<sup>P</sup> Oppressed, he can make a complaint, but he finds only whites among his judges. The law opens the juror's seat to him,<sup>[c]</sup> but prejudice pushes him away from it. His son is excluded from the school where the descendant of the European goes to be instructed. In the theaters he cannot, even at the price of gold, buy the right to sit next to the one who was his master;<sup>[d]</sup> in the hospitals he lies apart. The Black is allowed to beseech the same God as the whites, but not to pray to him at the same altar. He has his priests

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his entry to the boxes of the dress circle for which he had purchased the right at the door. He did not understand English; a violent quarrel ensued that nearly had unfortunate consequences; with his swarthy tint it was assumed that he could indeed be a mulatto.

(e) It is right to note that in general Negroes are mingled with whites in Catholic churches. Protestantism establishes in the religious order the government of the middle classes, and the haughtiness of the middle classes toward the people is known.

(f) Not only does Ohio not allow slavery, but it prohibits the entry into its territory of free Negroes and forbids them to acquire anything there.

(g) The gradual abolition of slavery was declared in Pennsylvania in 1780. In Massachusetts this abolition goes back to the very period of the constitution in 1779; Connecticut began to abolish slavery in 1784. The state of New York in 1799. *Kent's Commentaries*, vol. II, p. 201 (YTC, CVh, 2, pp. 76–77).

Note g belongs to the following paragraph, in the margin in the manuscript: "Slavery today is abolished in {two-thirds} of the Union (here a note on the precise number of states where slavery does not exist. I believe that the number does not exceed twelve, but these are the most important). There are portions of the territory where it has been destroyed for nearly a half century,<sup>s</sup> others that never allowed it in their midst."

Beaumont described the incident of the Creole twice, with many details (*Marie*, I, p. v, note and pp. 193–97).

p. Draft, under a paper pasted into place: ". . . life. The law made them the equals of whites. In public places they can take a place next to whites, but if they try to do so, people flee their approach. The same hospitals are open to them, but they occupy separate places. Even in the prisons care is taken not to mingle the two races ≠ and it seems to be believed that to force a murderer to breathe the same air as a Negro is to degrade him more. His sons . . . ≠"

and his churches.<sup>[c]</sup> The gates of heaven are not closed to him: but inequality scarcely stops at the edge of the other world. When the Negro is no more, his bones are thrown aside, and the difference in conditions is found again even in the equality of death.

Thus the Negro is free, but he is not able to share either the rights or the pleasures or the labors or the pains or even the tomb of the one whose equal he has been declared to be; he cannot meet him anywhere, either in life or in death.

[{What miserable mockery this is.}]

In the South where slavery still exists, Negroes are less carefully kept aside; they sometimes share the labors of whites and their pleasures; to a certain point they are permitted to mix with them. Legislation is more harsh in their regard; habits are more tolerant and milder.

In the South the master is not afraid to raise his slave up to his level, because he knows that if he wishes he will always be able to throw him back into the dust. In the North the white no longer distinctly sees the barrier that should separate him from a degraded race, and he withdraws with all the more care from the Negro because he fears that someday he will merge with him.

With the American of the South, nature sometimes reasserts its rights and for a moment reestablishes equality between Blacks and whites. In the North pride silences even the most imperious passion of man. The American of the North would perhaps consent to make the Negro woman the temporary companion of his pleasures if the legislators had declared that she must not aspire to share his bed; but she is able to become his wife, and he withdraws from her with a kind of horror.

This is how in the United States the prejudice that pushes Negroes away seems to increase proportionately as Negroes cease to be slaves, and how inequality becomes imprinted in the mores as it fades in the laws.

But if the relative position of the two races that inhabit the United States is as I have just shown, why have the Americans abolished slavery in the north of the Union, why do they keep it in the south, and what causes them to aggravate its rigors there?

It is easy to answer. Slavery is being destroyed in the United States not in the interest of the Negroes, but in that of the whites.

[≠America has given great truths to the world, but it has as well provided the world with the demonstration of an admirable truth. Christianity had condemned slavery as *odious*, the experience of the United States proves it *deadly*.≠]

The first Negroes were imported into Virginia about the year 1621.<sup>33</sup> So in America, as in all the rest of the world, servitude was born in the South. From there it gained ground step by step; but as slavery moved up toward the North the number of slaves kept decreasing;<sup>34</sup> there were always very few slaves in New England.<sup>q</sup>

The colonies were founded; a century had already passed, and an extraordinary fact began to strike everyone's attention. The provinces that possessed no slaves so to speak grew in population, in wealth, and in well-being more rapidly than those that had them.

In the first, however, the inhabitant was forced to cultivate the soil himself or to hire the services of another man; in the second, he found at his disposal workers whose efforts were not paid. So there was work and expense on one side, leisure and economy on the other. But the advantage remained with the first.

This result seemed all the more difficult to explain because the emigrants, all belonging to the same European race, had the same habits, the

33. See *History of Virginia by Beverley*. See also, in the *Mémoires de Jefferson*, *curious details about the introduction of Negroes into Virginia and about the first act that prohibited their importation in 1778*.

34. *The number of slaves was smaller in the North, but the advantages resulting from slavery were not disputed more there than in the South. In 1740, the legislature of the state of New York declares that the direct importation of slaves must be encouraged as much as possible, and that smuggling must be severely punished as tending to discourage the honest merchant* (Kent's *Commentaries*, vol. II, p. 206). You find in the *historical Collection of Massachusetts*, vol. IV, p. 193, the curious research of Belknap on slavery in New England. The result is that, as early as 1630, Negroes were introduced, but that from that moment legislation and mores showed themselves opposed to slavery.

Also see in this place the way in which public opinion, then the law, managed to destroy servitude.

q. "Slavery which begins in the south and spreads to the north, abolition of slavery which begins in the north and spreads to the south" (YTC, CVh, 2, p. 51).

same civilization, the same laws, and differed only in slightly perceptible nuances.

Time continued to march. Leaving the shores of the Atlantic Ocean, the Anglo-Americans [Europeans] plunged every day further into the uninhabited areas of the West; there they encountered new terrains and climates; they had to conquer obstacles of different kinds; their races mingled, men of the South went toward the North, men of the North descended toward the South. Among all these causes, the same fact was reproduced at each step; and in general the colony in which there were no slaves became more populated and more prosperous than the one in which slavery was in force.

So as things advanced you began to see that slavery, so cruel to the slave, was deadly to the master.

But this truth was conclusively proved on the banks of the Ohio.

The river that the Indians had named the Ohio, or the Beautiful River par excellence, waters one of the most magnificent valleys that man has ever made his dwelling-place. Rolling terrain extends on the two banks of the Ohio where the soil offers inexhaustible treasures to the plowman every day; on the two banks the air is equally healthy and the climate temperate; each one of them forms the extreme boundary of a vast state. On the left the state that follows the thousand curves made by the Ohio in its course is called Kentucky; the other borrowed the name of the river itself. The two states differ only on one single point: Kentucky allowed slaves, the state of Ohio cast all of them out.<sup>35</sup>

So the traveler who, placed in the middle of the Ohio, allows himself to be carried along by the current until the river flows into the Mississippi navigates, so to speak, between liberty and servitude; and he has only to glance around him to judge in an instant which one is most favorable to humanity.

On the left bank of the river, the population is scattered; from time to time you see a gang of slaves with a carefree air crossing fields half deserted; the primeval forest constantly reappears; you would say that society

35. *Ohio not only does not allow slavery, but it prohibits the entry of free Negroes into its territory and forbids them to acquire anything there. See the statutes of Ohio.*

is asleep; man seems idle; it is nature that offers the image of activity and life.

From the right bank arises, in contrast, a confused murmur that proclaims from afar the presence of industry; rich crops cover the fields; elegant dwellings announce the taste and the attentions of the plowman; on all sides comfort is revealed; man seems rich and content: he is working.<sup>36</sup>

The state of Kentucky was founded in 1775; the state of Ohio was founded only twelve years later:<sup>r</sup> twelve years in America is more than a half-century in Europe. Today the population of Ohio already exceeds that of Kentucky by 250,000 inhabitants.<sup>37</sup>

These diverse effects of slavery and of liberty are easily understood; they are sufficient to explain clearly the differences that are found between ancient civilization and that of today.

On the left bank of the Ohio work merges with the idea of slavery; on the right bank, with that of well-being and progress; there it is debased, here it is honored. On the left bank of the river you cannot find workers belonging to the white race; they would be afraid of resembling slaves; you must rely on the efforts of Negroes. On the right bank you would look in vain for someone idle; the white extends his activity and his intelligence to all undertakings.

Thus the men who in Kentucky are charged with exploiting the natural riches of the soil have neither enthusiasm nor enlightenment; while those who could have these two things do nothing or go into Ohio in order to make use of their industry and to be able to exercise it without shame.

It is true that in Kentucky masters make slaves work without being

36. *It is not only the individual man who is active in Ohio; the state itself undertakes immense enterprises; between Lake Erie and the Ohio the state of Ohio has established a canal by means of which the Mississippi Valley communicates with the River of the North. Thanks to this canal the merchandise of Europe that arrives in New York can descend by water as far as New Orleans, across more than five hundred leagues of the continent.*

r. In the margin: "Ohio began to be inhabited 1787. Kentucky 1775. Daniel Boone." Notebook E contains several notes on Ohio and Kentucky (YTC, BIIa, and *Voyage, OC*, V, 1).

37. *Exact figure according to the census of 1830:*

Kentucky,	688, 844.
Ohio,	937, 679.

obliged to pay them, but they gain little benefit from their efforts, while the money that they would have given to free laborers would have been repaid with great interest by the value of their work.<sup>s</sup>

The free worker is paid, but he works faster than the slave, and rapidity of execution is one of the great elements of economy. The white sells his help, but you buy it only when it is useful; the Black has nothing to claim as the price for his services, but you are obliged to feed him all the time; he must be sustained in his old age as in his mature years, in his unproductive childhood as during the fruitful years of his youth, during illness as in health. It is therefore only by paying that you obtain the work of these two men: the free worker receives a salary; the slave, an education, food, care, clothing. The money that the master spends for the maintenance of the slave melts away little by little and on small particulars; you hardly notice it. The salary that you give to the worker is given all at once, and it seems to enrich only the one who receives it; but in reality the slave has cost more than the free man, and his efforts have been less productive.<sup>38</sup>

The influence of slavery extends still further; it penetrates even into the very soul of the master, and gives his ideas and his tastes a particular direction.

On the two banks of the Ohio nature has given man an enterprising and energetic character; but on each side of the river he makes a different use of this common quality.

s. The paragraph that follows is not in the manuscript.

38. *Apart from these causes, which make the labor of free workers, wherever they abound, more productive and more economical than that of slaves, another one must be pointed out that is particular to the United States. Over the whole surface of the Union the way to cultivate sugar cane successfully has not yet been found except on the banks of the Mississippi, near the mouth of this river, on the Gulf of Mexico. In Louisiana the cultivation of sugar cane is extremely advantageous; nowhere does the farmer gain such a great value from his efforts; and since a certain relationship is always established between the costs of production and the products, the price of slaves is very high in Louisiana. Now since Louisiana is one of the confederated states, slaves can be transported there from all parts of the Union; so the price given for a slave in New Orleans raises the price of slaves in all the other markets. The result of this is that, in countries where the land returns little, the cost of cultivation by slaves continues to be very considerable, which gives a great advantage to the competition of free workers.*

The white of the right bank, obliged to live by his own efforts, made material well-being the principal goal of his existence; and since the country that he inhabits presents inexhaustible resources to his industry, and offers constantly recurring lures to his activity, his ardor to acquire has surpassed the ordinary limits of human cupidity. You see him, tormented by the desire for wealth, go boldly down all the paths that fortune opens to him; he becomes indiscriminately seaman, pioneer, manufacturer, farmer, bearing with an equal constancy the work or the dangers attached to these different professions. There is something marvelous in the resources of his genius, and a sort of heroism in his greediness for gain.

The American of the left bank scorns not only work, but all the enterprises that work brings to success; living in idle comfort, he has the tastes of idle men; money has lost a part of its value in his eyes; he pursues fortune less than excitement and pleasure, and he expends to these ends the energy that his neighbor deploys elsewhere; he passionately loves the hunt and war; he takes pleasure in the most violent exercises of the body; the use of arms is familiar to him, and from his childhood he has learned to risk his life in single combat. So slavery not only prevents whites from making a fortune, it turns them away from wanting to do so.

The same causes, operating continuously for two centuries in opposite directions in the English colonies of North America, have ended by creating a prodigious difference between the commercial capacity of the Southerner and that of the Northerner. Today only the North has ships, factories, railroads and canals.

This difference is noticeable not only in comparing the North and the South, but in comparing the inhabitants of the South among themselves. Nearly all the men in the southernmost states of the Union who devote themselves to commercial enterprises and seek to utilize slavery have come from the North; each day the men of the North spread into this part of the American territory where there is less competition for them to fear; there they discover resources that the inhabitants did not notice, and submitting to a system that they disapprove of, they succeed in turning it to better account than those who, having established the system, still uphold it.

If I wanted to push the parallel further, I would easily prove that nearly

all the differences that are noticeable between the character of the Americans in the South and the North are born out of slavery; but this would go beyond my subject. I am trying at this moment to find out not what all the effects of servitude are, but what effects servitude produces on the material prosperity of those who have accepted it.

[≠What I limit myself to saying at this moment is this. The Americans are, of all modern peoples, those who have pushed equality and inequality furthest among men. They have combined universal suffrage and servitude. They seem to have wanted to prove in this way the advantages of equality by opposite arguments. It is claimed that the Americans, by establishing universal suffrage and the dogma of sovereignty [of the people], have made clear to the world the advantages of equality. As for me, I think that they have above all proved this by establishing servitude, and I find that they establish the advantages of equality much less by democracy than by slavery.≠]

This influence of slavery on the production of wealth could only be very imperfectly known by antiquity. Servitude existed then in all the civilized world, and the peoples who did not know it were barbarians.

So Christianity destroyed slavery only by asserting the rights of slaves; today you can attack it in the name of the master. On this point interest and morality are in agreement.<sup>t</sup>

t. Tocqueville bases the greatest part of his argument against slavery on considerations of an economic type. Beaumont does as much in *Marie* (I, pp. 133–35, 303–304). Certain critics have not failed to blame Tocqueville for having nearly abandoned philosophical and religious arguments. The reason for this omission seems to be a tactical choice rather than lack of awareness. Not only had Tocqueville heard it asserted right from the mouths of several Americans that slavery would disappear because it was not profitable, but he was also aware that the discussion on slavery had henceforth left the religious and moral realm to take place principally on economic grounds. Even a partisan of slavery like Achille Murat had not hesitated to write that slavery would disappear “when free labor is cheaper than the labor of slaves” (Achille Murat, *Esquisse morale et politique des États-Unis*, Paris: Crochard Libraire, 1832, p. 110). It is not impossible that Tocqueville had read this book. Alphabetic notebook A (small notebook A, YTC, BIIa) contains the following note (omitted in *Voyage*, OC, V, 1): “Authors who have written on the United States. Letters on the United States by Achille Murat, son of the ex-king of Naples, Bossage, 1830.” The partisans of abolition used arguments of an economic type as well.

As these truths manifested themselves in the United States, you saw slavery retreat little by little before the light of experience.

Servitude had begun in the South and afterward spread toward the North; today it is withdrawing. Liberty, starting in the North, is moving without stopping toward the South. Among the large states Pennsylvania today forms the extreme limit of slavery to the North, but even within these limits it is shaken; Maryland, which is immediately below Pennsylvania, is preparing daily to do without it, and Virginia, which comes after Maryland, is already debating its utility and its dangers.<sup>39</sup>

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You can cite in particular, based on Beaumont's library, one of the first modern anti-slavery works, the book of Benjamin S. Frossard, *La cause des esclaves nègres et des habitants de la Guinée portée au tribunal de la justice, de la religion, de la politique . . .* (Lyon: Aimé de la Roche, 1789, 2 vol.), and Thomas Hamilton (*Men and Manners in America*, Philadelphia: Carey, Lea and Blanchard, 1833, pp. 317–22), which Beaumont cites in his book, and who also uses arguments of this type.

The French Society for the Abolition of Slavery, to which Beaumont and Tocqueville belonged, proclaimed in 1837: "Abolition of slavery can no longer in any civilized country give rise to a discussion of principles: the only question with which enlightened minds have to be concerned today is that of the means by which this abolition could be realized without disruption in the colonies." *Revue des deux mondes*, X, 4th series, 1837, p. 418 (see the speech of Tocqueville on the English experience, reproduced on page 422).

See on this subject Sally Gersham, "Alexis de Tocqueville and Slavery," *French Historical Studies* 9, no. 3 (1976): 467–83; Richard Resh, "Alexis de Tocqueville and the Negro. Democracy in America Reconsidered," *Journal of Negro History* 48, no. 4 (1963): 251–60; Gerald M. Bonetto, "Tocqueville and American Slavery," *Canadian Review of American Studies* 15, no. 2 (1984): 129–39; Harvey Mitchell, *America After Tocqueville* (Cambridge: Cambridge University Press, 2002); and August H. Nimitz, Jr., *Marx, Tocqueville and Race in America* (Lanham, Md.: Lexington Books, 2003), pp. 1–39.

39. *There is a particular reason that is finally detaching the two last states that I have just named from the cause of slavery.*

*The former wealth of this part of the Union was founded principally on the cultivation of tobacco. Slaves were particularly appropriate to this cultivation. Now, it happens that for quite a few years tobacco has been losing its market value; the value of the slaves, however, remains always the same. Thus the relationship between the costs of production and the products is changed. So the inhabitants of Maryland and of Virginia feel more disposed than they were thirty years ago either to do without slaves in the cultivation of tobacco, or to abandon the cultivation of tobacco and slavery at the same time.*

No great change in human institutions takes place without discovering, among the causes of this change, the inheritance law.

When unequal division ruled in the South, each family was represented by a rich man who did not feel the need any more than he had the taste for work; the members of his family that the law had excluded from the common inheritance lived around him in the same manner, as so many parasitic plants; you then saw in all the families of the South what you still see today in the noble families of certain countries of Europe, where the younger sons, without having the same wealth as the eldest son, remain as idle as he. This similar effect was produced in America and in Europe by entirely analogous causes. In the South of the United States the entire race of whites formed an aristocratic body at the head of which stood a certain number of privileged individuals whose wealth was permanent and whose leisure was inherited.<sup>u</sup> These leaders of the American nobility perpetuated the traditional prejudices of the white race in the body that they represented, and maintained the honorable character of idleness. Within this aristocracy you could find poor men, but not workers; poverty there seemed preferable to industry; so Black workers and slaves encountered no competitors, and whatever opinion you might have about the utility of their efforts you very much had to use them, since they were the only ones available.

From the moment when the law of inheritance was abolished all fortunes began to diminish simultaneously, all families moved in the same way closer to the state in which work becomes necessary to existence; many among them entirely disappeared; all foresaw the moment when it would be necessary for each man to provide for his needs by himself. Today you still see the rich, but they no longer form a compact and hereditary body; they were

u. Many of Tocqueville's ideas on the South of the United States come from conversations that he had during the months of September and October 1831 with Brown, John Quincy Adams and Latrobe (non-alphabetic notebooks 2 and 3, YTC, BIIa, and *Voyage, OC*, V, 1, pp. 87–152). At the beginning of November Tocqueville was so convinced of the existence of an aristocratic spirit in the South that, when he met Charles Carroll, he immediately saw in his manners and his way of life the proof of the existence of the southern aristocracy that he had been told had already nearly disappeared.

not able to adopt a spirit, to persevere there, and to make it penetrate into all ranks. So the prejudice that condemned work began to be abandoned by common accord; there were more poor, and the poor were able without being ashamed to concern themselves with the means of gaining their livelihood. Thus one of the most immediate effects of equal division was to create a class of free workers. From the moment when the free worker entered into competition with the slave, the inferiority of the latter made itself felt, and slavery was attacked in its very essence, which is the interest of the master.

As slavery retreats, the Black race follows it in its backward march, and returns with it toward the tropics from where it originally came.

This can seem extraordinary at first glance; we will soon understand it. By abolishing the principle of servitude, the Americans do not free the slaves.

Perhaps what is about to follow would be difficult to understand if I did not cite an example. I will choose that of the state of New York. In 1788, the state of New York prohibits the sale of slaves within it. This was a roundabout way of prohibiting importation. From that moment the number of Negroes no longer grows except by the natural increase of the Black population. Eight years later a more decisive measure is taken, and it is declared that from July 4, 1799 onward, all children born of slave parents will be free. All means of increase are then closed; there are still slaves, but you can say that servitude no longer exists.

From the period when a state of the North also prohibits the importation of slaves, Blacks are no longer removed from the South to be transported to that state.

From the moment when a state of the North forbids the sale of Negroes, the slave, no longer able to leave the hands of the one who owns him, becomes a burdensome property, and there is an interest in transporting him to the South.

The day when a state of the North declares that the son of a slave will be born free, the slave loses a great part of his market value; for his posterity can no longer be part of the market, and again there is a great interest in transporting him to the South.

Thus the same law prevents slaves from the South from coming to the North and pushes those of the North toward the South.

But here is another cause more powerful than all those that I have just discussed.

As the number of slaves diminishes in a state, the need for free workers makes itself felt. As free workers take over industry, since the work of the slave is less productive, the slave becomes a second-rate or useless property, and again there is a great interest in exporting him to the South where competition is not to be feared.

So the abolition of slavery does not bring the slave to liberty; it only makes him change masters. From the north he passes to the south.

As for the emancipated Negroes and those who are born after slavery has been abolished, they do not leave the North to go to the South, but they find themselves vis-à-vis the Europeans in a position analogous to that of the natives; they remain half civilized and deprived of rights amid a population that is infinitely superior to them in wealth and enlightenment; they are exposed to the tyranny of laws<sup>40</sup> and to the intolerance of mores.<sup>v</sup> More unfortunate from a certain perspective than the Indians, they have against them the memories of slavery, and they cannot claim possession of a single piece of land; many succumb to their misery;<sup>41</sup> others concentrate in the cities where, undertaking the roughest work, they lead a precarious and miserable existence.

Since the number of whites is increasing at twice the rate after the abolition of slavery, Blacks would soon be as if swallowed up amid the waves of a foreign population, even if the number of Negroes continued to grow in the same way as in the period when they were not yet free.

40. *The states where slavery is abolished ordinarily attempt to make it quite difficult for free Negroes to stay in their territory; and since a sort of emulation among the different states is established on this point, the unfortunate Negroes can only choose among evils.*

v. Cf. Beaumont, *Marie*, I, pp. 161–65, 333–38.

41. *There is a great difference between the mortality of whites and that of Blacks in the states where slavery is abolished: from 1820 to 1831, in Philadelphia only one white died out of forty-two individuals belonging to the white race, while one Negro died there out of twenty-one individuals belonging to the Black race. Mortality is not so great by far among Negro slaves. (See Emerson's [Emerson's (ed.)] Medical Statistics, p. 28.)*

A land cultivated by slaves is in general less populated than one cultivated by free men; America is, moreover, a new country; so at the moment when a state abolishes slavery, it is still only half full. Scarcely is servitude destroyed there and the need for free workers felt, than you see a crowd of hardy adventurers rushing in from all parts of the country; they come to profit from the new resources which are going to open to human industry. The land is divided among them; on each portion a family of whites settles and takes possession of it. It is also toward the free states that European emigration heads. What would the poor man of Europe do, coming to find comfort and happiness in the New World, if he went to inhabit a country where work was stained with shame?

Thus the white population grows by its natural movement and at the same time by an immense emigration, while the Black population does not receive emigrants and becomes weaker. Soon the proportion that existed between the two races is reversed. The Negroes form nothing more than unfortunate remnants, a small, poor and wandering tribe lost in the middle of an immense people, master of the land; and nothing more is noticed of their presence except the injustices and the rigors to which they are subjected.

In many of the states of the West the Negro race has never appeared; in all the states of the North it is disappearing. So the great question of the future is shrinking within a narrow circle; it thus becomes less formidable, but no easier to resolve.

The further south you go, the more difficult it is to abolish slavery usefully. This results from several material causes that must be developed.

This first is climate: it is certain that as Europeans approach the tropics work becomes proportionately more difficult for them; many Americans even claim that below a certain latitude it ends up becoming fatal to them, while the Negro submits to it without dangers;<sup>42</sup> but I do not think that

42. *This is true in the places where rice is cultivated. Rice plantations, which are unhealthy in all countries, are particularly dangerous in those that are struck by the burning sun of the tropics. Europeans would have a great deal of difficulty cultivating the land in this part of the New World, if they wanted to insist on making it produce rice. But can't one do without rice plantations?*

this idea, so favorable to the laziness of the man of the South, is based on experience. It is not hotter in the South of the Union than in the south of Spain or of Italy.<sup>43</sup> Why would the European not be able to accomplish the same work there? And if slavery was abolished in Italy and in Spain without having the masters perish, why wouldn't the same thing happen in the Union? So I do not believe that nature has forbidden the European of Georgia or of Florida, under pain of death, to draw their subsistence from the land themselves; but this work would assuredly be more painful and less productive for them than for the inhabitants of New England.<sup>44</sup> With the free worker in the South losing in this way a part of his superiority over the slave, it is less useful to abolish slavery.

All the plants of Europe grow in the North of the Union; the South has special products.

It has been noted that slavery is an expensive means to cultivate cereal crops. Whoever grows wheat in a country where servitude is unknown normally keeps in his service only a small number of workers; at harvest time and during planting he brings together many others, it is true; but the latter live at his place only temporarily.

To fill his warehouses or to sow his fields, the farmer who lives in a slave state is obliged to maintain throughout the entire year a great number of servants, whom he needs only during a few days; for, unlike free workers, slaves cannot, while working for themselves, wait for the moment when you must come to hire their labor. You must buy them in order to use them.

So slavery, apart from its general disadvantages, is naturally less applicable to countries where cereal crops are cultivated than to those where other products are harvested.

The cultivation of tobacco, cotton and, above all, sugar cane requires,

43. *These states are closer to the Equator than Italy and Spain, but the continent of America is infinitely colder than that of Europe.*

44. *Spain formerly had transported a certain number of peasants from the Azores into a district of Louisiana called Attakapas. Slavery was not introduced among them; it was an experiment. Today these men still cultivate the land without slaves; but their industry is so listless that it scarcely provides for their needs.*

on the contrary, constant attention. There you can employ women and children that you could not use in the cultivation of wheat. Thus slavery is naturally more appropriate to the country where the products that I have just named are grown.

Tobacco, cotton, sugar cane grow only in the South; there they form the principal sources of the wealth of the country. By destroying slavery the men of the South would find themselves with these alternatives: either they would be forced to change their system of cultivation, and then they would enter into competition with the men of the North, more active and more experienced than they; or they would cultivate the same products without slaves, and then they would have to bear the competition of the other states of the South that would have retained slaves.

Thus the South has particular reasons for keeping slavery that the North does not have.<sup>w</sup>

But here is another motive more powerful than all the others. The South would indeed be able, if really necessary, to abolish slavery; but how would the South rid itself of Blacks? In the North slavery and slaves are chased away at the same time. In the South you cannot hope to attain this double result at the same time.

While proving that servitude was more natural and more advantageous in the South than in the North, I showed sufficiently that the number of slaves must be much greater there. The first Africans were brought into the South; that is where they have always arrived in greater number. As you go further south, the prejudice that holds idleness in honor gains power. In the states that are closest to the tropics there is not one white man who works. So Negroes are naturally more numerous in the South than in the North. Each day, as I said above, they become more numerous; for, in proportion as slavery is destroyed at one end of the Union, Negroes accumulate in the other. Thus the number of Blacks is increasing in the South, not only by the natural movement of the population, but also by the forced

w. "Cultivation by slaves is infinitely less advantageous to the north than it was formerly for two reasons.

"The first that certain very costly products such as tobacco have fallen [in price].

"The second that the price of slaves has always remained very high because of New Orleans where they are very expensive" (YTC, CVh, 2, p. 86).

emigration of the Negroes of the North. The African race, to grow in this part of the Union, has reasons analogous to those that make the European race increase so quickly in the North.

In the state of Maine there is one Negro for every three hundred inhabitants; in Massachusetts one for every one hundred; in the state of New York two for every one hundred; in Pennsylvania three; in Maryland thirty-four; forty-two in Virginia, and fifty-five finally in South Carolina.<sup>45</sup> Such was the proportion of Blacks in relation to whites in the year 1830. But this proportion changes constantly: every day it becomes smaller in the North and greater in the South.

It is clear that in the southernmost states of the Union you cannot abolish slavery as you have in the states of the North without running very great dangers that the latter did not have to fear.

We have seen how the states of the North carefully handled the transition between slavery and liberty. They keep the present generation in irons and free future races; in this way Negroes are introduced into society only little by little, and while the man who could make bad use of his independence is retained in servitude, the one who can still learn the art of being free, before becoming master of himself, is liberated.

It is difficult to apply this method to the South. When you declare that beginning at a certain time the son of the Negro will be free, you introduce the principle and the idea of liberty into the very heart of servitude; the Blacks who are kept in slavery by the legislator and who see their sons emerge from it are astonished by this unequal division that destiny makes between them; they become restless and angry. From that moment slavery has in their view lost the type of moral power that time and custom gave

45. *In the American work entitled Letters on the Colonization Society, by Carey, 1833, you read the following: "In South Carolina, for forty years, the Black race has been increasing faster than the white race. By combining the population of the five states of the South that first had slavery, Maryland, Virginia, North Carolina, South Carolina, and Georgia, you discover," Mr. Carey says again, "that from 1790 to 1830, whites have increased in the proportion of 80 per 100 in these states, and Blacks in the proportion of 112 per 100."*

*In the United States, in 1830, the men belonging to the two races were distributed in the following manner: states where slavery is abolished, 6,565,434 whites, 120,520 Negroes. States where slavery still exists, 3,960,814 whites, 2,208,102 Negroes.*

it; it is reduced to being nothing more than a visible abuse of force. [Thus the law that sets the son at liberty makes it more difficult to keep the father a slave.] The North had nothing to fear from this contrast, because in the North Blacks were small in number and whites very numerous. But if this first dawn of liberty came to break upon two million men at the same time, the oppressors would have to tremble.<sup>x</sup>

After emancipating the sons of their slaves, the Europeans of the South would soon be compelled to extend the same benefit to the entire Black race.

In the North, as I said above, from the moment when slavery is abolished, and even from the moment when it becomes probable that the time of its abolition is approaching, a double movement takes place. Slaves leave the country to be transported more to the South; whites of the northern states and the emigrants from Europe rush to take their place.

These two causes cannot work in the same way in the last states of the South. On the one hand, the mass of slaves is too great there to be able to

x. Tocqueville will study in detail the systems of emancipation in his parliamentary report on slavery (*Rapport fait au nom de la commission chargée d'examiner la proposition de M. de Tracy relative aux esclaves des colonies*, Paris: A. Henry, 1839, reproduced in *OC*, III, 1, pp. 41–78). The committee recommends that, after the immediate abolition of slavery in the French colonies, the State become the tutor of Blacks during a transition period by educating them and selling their work at a low price. The revenue will serve to amortize the indemnities to the former owners. Each of the emancipated will receive a minimal salary and a parcel of land from the State.

Tocqueville will defend the conclusions of the committee in a series of articles on abolition published in the *Siècle*, 22 and 28 October, 8 and 21 November, 6 and 14 December 1843 (reproduced in *Écrits et discours politiques*, *OC*, III, 1, pp. 79–111). A few critics have noted that in his reflections on slavery Tocqueville allowed his nationalist ideas to prevail over his antislavery principles. See on this subject Seymour Drescher, *Dilemmas of Democracy: Tocqueville and Modernization*, Pittsburgh: University of Pittsburgh Press, 1968; Melvin Richter, "Tocqueville on Algeria," *Review of Politics* 25, no. 3 (1963): 363–98; Irving M. Zeitlin, *Liberty, Equality and Revolution in Alexis de Tocqueville*, Boston: Little, Brown and Company, 1971.

In his novel *Beaumont* discusses in a little more detail the process of emancipation. Gradual emancipation seems to him too costly, and he is of the opinion that Jefferson's idea of giving a portion of the territory to emancipated Negroes is dangerous. The confrontation of the two races seems as inevitable to him as to Tocqueville. (Cf. *Marie*, I, pp. 314–38.)

hope to make them leave the country;<sup>y</sup> on the other hand, the Europeans and the Anglo-Americans of the North dread coming to live in a country where work has still not been rehabilitated. Moreover, they rightly regard the states where the proportion of Negroes surpasses or equals that of whites as threatened by great misfortunes, and they refrain from bringing their industry there.

Thus by abolishing slavery, the men of the South would not succeed, like their brethren of the North, in making Negroes arrive gradually at liberty; they would not appreciably diminish the number of Blacks, and to hold them in check they would be alone. So in the course of a few years you would see a great people of free Negroes placed in the middle of a more or less equal nation of whites.

The same abuses<sup>z</sup> of power that maintain slavery today would then become the source of the greatest dangers that whites in the South would have to fear. Today the descendant of Europeans alone possesses the land; he is the absolute master of industry; he alone is rich, enlightened, armed. The Black possesses none of these advantages; but he can do without them, he is a slave. Once free, charged with watching over his own fate, can he remain deprived of all these things without dying? So what made the strength of the white, when slavery existed, exposes him to a thousand perils after slavery is abolished.

Left in servitude, the Negro can be held in a state near that of the brute; free, he cannot be prevented from becoming educated enough to appreciate the extent of his ills and to catch sight of the remedy to them. There is, moreover, a singular principle of relative justice that is found very deeply buried in the human heart. Men are struck much more by the inequality that exists within the interior of the same class than by the inequalities that are noticed among different classes. Slavery is understood; but how to imag-

y. "In the South the mass of slaves is too considerable for anyone ever to hope of diminishing the number of them very noticeably by exportation. You must wait until death, by making them disappear little by little, removes them along with the just terrors to which they give rise.

Here is one side of the subject, let us envisage another [text interrupted (ed.)]" (YTC, CVh, 2, p. 102).

z. The manuscript says: "The same causes."

ine the existence of several million citizens eternally bent down by infamy and given over to hereditary miseries? In the North a population of emancipated Negroes experiences these evils and feels these injustices; but it is weak and reduced; in the South it would be numerous and strong.

From the moment that you allow whites and emancipated Negroes to be placed on the same soil as peoples who are strangers to each other, you will understand without difficulty that there are only two possibilities in the future: Negroes and whites must either blend entirely or separate.

I have already expressed my conviction about the first means.<sup>46</sup> I do not think that the white race and the Black race will come to live on an equal footing anywhere.

But I believe that the difficulty will be even greater in the United States than anywhere else.<sup>a</sup> If a man happens to stand outside of the prejudices of religion, of country, of race, and this man is king, he can work surprising revolutions in society. An entire people cannot so to speak rise above itself in this way.

A despot coming to join the Americans and their former slaves under the same yoke would perhaps succeed in mixing them together; as long as the American democracy remains at the head of affairs, no one will dare to attempt such an undertaking, and you can anticipate that, the more the whites of the United States are free, the more they will seek to separate themselves.<sup>47</sup>

I said elsewhere that the true link between the European and the Indian was the half-breed; in the same way, the true transition between the white and the Negro is the mulatto. Wherever there is a very great number of mulattos, the fusion between the two races is not impossible.

46. *This opinion, moreover, is based on authorities much more weighty than I. In the Mémoires de Jefferson, among others, you read: "Nothing is more clearly written in the book of destiny than the emancipation of the Blacks, and it is just as certain that the two races equally free will not be able to live under the same government. Nature, habit and opinion have established insurmountable barriers between them." (See Extrait des Mémoires de Jefferson, by M. Conseil.)*

a. In the margin: "≠Of all governments those that have the least power over mores are free governments.≠"

47. *If the English of the Antilles had governed themselves, you can count on the fact that they would not have granted the act of emancipation that the mother country has just imposed.*

There are parts of America where the European and the Negro have so crossed that it is difficult to meet a man who is completely white or completely Black. Having reached this point, the two races can really be said to have mingled; or rather, in their place, a third has appeared that takes after the two without being precisely either the one or the other.

Of all Europeans the English are the ones who have least mingled their blood with that of the Negroes. You see more mulattos in the South of the Union than in the North, but infinitely fewer than in any other European colony. Mulattos are very few in the United States; they have no strength by themselves, and in the quarrels between the races they ordinarily make common cause with the whites. This is how in Europe you often see the lackeys of great lords put on nobility with the people.

This pride of origin, natural to the English, has been singularly increased further among the Americans by the individual pride given birth by democratic liberty. The white man of the United States is proud of his race and proud of himself.

Besides, since whites and Negroes do not come to mingle in the North of the Union, how would they mingle in the South? Can you suppose for one moment that the American of the South, placed as he will always be between the white man in all his physical and moral superiority and the Negro, can ever think of mixing with the latter? The American of the South has two energetic passions that will always lead him to separate himself: he will be afraid of resembling the Negro, his former slave, and of descending below the white, his neighbor.

If it were absolutely necessary to foretell the future, I would say that in the probable course of things the abolition of slavery in the South will make the repugnance that the white population feels there for the Blacks grow. I base this opinion on what I have already noted analogously in the North. I said that the white men of the North withdraw from Negroes all the more carefully as the legislator blurs the legal separation that should exist between them. Why would it not be the same in the South? In the North when whites are afraid of ending by blending with Blacks, they fear an imaginary

danger. In the South where the danger would be real, I cannot believe that the fear would be less.<sup>b</sup>

If, on the one hand, you recognize (and the fact is not doubtful) that in the extreme South Blacks are constantly accumulating and growing faster than whites; if, on the other hand, you concede that it is impossible to foresee the time when Blacks and whites will come to mingle and to draw the same advantages from the state of society, must you not conclude that in the states of the South Blacks and whites will sooner or later end by getting into a struggle?

What will the final result of this struggle be?

You will easily understand that on this point you must confine yourself to vague conjectures. With difficulty the human mind manages in a way to draw a great circle around the future; but within this circle chance, which escapes all efforts, is in constant motion. In the portrait of the future chance always forms the obscure point where the sight of intelligence cannot penetrate. What you can say is this: in the Antilles it is the white race that seems destined to succumb; on the continent, the Black race.

In the Antilles whites are isolated in the middle of an immense population of Blacks;<sup>c</sup> on the continent Blacks are placed between the sea and an innumerable people who already extend above them as a compact mass, from the frozen areas of Canada to the borders of Virginia, from the banks

b. These notes in the manuscript seem instead to be the plan for the rest of this section:

≠If he does not mingle, what? Examine the various possibilities. Here nothing dogmatic, no fear for the white race of America, on the contrary for the Black race. Perhaps they will separate? Perhaps they will wage a war of extermination? This is probable as long as the Union lasts because the South leans on the North.

Finally reason to preserve *slavery* and all its *rigors* for the good of the two races.

If the two races cannot blend together in the southernmost states of the Union, what then will be their fate? You easily understand that on this point you must necessarily confine yourself to vague conjectures. In all human events there is an immense portion abandoned to chance or to secondary causes that escapes entirely from forecasts and calculations.≠

c. "We have already seen the *whites destroyed* in the Antilles. Our sons will see the *Blacks destroyed* in most of the United States, this at the end of the successive retreat of Negroes toward the South" (YTC, CVh, 2, p. 95).

of the Mississippi to the shores of the Atlantic Ocean. If the whites of North America remain united, it is difficult to believe that Negroes can escape the destruction that threatens them; they will succumb by sword or misery. But the Black populations accumulated along the Gulf of Mexico have chances for salvation if the struggle between the two races comes about when the American confederation has dissolved. Once the federal link is broken, the men of the South would be wrong to count on lasting support from their brothers of the North. The latter know that the danger can never reach them; if a positive duty does not compel them to march to the aid of the South, you can foresee that the sympathies of race will be powerless.

Whatever the period of the struggle may be, the whites of the South left to themselves will moreover present themselves in the contest with an immense superiority of enlightenment and means; but the Blacks will have for them numbers and the energy of despair. Those are great resources when you have weapons in hand. Perhaps what happened to the Moors of Spain will then happen to the white race of the South [(something not very probable, it is true)]. After occupying the country for centuries, it will finally withdraw little by little toward the country from which its ancestors came in the past, abandoning to the Negroes the possession of a country that Providence seems to intend for the latter, since they live there without difficulty and work more easily there than whites.

The danger, more or less remote but inevitable, of a struggle between the Blacks and whites who populate the South of the Union presents itself constantly as a painful dream to the imagination of the Americans. The inhabitants of the North talk daily about these dangers, although they have nothing directly to fear from them. They seek in vain to find a means to ward off the misfortunes that they foresee.

In the states of the South the inhabitants are silent. They do not speak about the future with strangers; they avoid talking about it with friends; each person hides it so to speak from himself. The silence of the South has something more frightening about it than the noisy fears of the North.

This general preoccupation of minds has given birth to an almost unknown enterprise that can change the fate of one part of the human race.

Fearing the dangers that I have just described, a certain number of American citizens gather as a society with the goal of exporting at their expense to the coasts of Guinea the free Negroes who would like to escape the tyranny that weighs upon them.<sup>48</sup>

In 1820, the society that I am speaking about succeeded in founding in Africa, at 7 degrees of north latitude, a settlement to which it gave the name *Liberia*.<sup>d</sup> The latest news announced that two thousand five hundred Negroes were already gathered at this place. Transported to their former country, the Blacks have introduced American institutions there. Liberia has a representative system, Negro jurors, Negro magistrates, Negro priests; you see churches and newspapers there, and by a singular turn of the vicissitudes of this world whites are forbidden to settle within its walls.<sup>49</sup>

There certainly is a strange twist of fortune! Two centuries have passed since the day when the inhabitant of Europe undertook to carry Negroes from their family and their country to transport them to the shores of

48. *This society took the name Colonization Society of Blacks.*

*See its annual reports, and notably the fifteenth. Also see the brochure already indicated entitled: Letters on the Colonization Society and On Its Probable Results, by M. Carey, Philadelphia, April 1833.*

d. "You read in the *National Intelligencer* of 14 January 1834, a curious article on Liberia, from which it follows that at this period the colony had a newspaper entitled *Liberia Herald* which contained pieces on history and on ethics and a page of advertisements.

"See the letter addressed by Mr. Voorhead [*sic* (ed.)] captain of the ship *John Adams* to the Secretary of the Navy, published in the *National Intelligencer* of January 1834" (YTC, CVh, 2, p. 75).

This is the letter of P. F. Voorhees in which he describes his visit to Monrovia. This letter was published on 13 February 1834 in the review cited. Tocqueville also seems to have found in the same newspaper information about the Bank and the division of federal territories.

A note from his pocket notebook 1 also shows that he thought about visiting the colony established by Negroes in Wilberforce, Canada: "Colony that the *colored men* are establishing at Wilberforce in upper Canada. It can be interesting to visit" (YTC, BIIa, and *Voyage*, OC, V, 1, p. 153). The project was not accomplished.

49. *This last regulation has been penned by the founders of the settlement themselves. They were afraid that something analogous to what is happening on the frontiers of the United States would happen in Africa, and that the Negroes, like the Indians, entering into contact with a race more enlightened than theirs, would be destroyed before being able to become civilized.*

North America. Today you meet the European busy again carting the descendants of these very Negroes across the Atlantic Ocean in order to take them back to the land from which he had once uprooted their fathers. Barbarians have drawn the enlightenment of civilization from within servitude and have learned in slavery the art of being free.<sup>e</sup>

Until today Africa was closed to the arts and sciences of whites. The enlightenment of Europe, imported by Africans, will perhaps penetrate there. So there is a beautiful and great idea in the founding of Liberia; but the idea, which can become so fruitful for the Old World, is sterile for the New.

In twelve years the Society for the colonization of Blacks has transported to Africa two thousand five hundred Negroes. During the same time period, about seven hundred thousand of them were born in the United States.

If the colony of Liberia were in the position to receive each year thousands of new inhabitants, and the latter in a condition to be brought there usefully; if the Union took the place of the Society, and if annually it used its riches<sup>50</sup> and its ships to export Negroes to Africa, it still would not be able to balance just the natural increase of the population among the Blacks; and by not removing each year as many men as those born, it would not even manage to suspend the development of the evil that is growing each day in its bosom.<sup>51</sup>

The Negro race will no longer leave the shores of the American continent, where the passions and the vices of Europe made it come; it will disappear from the New World only by ceasing to exist. The inhabitants

e. Note in the manuscript: "{To civilization by stultification.}"

50. *Many other difficulties as well would be met in such an enterprise. If the Union, in order to transport Negroes from America to Africa, undertook to buy Blacks from those whose slaves they were, the price of Negroes increasing in proportion to their rarity would soon rise to enormous amounts, and it is inconceivable that the states of the North would consent to make such an expenditure, whose benefits they would not receive. If the Union removed the slaves of the South by force or acquired them at a low price set by the Union, it would create an insurmountable resistance among the states located in this part of the Union. From the two sides you end up at the impossible.*

51. *In 1830, there were in the United States 2,010,527 slaves, and 319,467 emancipated; in all 2,329,994 Negroes; which formed a little more than one fifth of the total population of the United States in the same period.*

of the United States can postpone the misfortunes that they fear, but they cannot today destroy the cause of them.

I am obliged to admit that I do not consider the abolition of slavery as a means to delay in the states of the South the struggle of the two races.<sup>f</sup>

The Negroes can remain slaves for a long time without complaining; but once among the number of free men, they will soon become indignant about being deprived of nearly all the rights of citizens; and not able to become the equals of whites, they will not take long to prove to be their enemies.

In the North emancipating the slaves was all profit; you rid yourself in this way of slavery, without having anything to fear from free Negroes. The latter were too few ever to claim their rights. It is not the same in the South.

The question of slavery was for the masters in the North a commercial and manufacturing question; in the South it is a question of life or death. So you must not confuse slavery in the North and in the South.

God keep me from trying, like certain American authors, to justify the principle of the servitude of Negroes; I am only saying that all those who have allowed this painful principle in the past are not equally free to abandon it today.

I confess that when I consider the state of the South, I discover for the white race that inhabits these countries only two ways to act: to free the Negroes and combine with them; to remain separated from them and hold them in slavery as long as possible.<sup>g</sup> The middle terms seem to me to lead shortly to the most horrible of all civil wars, and perhaps to the ruin of one of the two races.

The Americans of the South envisage the question from this point of view, and they act accordingly. Not wanting to blend together with the Negroes, they do not want to set them free.

f. "I admit that if I had the misfortune to live in a country where slavery had been introduced and I had the liberty of the Negroes in my hand, I would keep myself from opening it" (YTC, CVh, 2, p. 86).

g. Beaumont reached the same conclusion in *Marie*, I, pp. 294–301.

It is not that all the inhabitants of the South regard slavery as necessary to the wealth of the master; on this point many among them agree with the men of the North, and readily admit with the latter that servitude is an evil; but they think that this evil must be maintained in order to live.

Enlightenment, by increasing in the South, made the inhabitants of this part of the territory see that slavery is harmful to the master, and this same enlightenment shows them, more clearly than they had seen until then, the near impossibility of destroying it. A singular contrast results. Slavery becomes established more and more in the laws, as its usefulness is more disputed; and while its principle is gradually abolished in the North, in the South more and more rigorous consequences are drawn from this very principle.

Today the legislation of the states of the South relative to slaves presents a kind of unheard of atrocity, and by itself alone it reveals some profound disturbance in the laws of humanity. It is enough to read the legislation of the states of the South to judge the desperate position of the two races that inhabit them.

It is not that the Americans of this part of the Union have exactly increased the rigors of servitude; they have, on the contrary, made the physical lot of the slaves milder. The ancients knew only chains and death to maintain slavery; the Americans of the South of the Union have found more intellectual guarantees for the continuance of their power. They have, if I may express myself in this way, spiritualized despotism and violence. In antiquity they tried to prevent the slave from breaking his chains; today we have undertaken to remove his desire to do so.

The ancients chained the body of the slave, but they left his mind free and allowed him to become enlightened. In that they were consistent with themselves; then slavery had a natural way out: from one day to another the slave could become free and equal to his master.

The Americans of the South, who do not think that at any time the Negroes can blend with them, have forbidden, under severe penalties,

teaching them to read and write.<sup>h</sup> Not wanting to raise them to their level, they hold them as close as possible to the brute.<sup>j</sup>

In all times the hope for liberty had been placed within slavery in order to soften its rigors.

The Americans of the South have understood that emancipation always presented dangers when the emancipated person could not one day come to be assimilated with the master. To give a man liberty and leave him in misery and disgrace, that is to do what, if not to provide a future leader of a slave revolt? It had already been noted for a long time, moreover, that the presence of the free Negro cast a vague restlessness deep within the soul of those who were not free, and made the idea of their rights penetrate their soul like an uncertain glimmer. The Americans of the South have in most cases removed from the masters the ability to emancipate.<sup>52</sup>

I met in the South<sup>k</sup> of the Union an old man who formerly had lived in an illegitimate union with one of his Negro women. He had had several children with her, who coming into the world became slaves of their father. Several times the latter had thought to bequeath them at least liberty, but years had gone by before he was able to overcome the obstacles raised to emancipation by the legislator. During this time old age came, and he was about to die. He then imagined his sons led from market to market and passing from paternal authority to the rod of a stranger. These horrible images threw his dying imagination into delirium. I saw him prey to the agonies of despair, and I then understood how nature knew how to avenge the wounds done to it by laws.

These evils are awful, without doubt; but are they not the foreseeable and necessary consequence of the very principle of servitude among modern peoples?

h. To the side, with a note: “≠(Verify this). See *National Intelligencer*, December 1833. South Carolina.≠” Possible reference to a speech by O’Connell, delivered on the occasion of an antislavery meeting, and reproduced in the number for 5 December 1833 of this review. See note c of p. 548.

j. “Blacks are a foreign nation that you have conquered and to whom you give a nationality and the means of resistance by emancipating them or even by enlightening them” (YTC, CVh, 2, p. 98).

52. *Emancipation is not forbidden, but subjected to formalities that make it difficult.*

k. In a variant, he specifies that the story took place in North Carolina.

From the moment when Europeans took their slaves from within a race of men different from their own, that many among them considered as inferior to other human races, and with which all envisaged with horror the idea of ever assimilating, they supposed slavery to be eternal; for, between the extreme inequality that servitude creates and the complete equality that independence naturally produces among men, there is no intermediate lasting state. The Europeans vaguely sensed this truth, but without admitting it. Every time it concerned Negroes, you saw the Europeans obey sometimes their interest or their pride, sometimes their pity. Toward the Black they violated all the rights of humanity, and then they instructed him in the value and inviolability of these rights. They opened their ranks to their slaves, and when the latter attempted to enter, they chased them away in disgrace. Wanting servitude, the Europeans allowed themselves to be led despite themselves or without their knowing toward liberty, without having the courage of being either completely iniquitous or entirely just.

If it is impossible to foresee a period when the Americans of the South will mix their blood with that of the Negroes, can they, without exposing themselves to perishing, allow the latter to attain liberty? And if, in order to save their own race, they are obliged to want to keep them in chains, must you not excuse them for taking the most effective means to succeed in doing so?

What is happening in the South of the Union seems to me at the very same time the most horrible and the most natural consequence of slavery. When I see the order of nature overturned, when I hear humanity cry out and struggle in vain under the laws, I admit that I do not find the indignation to condemn the men of today, authors of these outrages; but I summon up all of my hatred against those who after more than a thousand years of equality introduced servitude again into the world.

Whatever the efforts of the Americans of the South to keep slavery, moreover, they will not succeed forever. Slavery, squeezed into a single point of the globe, attacked by Christianity as unjust, by political economy as fatal; slavery, amid the democratic liberty and the enlightenment of our age, is not an institution that can endure. It will end by the deed of the slave or by that of the master. In both cases, great misfortunes must be expected.

If you refuse liberty to the Negroes of the South, they will end by seizing it violently themselves; if you grant it to them, they will not take long to abuse it.

### What Are the Chances for the American Union to Last? What Dangers Threaten It?<sup>m</sup>

*What makes preponderant strength reside in the states rather than in the Union.—The confederation will last only as long as all the states that make it up want to be part of it.—Causes that should lead them to remain united.—Utility of being united in order to resist foreigners and in order not to have foreigners in America.—Providence has not raised natural barriers between the different states.—There are no material interests that divide them.—Interest that the North has in the prosperity and union of the South and of the West; the South with those of the North and of the West; the West with those of the other two.—Non-material interests that unite the Americans.—Uniformity of opinions.—Dangers to the confederation arise from the difference in the characters of the men who compose it and in their passions.—Characters of the men of the South and of the North.—Rapid growth is one of the greatest perils of the Union.—March of the population toward the northwest.—Gravitation of power in this direction.—Passions to which these rapid movements of fortune give birth.—The Union subsisting, does its government tend to gain strength or to become weaker?—Various signs of weakening.—Internal improvements.—Uninhabited lands.—Indians.—Affair of the Bank.—Affair of the tariff.—General Jackson.*

The maintenance of what exists in each one of the states that compose the Union depends in part on the existence of the Union. So it is necessary to

m. Original title: FUTURE OF THE EUROPEANS WHO INHABIT THE UNITED STATES.

examine first what the probable fate of the Union is. But first of all it is good to settle on one point; if the current confederation came to break up, it seems to me incontestable that the states that are part of it would not return to their original individuality. In place of one Union, several of them would form. I do not intend to try to find out on what bases these new Unions would come to be established; what I want to show are the causes that can lead to the dismemberment of the current confederation.

To succeed I am going to be obliged to go over again some of the roads that I have previously traveled. I will have to review several subjects that are already known. I know that by acting in this way I am exposing myself to the reproaches of the reader; but the importance of the matter that remains for me to treat is my excuse. I prefer to repeat myself sometimes than not to be understood, and I prefer to harm the author rather than the subject.

The law-makers who drew up the Constitution of 1789 tried hard to give the federal power a separate existence and a preponderant strength.

But they were limited by the very conditions of the problem that they had to resolve. They had not been charged with constituting the government of a single people, but with regulating the association of several peoples; and whatever their desires, they always had to end up dividing the exercise of sovereignty.

[≠In this division the law-makers of the Union found themselves still enclosed in a circle out of which they were not free to go.

The conditions of the division were fixed in advance and by the very nature of things. To the Union reverted the direction of all general interests, to the states the government of all special [v: provincial] interests.

The portion of the Union in this division of sovereignty seems at first view greater than that of the states; and in actual fact it is the smallest.

The general interests of the country touch its inhabitants only from time to time. The interests of locality, every day. The government of the Union has more power than that of the states, but you rarely feel it act. The provincial government does smaller things, but it never rests. The one assures the independence and the greatness of the country, something that does not immediately touch upon individual well-being; the other regulates liberty, fortune, life, the entire future of each citizen.

So true political life is found in the state and not in the Union. Americans

are attached to the Union by principle, to their state by sentiment and by instinct. They must in a way rise above themselves in order to sustain federal sovereignty against that of the states.≠]<sup>n</sup>

In order to understand well what the consequences of the division were, it is necessary to make a short distinction between the acts of sovereignty.

There are matters that are national by their nature, that is to say that are related only to the nation taken as a body, and can be confided only to the men or to the assembly that represents most completely the entire nation. I will put in this number war and diplomacy.

There are others that are provincial by their nature, that is to say that are related to certain localities and can be appropriately treated only in the locality itself. Such is the budget of towns.

Finally, matters are found that have a mixed nature: they are national in that they interest all of the individuals who make up the nation; they are provincial in that there is no necessity that the nation itself provides for it. These are, for example, the rights that regulate the civil and political state of the citizens. There is no social state without civil and political rights. So these rights interest all citizens equally; but it is not always necessary to the existence and to the prosperity of the nation that these rights be uniform, and consequently that they be regulated by the central power.

So among the matters that sovereignty deals with,<sup>o</sup> there are two nec-

n. In the margin: “≠The nationality of the Union is an opinion, the nationality of the states, a sentiment.

“The real strength of society is in the state not in the Union.≠”

In another place on the same page: “≠Thus interests, habits, sentiments combine to concentrate true political life in the states.≠”

o. What must be understood by the word *sovereignty* and the words *right of sovereignty*.<sup>l</sup>

The sovereign power, always a *single* being.

The sovereign power.—The *people*.

Acts of sovereignty.—*All acts whatever of the public authority.*

Authors of these acts.—*The sovereign power delegates the power to do these acts either to one single individual or to several. It puts these acts in whatever categories it pleases.*

essary categories; you find them again in all well-constituted societies, whatever the base, moreover, on which the social pact has been established.

Between these two extreme points are placed, like a floating mass, general but non-national matters that I have called mixed. Since these matters are neither exclusively national nor entirely provincial, the care of providing for them can be attributed to the national government or to the provincial government, following the conventions of those who are becoming associated, without missing the purpose of the association.

Most often simple individuals unite in order to form the sovereign power and their combination makes up a people. Above the general government they have given themselves you then find only individual strengths or collective powers, each of which represents a very minimal fraction of the sovereign power. Then as well it is the general government that is most naturally called to regulate not only matters national by their essence, but the greatest portion of the mixed matters that I already mentioned. The localities are reduced to the portion of sovereignty that is indispensable to their well-being.

Sometimes, by a fact prior to the association, the sovereign power is composed of already organized political bodies; then it happens that the provincial government takes charge of providing not only for the matters exclusively provincial by their nature, but also for all or part of the mixed

Theoretical division of acts.—*Principal acts, lesser acts* depending on whether they interest directly the whole or the parts of the sovereign power when, by an order of things prior to the association, the sovereign power is composed of *individuals* and is consequently represented by a single people.

Practical consequence.—When the sovereign power delegates the exercise of all the principal acts to the same person (man or assembly), tendency that this man or assembly gathers all the others.

When it delegates the exercise of principal acts to several, contrary tendency.

*Another consequence.* When the sovereign power is composed of *individuals*, tendency to gather the exercise of all the principal acts into the same hands, into what others?

When composed of nations, contrary tendency.

*Single people* goes to despotism, confederation to anarchy.

Fears of the French of dismemberment, absurd.

Id. of the Americans of consolidation.

After the theory, make this perceptible in practice (YTC, CVh, 1, pp. 75–77).

matters of which it was just a question. This is because the confederated nations, which were themselves sovereign powers before their union, and which, although they are united, continue to represent a very considerable fraction of the sovereign power, intended to cede to the general government only the exercise of the rights indispensable to the union.<sup>p</sup>

When the national government, apart from the prerogatives inherent in its nature, finds itself vested with the right to regulate the mixed matters of sovereignty, it possesses a preponderant strength. Not only does it have many rights, but all the rights that it does not have are at its mercy, and it is to be feared that it will go so far as to take away from the provincial governments their natural and necessary prerogatives.<sup>[\*]</sup>

When it is, on the contrary, the provincial government that finds itself vested with the right to regulate the mixed matters, an opposite tendency reigns in society. Preponderant strength then resides in the province, not

p. Each isolated individual has an absolute right over himself, right that has no limit in the material world except his strength, in the moral world except justice and reason.

A people, which is a collection of individuals, possesses a right of the same nature.

This right then takes the name of sovereignty.

≠The people, taking this term in the sense not of a class but of all the classes of citizens, the people.≠

Every time an independent people acts and in whatever manner it acts, it does an act of sovereignty. ≠So you would try in vain to establish a distinction among the acts of public authority between those that are due essentially to the right of sovereignty and those that are not inherent to it. What you can do is to distinguish between the most and the least important of the habitual actions of the sovereign power.≠

The sovereign power delegates a part or the totality of the exercise of its power either to a man or to several.

But all the acts of the public authority, whatever they may be, derive from the expressed or presumed will of the sovereign power. Sovereignty can have a multitude of agents, but there is always only one sovereign power.

[In the margin] A people, an association of peoples, always represents a unique individual. Sovereignty can have a multitude of agents, but there is always only one sovereign power, just as in one man there is always only one will applied to different objects and served by different organs (YTC, CVh, 1, pp. 82–84).

[\*]. The central government of France possesses the right to act in everything in the name of the nation and the right to regulate all matters of internal administration that have a general character. These are immense prerogatives but it [they (ed.)] are not enough for it and it uses the strength that they give to it to direct the use of communal funds and to interfere in [interrupted text (ed.)].

in the nation; and you must fear that the national government will end up being stripped of privileges necessary to its existence.<sup>q</sup>

So single peoples are naturally led toward centralization, and confederations toward dismemberment.<sup>r</sup>

It only remains to apply these general ideas to the American Union.

To the particular states reverted inevitably the right to regulate purely provincial matters.

In addition these same states retained that of fixing the civil and political capacity of citizens, of regulating the relationships of men with each other, and of administering justice to them; rights that are general in their nature, but that do not necessarily belong to the national government.

We have seen that to the government of the Union was delegated the power to command in the name of the entire nation in cases where the nation would have to act as one and the same individual. It represented the nation vis-à-vis foreigners; it led the common forces against the common enemy. In a word it was concerned with matters that I have called exclusively national.

In this division of the rights of sovereignty the part of the Union still seems at first glance greater than that of the states; a slightly more thorough examination demonstrates that in fact it is less.

q. I cannot prevent myself from thinking that the men in America who fear the encroachments of the central government confuse two essentially distinct things: complete and incomplete sovereignty.

In countries where sovereignty is not divided, and where the provinces administer themselves and do not govern themselves, town [v: provincial] liberties are always in danger. The natural tendency of society is to concentrate strength at the center and it is only by a constant effort that provincial liberties are maintained.

But in a State [v: country] where sovereignty is divided, the greatest strength finding itself placed in the extremities not at the center, the tendency of the society is to split up and it is only with effort that it remains united. Consequently you have seen nearly all the States where (illegible word) sovereignty was undivided finish [by (ed.)] arriving at administrative despotism and the confederations at anarchy (YTC, CVh, 2, pp. 48–49).

r. “The natural tendency of a people, if you do not oppose it, is to concentrate social forces indefinitely until you arrive at pure administrative despotism. The natural tendency of confederations is to divide these forces indefinitely until you arrive at dismemberment” (YTC, CVh, 1, p. 78).

[≠The Union is an almost imaginary being that is not easily apparent to the senses≠.]

The government of the Union executes more vast enterprises, but you rarely feel it act. The provincial government does smaller things, but it never rests and reveals its existence at each instant.

The government of the Union watches over the general interests of the country; but the general interests of a people have only a debatable influence on individual happiness.

The affairs of the province, in contrast, visibly influence the well-being of those who inhabit it.

The Union assures the independence and the greatness of the nation, things that do not immediately touch individuals. The state maintains the liberty, regulates the rights, guarantees the fortune, assures the life, the entire future of each citizen.

The federal government is placed at a great distance from its subjects; the provincial government is within reach of all. It is enough to raise your voice in order to be heard by it. The central government has for it the passions of a few superior men who aspire to lead it; on the side of the provincial government is found the interest of second-rate men who only hope to obtain power in their state; and it is these who, placed near the people, exercise the most power over them.

So the Americans have much more to expect and to fear from the state than from the Union; and following the natural march of the human heart, they must be attached much more intensely to the first than to the second.

[≠But men, whatever you say, are not led only by interests; they obey habits and sentiments.≠]

{True patriotism remained with the state and did not pass to the Union. The state has an ancient existence, the Union is comparatively a new thing.}

In this habits and sentiments are in agreement with interests.

When a compact nation divides its sovereignty and reaches the state of confederation, memories, customs, habits struggle for a long time against the laws and give the central government a strength that the latter deny it. When confederated peoples unite in a single sovereignty, the same causes act in the opposite direction. I do not doubt that if France became a con-

federated republic like that of the United States, the government would at first show itself to be more energetic than that of the Union; and if the Union constituted itself as a monarchy like France, I think that the American government would remain for some time weaker than ours. At the moment when national life was created among the Anglo-Americans, provincial existence was already old, necessary relationships were established between the towns and individuals of the same states; you were accustomed there to considering certain matters from a common point of view, and to dealing exclusively with certain enterprises as representing a special interest.<sup>s</sup>

The Union is an immense body that offers to patriotism a vague object to embrace. The state has settled forms and circumscribed limits; it represents a certain number of things known and dear to those who inhabit it. It blends with the very image of the land, is identified with property, with family, with memories of the past, with the work of the present, with dreams of the future. So patriotism, which most often is only an extension of individual egoism, has remained with the state and has not so to speak passed to the Union.

Thus interests, habits, and sentiments unite to concentrate true political life in the state, and not in the Union.

You can easily judge the difference in the strength of the two governments by seeing each of them move within the circle of its power.

Every time that a state government addresses itself to a man or to an

s. Among the causes that can hasten the dismemberment of the Union in the first rank is found the state of weakness and inertia into which the federal government would fall, if the central power came to this degree of feebleness that it could no longer serve as arbiter among the different provincial interests and could not effectively defend the confederation against foreigners; its usefulness would become doubtful, and the Union would no longer exist except on paper; and each state would tend to separate itself from it in order to find its strength in itself.

So it is very important, granting the fact of the Union, to try to find out if the federal government tends to gain or to lose power.

The question of the strength and of the weakness of the federal government, important moreover in itself and separate from the question of the duration of the Union, would still be important; for the strength or the weakness of the federal government, even if it had no influence on the duration of the Union, would necessarily have an influence on prosperity and its progress (YTC, CVh, 1, pp. 80–81).

association of men its language is clear and imperative; it is the same with the federal government when it is speaking to individuals; but as soon as it finds itself facing a state, it begins to talk at length: it explains its motives and justifies its conduct; it argues, advises, hardly ever commands. If doubts arise about the limits of the constitutional powers of each government, the provincial government claims its right with boldness and takes prompt and energetic measures to sustain it. During this time the government of the Union reasons; it appeals to the good sense of the nation, to its interests, to its glory; it temporizes, negotiates; only when reduced to the last extremity does it finally determine to act. At first view you could believe that it is the provincial government that is armed with the strength of the whole nation and that Congress represents a state.

So the federal government, despite the efforts of those who constituted it, is, as I have already said elsewhere, by its very nature a weak government that more than any other needs the free support of the governed in order to subsist.

It is easy to see that its object is to realize with ease the will that the states have to remain united. This first condition fulfilled, it is wise, strong and agile. It has been organized in such a way as usually to encounter only individuals before it and to overcome easily the resistance that some would like to oppose to the common will; but the federal government has not been established with the expectation that the states or several among them would cease to want to be united.

If the sovereignty of the Union today entered into a struggle with that of the states, you can easily foresee that it would succumb; I doubt even that the battle would ever be engaged in a serious way.<sup>t</sup> Every time that an obstinate resistance is put up against the federal government, you will see

t. What singularly favors the *Union* is that all the confederated states have reached more or less the same *degree* of civilization and the same *type* of civilization. They are thus *naturally* more suited for working together than a single nation whose parts would not be perfectly homogeneous on this point.

The lack of homogeneity on this point, which hinders the government of a single nation, is particularly contrary to a confederation because there the differences between the ideas and the mores of diverse populations find a *legal* expression and strength.

it yield. Experience has proven until now that when a state stubbornly wanted something and demanded it resolutely, the state never failed to obtain it; and that when it clearly refused to act,<sup>53</sup> it was left free to do so.

If the government of the Union had a force of its own, the physical situation of the country would make the use of it very difficult.<sup>54</sup>

The United States covers an immense territory; long distances separate the states; the population is spread over a country still half wilderness. If the Union undertook by arms to hold the confederated states to their duty,

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What will perhaps always prevent Switzerland from forming a very really united country, is that the differences between the civilization of the *cantons* is striking. The difference between the *canton* of Vaud and that of Appenzell is like that between the XIXth century and the XVth.

The central government in confederations is always by its nature weaker than the governments of States (for many reasons), but that is above all true when it is not an active sovereignty that is being carved up, but several sovereignties that are merging. In this case the memories, habits, interests struggle for a long time in the *opposite direction* against the laws. The central government would for a long time remain very much stronger in France than in the United States, even if France would become a federated republic. The central government of the United States will for a long time remain weaker than the current government of France, even if the Union would become a monarchy. When national life was created among the Anglo-Americans.

Federal government.

*Union* requires in order to subsist rare simplicity of mores or of needs, or very advanced civilization.

*Weakness of the Union* proven by facts.

1. All the *amendments* to the Constitution have been made in order to restrict federal power. The federal government abandoned in practice certain of its prerogatives and took no new ones. Every time that the state resolutely stood up to the Union, it more or less gained what it wanted.

1. Georgia in 1793 refusing to obey the decision of the Supreme Court. See Kent, volume 1, p. 278.

2. Rebellion in Pennsylvania against the whiskey tax (YTC, CVh, 2, pp. 79–80).

53. See the conduct of the states of the North in the War of 1812. "During this war," Jefferson says in a letter of 17 [14 (ed.)] March 1817 to General Lafayette, "four of the eastern states were no longer tied to the Union except as dead bodies to living men" (Correspondance de Jefferson, published by Conseil) [vol. II, pp. 296–97 (ed.)].

54. The state of peace in which the Union finds itself gives it no pretext for having a permanent army. Without a permanent army, a government has nothing prepared in advance in order to take advantage of the favorable moment, to overcome resistance, and to take sovereign power by surprise.

its position would be analogous to that of England at the time of the War of Independence.

Moreover, a government, were it strong, could only with difficulty escape the consequences of a principle, once it accepted that principle itself as the foundation of the public law that is to govern it. The confederation has been formed by the free will of the states; the latter by uniting did not lose their nationality and did not merge into one and the same people. If today one of these very states wanted to withdraw its name from the contract, it would be quite difficult to prove that it could not do so. The federal government, in order to combat it, would not rely in a clear way on either force or law.

For the federal government to triumph easily over the resistance that a few of its subjects might put up, it would be necessary for the particular interest of one or of several of them to be intimately linked to the existence of the Union, as has often been seen in the history of confederations.

I suppose that, among these states that the federal bond gathers together, there are some that alone enjoy the principal advantages of union, or whose prosperity depends entirely on the fact of union; it is clear that the central power will find in them a very great support for maintaining the others in obedience. But then it will no longer draw its strength from itself, it will draw it from a principle that is contrary to its nature. Peoples confederate only to gain equal advantages from union, and in the case cited above the federal government is strong because inequality reigns among the united nations.

I suppose again that one of the confederated states has gained a preponderance great enough to take hold of the central power by itself alone; it will consider the other states as its subjects and, in the alleged sovereignty of the Union, will make its own sovereignty respected. Then great things will be done in the name of the federal government, but truly speaking this government will no longer exist.<sup>55</sup>

In these two cases the power that acts in the name of the confederation

*55. In this way, the province of Holland in the republic of the Netherlands and the emperor in the German Confederation sometimes put themselves in the place of the Union, and exploited the federal power in their particular interest.*

becomes that much stronger the more you move away from the natural state and the acknowledged principle of confederations.

In America the present union is useful to all the states, but it is essential to none. If several states broke the federal bond, the fate of the others would not be compromised, even though the sum of their happiness would be less. Just as there is no state whose existence or prosperity is entirely<sup>u</sup> linked to the present union, neither is there one that is disposed to make very great personal sacrifices to preserve it.

From another perspective, no state is seen for now to have, out of ambition, a great interest in maintaining the confederation as we see it today. All undoubtedly do not exercise the same influence in federal councils, but there is not one of them that should flatter itself about dominating them and that can treat the other confederated states as inferiors or subjects.

So it seems to me certain that if one portion of the Union wanted seriously to separate from the other, not only would you not be able to prevent it from doing so, but you would not even be tempted to try. So the present Union will last only as long as all the states that compose it continue to want to be part of it.

This point settled, we are now more at ease: it is no longer a matter of trying to find out if the states currently confederated will be able to separate, but if they will want to remain united.

Among all the reasons that make the present union useful to the Americans, you find two principal ones whose evidence easily strikes everyone.

Although the Americans are so to speak alone on their continent, commerce gives them as neighbors all the peoples with whom they traffic. So despite their apparent isolation, the Americans need to be strong, and they can only be strong by remaining united.

The states by dividing would not only diminish their strength vis-à-vis foreigners, they would create foreigners on their own soil. From that moment they would enter into a system of internal customs; they would divide valleys by imaginary lines; they would imprison the course of rivers and

u. The published text says “entirely,” while the manuscript says “intimately,” a word that seems to work better.

hinder in all ways the exploitation of the immense continent that God granted them as their domain.

Today they have no invasion to fear, consequently no army to maintain, no taxes to levy [no military despotism to fear]; if the Union came to break apart, the need for all these things would perhaps not take long to make itself felt.

So the Americans have an immense interest in remaining united.

From another perspective it is nearly impossible to discover what type of material interest one portion of the Union would have, for now, to separate from the others.

When you cast your eyes over a map of the United States and you see the chain of the Allegheny Mountains running from the Northeast to the Southwest and covering the country over an expanse of 400 leagues, you are tempted to believe that the purpose of Providence was to raise between the Mississippi basin and the coasts of the Atlantic Ocean one of those natural barriers that, opposing the permanent relationships of men with each other, form like necessary limits to different peoples.

But the average height of the Allegheny Mountains does not surpass 800 meters.<sup>56</sup> Their rounded summits and the spacious valleys that they enclose within their contours present easy access in a thousand places. There is more. The principal rivers that come to empty their waters into the Atlantic Ocean, the Hudson, the Susquehanna, the Potomac, have their sources beyond the Allegheny Mountains on the open plateau that borders the Mississippi basin. Leaving this region<sup>57</sup> they come out through the rampart that seemed as though it should throw them back toward the west and, once within the mountains, trace natural routes always open to men.

So no barrier is raised between the different parts of the country occupied today by the Anglo-Americans. The Allegheny Mountains are far from serving as limits to peoples; they do not even mark the boundaries of states.

56. *Average height of the Allegheny Mountains according to Volney (Tableau des États-Unis, p. 33), 700 to 800 meters; 5,000 to 6,000 feet, according to Darby; the greatest height of the Vosges is 1,400 meters above sea level.*

57. *See View of the United States, by Darby, pp. 64 and 79.*

New York, Pennsylvania and Virginia enclose them within their precincts and extend as far to the west as to the east of these mountains.<sup>58</sup>

The territory occupied today by the twenty-four states of the Union and the three great districts that are not yet placed among the number of states, although they already have inhabitants, covers an area of 131,144 square leagues,<sup>59</sup> that is to say that it already presents a surface almost equal to five times that of France.<sup>[\*]</sup> In these limits are found a varied soil, different temperatures, and very diverse products.

This great expanse of territory occupied by the Anglo-American republics has given birth to doubts about the maintenance of their union. Here distinctions must be made: conflicting interests are sometimes created in the different provinces of a vast empire and end up coming into conflict; then it happens that the great size of the State is what most compromises its duration. But if the men who cover this vast territory do not have conflicting interests among themselves, its very expanse must be useful to their prosperity, for the unity of government singularly favors the exchange that can be made with the different products of the soil, and by making their flow easier, it increases their value.

Now, I clearly see different interests in the different parts of the Union, but I do not find any that conflict with each other.

The states of the South are nearly exclusively agricultural; the states of the North are particularly manufacturing and commercial; the states of the West are at the same time manufacturing and agricultural. In the South tobacco, rice, cotton and sugar are harvested; in the North and in the West, corn and wheat. These are the diverse sources of wealth. But in order to draw upon these sources, there is a means common and equally favorable to all; it is the Union.<sup>w</sup>

58. *The chain of the Allegheny Mountains is not higher than that of the Vosges and does not offer as many obstacles as the latter to the efforts of human industry. So the countries situated on the eastern slope of the Allegheny Mountains are as naturally linked to the Valley of the Mississippi as Franche-Comté, upper Burgundy and Alsace are to France.*

59. 1,002,600 square miles. See *View of the United States*, by Darby, p. 435.

[\*]. France, according to Malte-Brun, volume VIII, p. 178, has an area of 26,739 square leagues.

w. These ideas appear in two letters of Carey published in the *National Intelligencer* of 28 and 31 December 1833. Tocqueville more than likely became aware of them.

The North, which carries the riches of the Anglo-Americans to all parts of the world and the riches of the world into the Union, has a clear interest in having the confederation continue to exist as it is today, so that the number of American producers and consumers that it is called to serve remains the greatest possible. The North is the most natural middleman between the south and the west of the Union, on the one hand, and the rest of the world, on the other; so the North should want the South and the West to remain united and prosperous so that they provide raw materials for its manufacturing and cargo for its ships.

The South and the West have on their side a still more direct interest in the preservation of the Union and the prosperity of the North. The products of the South are in large part exported overseas; so the South and the West need the commercial resources of the North. They should want the Union to have a great maritime power in order to be able to protect them effectively. The South and the West should contribute willingly to the costs of a navy, although they do not have ships; for if the fleets of Europe came to blockade the ports of the South and the Mississippi delta, what would become of the rice of the Carolinas, the tobacco of Virginia, the sugar and cotton that grow in the valleys of the Mississippi? So there is not a portion of the federal budget that does not apply to the preservation of a material interest common to all the confederated states.

[To clarify this subject even more I want to make a comparison drawn from France.

Provence gathers oil and Flanders harvests wheat; Burgundy produces wine and Normandy raises livestock. Do these different provinces find in the diversity of products reasons to hate each other? Isn't [it (ed.)] on the contrary the diversity of these products that gives them a common interest in remaining united in order to exchange them more freely?

Georgia seems to me to have the same reasons to remain united with Massachusetts as Provence with Flanders, and Ohio appears to me as naturally linked to the state of New York as Burgundy to Normandy.]<sup>x</sup>

x. In a first version:

≠It is not in the interests but in the passions<sup>1</sup> of the Americans that you must seek the causes of ruin that threaten the American Union.

Apart from this commercial utility, the South and the West of the Union find a great political advantage in remaining united with each other and with the North.

The South encloses in its bosom an immense population of slaves, a population threatening at present, still more threatening in the future.

The states of the West occupy the bottom of a single valley. The rivers that water the territory of these states, originating from the Rocky or the Allegheny Mountains, all come to mingle their waters with that of the Mississippi and flow with it toward the Gulf of Mexico. The states of the West are entirely isolated by their position from the traditions of Europe and the civilization of the Old World.

So the inhabitants of the South should desire to preserve the Union in order not to live alone in the face of the Blacks, and the inhabitants of the West, in order not to find themselves enclosed within the central part of America without free communication with the world.

The North for its part should want the Union not to divide, in order to remain as the link that joins this great body to the rest of the world.

So there exists a tight bond among the material interests of all parts of the Union.

I will say as much for the opinions and the sentiments that you could call the non-material interests of man.

The inhabitants of the United States speak a great deal about their love

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What most compromises the fate of the Union is its very prosperity, is the rapid growth of some parts.‡

The states that adhere to . . .

i. ‡This is clearly seen. The south, which has the greatest need to remain united, gives signs of impatience. The north and the west, which could by themselves alone form an immense republic, most want the union.

If interests alone were sufficient to maintain the Americans in the Union, there would be no portion of the United States where the federal Constitution had warmer adherents than in the south.

The south needs the north not only to guarantee the importation of its products, but also to defend it from the Negroes who live in its bosom.

The Americans of the south are, however, the only ones who threaten to break the federal bond.

So you must seek reasons other than those taken from interests properly speaking.‡

of country; I admit that I do not trust this considered patriotism that is based upon interest and that interest, by changing object, can destroy.

Nor do I attach a very great importance to the language of the Americans, when each day they express the intention of preserving the federal system that their fathers adopted.

What maintains a large number of citizens under the same government is much less the reasoned will to remain united than the instinctive and in a way involuntary accord that results from similarity of sentiments and resemblance of opinions.

I will never admit that men form a society by the sole fact that they acknowledge the same leader and obey the same laws; there is a society only when men consider a great number of objects in the same way; when they have the same opinions on a great number of subjects; when, finally, the same facts give rise among them to the same impressions and the same thoughts.<sup>y</sup>

Whoever, considering the question from this point of view, would study what is happening to the United States, would discover without difficulty that their inhabitants, divided as they are into twenty-four distinct sovereignties, constitute nonetheless a single people; and perhaps he would even come to think that the state of society more truly exists within the Anglo-American Union than among certain nations of Europe that have nevertheless only a single legislation and are subject to one man alone.<sup>z</sup>

y. "What truly constitutes a society is not having the same government, the same laws, the same language, it is having on a great number of points the same *ideas* and the same *opinions*. The first things are all material. They are the means by which ideas and opinions reign. Note well that for the despotic form itself (the one that has least need for a *society*) to be lasting, it must rely on this base" (YTC, CVh, 2, p.77).

z. Bond of American society./

Research what the ideas common to the Americans are. Ideas about the future. Faith in human perfectibility, faith in civilization that is judged favorably in every respect. Faith in liberty! This is universal.

Faith in the good sense and *definitive* reason of the people. This is general but not universal.

You can do on that a very interesting (illegible word).

The true bond of the Americans is this much more than love of country and nationality. These two things are more apparent than real, but the others differentiate

Although the Anglo-Americans have several religions, they all have the same way of envisaging religion.<sup>a</sup>

They do not always agree on the means to take in order to govern well and vary on some of the forms that are appropriate to give to the government, but they agree on the general principles that should govern human societies. From Maine to Florida, from the Missouri to the Atlantic Ocean, they believe that the origin of all legitimate powers is in the people. They conceive the same ideas on liberty and on equality; they profess the same opinions on the press, the right of association, the jury, the responsibility of the agents of power.

If we pass from political and religious ideas to the philosophical and moral opinions that regulate the daily actions of life and guide conduct as a whole, we will note the same agreement.

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the Americans from all other peoples. What makes their common bond is what separates them from the others.

[To the side: Many men in France believe that American society is lacking [a (ed.)] bond. False idea. It has more of a true bond than ours.]

Shared ideas. *Philosophical and general ideas.*

That interest well understood is sufficient to lead men to do good.

That each man has the ability to govern himself.

That good is relative and that there it [makes (ed.)] continual progress in society; that nothing there is or should be finished forever.

*More special ideas*, advantages of equality (YTC. CVh, 2, p. 78).

This note already contains the seeds of many ideas of the first part of the third volume.

a. Tocqueville had copied into one of his travel notebooks the following fragment, an extract from a letter that he had written 8 July 1831 to Louis de Kergorlay:

It is clear that there still remains here a greater core of the Christian religion than in any country in the world, to my knowledge, and I do not doubt that this disposition of minds still influences the political regime. It gives a moral and well-ordered turn to ideas; it stops the lapses of the spirit of innovation; above all it makes very rare the disposition of the soul, so common among us, that makes you rush forward against all obstacles *per fas et nefas* [by all possible paths] toward the goal that you have chosen. It is certain that a party, whatever desire it had to gain a result, would still believe itself obliged to march toward it only by means that would have an appearance of morality and would not openly shock religious beliefs, always more or less moral even when they are false (alphabetic notebook A, YTC, BIIa, and *Correspondance avec Kergorlay*, OC, XIII, 1, p. 231; this fragment is not published in *Voyage*, OC, V, 1).

The Anglo-Americans<sup>60</sup> place moral authority in universal reason, as they do political power in the universality of citizens, and they consider that you must rely on the sense of all in order to discern what is permitted or forbidden, what is true or false. Most of them think that knowledge of his interest well understood is sufficient to lead a man toward the just and the honest. They believe that each person by birth has received the ability to govern himself, and that no one has the right to force his fellow to be happy. All have an intense faith in human perfectibility; they judge that the diffusion of knowledge must necessarily produce useful results, ignorance must lead to harmful effects; all consider society as a body in progress; humanity as a changing scene, where nothing is or should be fixed forever, and they admit that what seems good to them today can be replaced tomorrow by something better that is still hidden.<sup>b</sup>

I do not say that all these opinions are correct, but they are American.

At the same time that the Anglo-Americans are thus united with each other by these shared ideas, they are separated from all other peoples by a sentiment, pride.

For fifty years it has not ceased to be repeated to the inhabitants of the United States that they form the only religious, enlightened and free people. They see that among them until now democratic institutions have pros-

60. *I think I do not need to say that by this expression: the Anglo-Americans, I mean only to speak about the great majority of them. A few isolated individuals always stand outside of this majority.*

b. At the same time that the Americans are thus united with each other by opinions, what separates them from others, *pride*.

They are separated from all other peoples.

Religion, by a sentiment of pride.

Politics, they believe [themselves (ed.)] alone democratic.

Philosophy, are in a state to be free.

Economy, (illegible word) are wise.

If we pass from political and religious ideas to philosophical opinions, properly speaking, to those that regulate the daily actions of life and direct conduct as a whole, I will note the same agreement.

Most Americans accept that the knowledge of interest well understood is sufficient to lead men to honesty (YTC, CVh, 2, p. 103).

pered, while they fail in the rest of the world; so they have an immense opinion of themselves, and they are not far from believing that they form a species apart in the human race.

Thus the dangers that menace the American Union do not arise from diversity of opinions any more than from that of interests. They must be sought in the variety of characters and in the passions of the Americans.

The men who inhabit the immense territory of the United States have nearly all come from a shared stock; but over time climate and above all slavery have introduced marked differences between the character of the English of the South and the character of the English of the North.

It is generally believed among us that slavery gives to one portion of the Union interests contrary to those of the others. I have not noted that this was the case. Slavery has not created interests in the South contrary to those of the North; but it has modified the character of the inhabitants of the South, and has given them different habits.

I have shown elsewhere what influence servitude had exercised on the commercial capacity of the Americans of the South; this same influence extends equally to their mores.

The slave is a servant who does not argue and who submits to everything without a murmur. Sometimes he murders his master, but he never resists him. In the South there are no families so poor that they do not have slaves. The American of the South from his birth finds himself invested with a kind of domestic dictatorship; the first notions that he receives of life make him know that he is born to command, and the first habit that he contracts is that of dominating without difficulty. So education tends powerfully to make the American of the South a man haughty, quick, irascible, violent, ardent in his desires, impatient with obstacles; but easy to discourage if he cannot triumph with the first blow.

The American of the North does not see slaves rush up around his cradle. He does not even find free servants, for most often he is limited to providing for his needs by himself. Soon after he is born, his mind is presented with the idea of necessity from all directions. So he learns early to know on his own the exact natural limit of his power; he does not expect to bend by force wills that are opposed to his, and he knows that to gain the support

of his fellows it is above all necessary to win their favor. So he is patient, thoughtful, tolerant,<sup>c</sup> slow to act, and persevering in his designs.

In the southern states the most pressing needs of man are always satisfied. Thus the American of the South is not preoccupied by the material needs of life; someone else takes care of thinking about them for him. Free on this point, his imagination is directed toward other greater and less precisely defined matters. [<So the whites in the south form an aristocratic body {kind of aristocracy}. Consequently a certain feudal tendency reigns in their thoughts and in their tastes.>] The American of the South loves grandeur, luxury, glory, fame, pleasures, idleness above all; nothing forces him to make efforts in order to live, and as he has no necessary work, he falls asleep and does not undertake even useful work.

Because equality of fortunes reigns in the North, and slavery no longer exists there, man there is absorbed, as it were, by these very material concerns that the white scorns in the South. From his birth he is busy fighting poverty, and he learns to place material comfort above all the enjoyments of the mind and heart. His imagination, concentrated on the small details of life, fades, his ideas are fewer and less general, but they become more practical, clearer and more precise. Since he directs all the efforts of his intelligence only toward the study of well-being, he does not take long to excel there; he knows admirably how to make the most of nature and of men in order to produce wealth; he understands marvelously the art of making society work toward the prosperity of each one of its members, and of extracting from individual egoism the happiness of all.

The man of the North has not only experience, but also learning; but he does not prize knowledge as a pleasure. He values it as a means, and he avidly takes hold only of its useful applications.

The American [{man}] of the South is more spontaneous, more witty, more open, more generous, more intellectual and more brilliant.

The American [{man}] of the North is more active, more reasonable, more enlightened and more skillful.

c. In the margin: “≠ *Tolerant* indicates a virtue. A word would be needed that indicates the interested and necessary toleration of a man who needs others.≠”

The one has the tastes, prejudices, weaknesses and the grandeur of all aristocracies.

The other, the qualities and failings that characterize the middle class.

Bring two men together in society, give to these two men the same interests and in part the same opinions; if their character, their enlightenment and their civilization differ, there is a great chance that they will not get along. The same remark is applicable to a society of nations.<sup>[\*]</sup>

So slavery does not attack the American confederation directly by interests, but indirectly by mores.

The states that joined the federal pact in 1790 numbered thirteen; the confederation counts twenty-four of them today. The population that amounted to nearly four million in 1790 had quadrupled in the space of forty years; in 1830 it rose to nearly thirteen million.<sup>61</sup>

Such changes cannot take place without danger.

For a society of nations as for a society of individuals, there are three principal ways to last: the wisdom of the members, their individual weakness, and their small number.

The Americans who withdraw from the shores of the Atlantic Ocean in order to plunge into the West are adventurers impatient with any kind of yoke, greedy for wealth, often cast out by the states where they were born. They arrive in the middle of the wilderness without knowing each other. There they find to control them neither traditions nor family support, nor examples. Among them the rule of laws is weak, and that of mores is weaker still. So the men who daily populate the valleys of the Mississippi are inferior in all ways to the Americans who inhabit the old limits of the Union. They already exercise, however, a great influence in its councils, and they

[\*]. It is to this diversity of characters that you must resort in order to explain how every time there is a division of opinion among the Anglo-Americans, you have seen the North on one side and the South on the other, often without being able to see the same division found in their interests. {See from the time of Washington the question of the tax on distilled liquors. Marshall, vol. 5, p. 185.}

61. <i>Census of 1790</i>	3,929,328
<i>Census of 1830</i>	12,856,165.

arrive at the government of common affairs before having learned to manage themselves.<sup>62</sup>

The weaker the members are individually, the greater the society's chances to last, for they then have security only by remaining united. When, in 1790, the most populated of the American republics did not have 500,000 inhabitants,<sup>63</sup> each one of them felt its insignificance as an independent people, and this thought made obedience to a federal authority easier. But when one of the confederated states numbers 2,000,000 inhabitants, as does the state of New York, and covers a territory whose area is equal to one-quarter of that of France,<sup>64</sup> it feels strong by itself, and if it continues to desire the union as useful to its well-being, it no longer regards it as necessary to its existence; it can do without it; and agreeing to remain there, it does not take long to want to be preponderant in it.

The mere multiplication of members of the Union would already tend powerfully to break the federal bond. All men placed at the same point of view do not look at the same objects in the same way. This is so with all the more reason when the point of view is different. So as the number of American republics increases, you see the chance to gather the assent of all to the same laws diminish.

Today the interests of the different parts of the Union are not in conflict with each other; but who could foresee the various changes that the near future will bring about in a country where each day creates cities and every five years nations?

Since the founding of the English colonies the number of inhabitants doubles every twenty-two years or so; I do not see any causes that should for the next century stop this progressive movement of the Anglo-American population. Before one hundred years have passed I think that the territory

62. *This, it is true, is only a temporary peril. I do not doubt that with time society will become settled and orderly in the west, as it has already become on the shores of the Atlantic Ocean.*

63. *Pennsylvania had 431,373 inhabitants in 1790.*

64. *Area of the state of New York, 6,213 square leagues (46,500 square miles). See View of the United States, by Darby, p. 435.*

occupied or claimed by the United States will be covered by more than one hundred million inhabitants and divided into forty states.<sup>65</sup>

I admit that these one hundred million men do not have different interests; I grant them all, on the contrary, an equal advantage in remaining united, and I say that, by the very fact that they are one hundred million, forming forty distinct and unequally powerful nations, the maintenance of the federal government is nothing more than a happy accident.

I would like to believe in human perfectibility; but until men have changed in nature and are completely transformed, I will refuse to believe in the duration of a government whose task is to hold together forty diverse peoples spread over a surface equal to half of Europe,<sup>66</sup> to avoid rivalries, ambition, and struggles among them, and to bring the action of their independent wills together toward the accomplishment of the same projects.

But the greatest risk that the Union runs by growing comes from the continual displacement of forces that takes place within it.

From the shores of Lake Superior to the Gulf of Mexico, you count as the crow flies about four hundred French leagues. Along this immense line winds the frontier of the United States; sometimes it stays within these limits, most often it penetrates well beyond into the wilderness. It has been calculated that along this entire vast front whites advanced each year on average seven leagues.<sup>67</sup> From time to time an obstacle presents itself: it is an unproductive district, a lake, an Indian nation that is met unexpectedly

65. *If the population continues to double in twenty-two years, for another century, as it has done for two hundred years, in 1852 you will number in the United States twenty-four million inhabitants, forty-eight in 1874, and ninety-six in 1896. It will be so even if you encountered on the western slope of the Rocky Mountains terrain that was unsuitable for agriculture. The lands already occupied can very easily hold this number of inhabitants. One hundred million men spread over the soil occupied at this moment by the twenty-four states and the three territories that compose the Union would only give 762 individuals per square league, which would still be very far from the average population of France, which is 1,006; from that of England, which is 1,457; and which would remain even below the population of Switzerland. Switzerland, despite its lakes and mountains, numbers 783 inhabitants per square league. See Malte-Brun, vol. VI, p. 92.*

66. *The territory of the United States has an area of 295,000 square leagues; that of Europe, according to Malte-Brun, vol. VI, p. 4, is 500,000.*

67. *See Legislative Documents, 20th Congress, n. 117, p. 105.*

in its path. The column then stops an instant; its two extremities bend toward each other and, after they have rejoined, the advance begins again. There is in this gradual and continuous march of the European race towards the Rocky Mountains something providential; it is like a flood of men that rises unceasingly and that swells each day by the hand of God.

Within this first line of conquerors cities are built and vast states are founded. In 1790, scarcely a few thousand pioneers were found spread across the valleys of the Mississippi; today these same valleys hold as many men as the entire nation contained in 1790. The population there reaches nearly four million inhabitants.<sup>68</sup> The city of Washington was founded in 1800, at the very center of the American confederation; now this city finds itself at one of its extremities. The representatives of the last states of the West,<sup>69</sup> in order to take their seats in Congress, are already obliged to make a journey as long as that of the traveler who goes from Vienna to Paris.

All the states of the Union are carried along at the same time towards wealth; but all cannot grow and prosper in the same proportion.

In the north of the Union detached branches of the Allegheny Mountain chain, advancing to the Atlantic Ocean, form spacious harbors and ports always open to the largest ships. From the Potomac, in contrast, and following the coast of America to the mouth of the Mississippi, you find nothing more than a flat and sandy terrain. In this part of the Union the mouths of nearly all the rivers are obstructed, and the ports that are open here and there in the middle of lagoons do not present to ships the same depth and offer to commerce much smaller facilities than those of the North.

To this first inferiority which arises from nature another is joined that comes from laws.

We have seen that slavery, which is abolished in the North, still exists in the South, and I have shown the fatal influence that it exercises on the well-being of the master himself.

68. 3,672,317, census of 1830.

69. From Jefferson, *capital of the state of Missouri, to Washington, you count 1,019 miles, or 420 postal leagues* (American Almanac, 1831, p. 43 [44 (ed.)]).

So the North must be more commercial<sup>70</sup> and more industrious than the South. It is natural that population and wealth concentrate there more rapidly.

The states situated on the shore of the Atlantic Ocean are already half populated. Most of the lands have an owner; so those states cannot receive the same number of emigrants as the states of the West that still offer an unlimited field to industry. The basin of the Mississippi is infinitely more fertile than the coast of the Atlantic Ocean. This reason added to all the others vigorously pushes the Europeans toward the West. This is rigorously demonstrated by figures.

If you work with the whole of the United States, you find that in forty years the number of inhabitants there has more or less tripled. But if you envisage only the basin of the Mississippi, you discover that in the same period of time the population<sup>71</sup> there has become thirty-one times greater.<sup>72</sup>

Each day the center of federal power is displaced. Forty years ago the

*70. In order to judge the difference that exists between the commercial movement of the South and that of the North, it is enough to glance at the following picture:*

*In 1829, the ships of large and small commerce belonging to Virginia, the two Carolinas and Georgia (the four large states of the South) had a tonnage of only 5,243.*

*In the same year, the vessels of the state of Massachusetts alone had a tonnage of 17,322 (Legislative Documents, 21st Congress, 2nd session, n. 140, p. 244).*

*Thus the state of Massachusetts alone had three times more ships than the above-named four states.*

*The state of Massachusetts, however, has only 959 square leagues of area (7,335 square miles) and 610,014 inhabitants, while the four states that I am speaking about have 27,204 square leagues (210,000 miles) and 3,047,767 inhabitants. Thus the area of the state of Massachusetts forms only one thirtieth of the area of the four states, and its population is five times smaller than theirs (View of the United States, by Darby). Slavery harms in several ways the commercial prosperity of the South: it diminishes the spirit of enterprise among whites, and it prevents them from finding at their disposal the sailors that they need. The navy recruits in general only from the lowest class of the population. Now it is slaves who in the South form this class, and it is difficult to use them at sea; their service would be inferior to that of whites, and you would always have to be afraid that they might revolt in the middle of the ocean, or might take flight when reaching foreign shores.*

*71. View of the United States, by Darby, p. 444.*

*72. Note that, when I speak about the basin of the Mississippi, I am not including the portion of the states of New York, Pennsylvania and Virginia, placed west of the Allegheny Mountains, and that should, however, be considered as also part of it.*

majority of the citizens of the Union were on the shores of the sea in the vicinity of the place where Washington is rising today; now it is deeper into the land and more to the North; you can be sure that within twenty years it will be on the other side of the Allegheny Mountains. Assuming that the Union continues to exist, the basin of the Mississippi, because of its fertility and its extent, is necessarily called to become the permanent center of federal power. In thirty or forty years the basin of the Mississippi will have taken its natural rank. It is easy to calculate that then its population, compared to that of the states placed on the shores of the Atlantic, will be in proportion of about 40 to 11. So in a few more years the leadership of the Union will escape completely from the states that formed it, and the population of the valleys of the Mississippi will predominate in federal councils.

This continuous gravitation of strength and federal influence toward the Northwest is revealed every ten years, when, after doing a federal census of the population, the number of representatives that each state must send to Congress is fixed once again.<sup>73</sup>

In 1790, Virginia had nineteen representatives in Congress. This number continued to grow until 1813, when we saw it attain the figure of twenty-three. From this time it began to decrease. In 1833 it was no more than twenty-one.<sup>74</sup> During this same period the state of New York followed an

73. *You notice then that during the ten years that have just passed one state increased its population in the proportion of 5 to 100, as Delaware; another was in the proportion of 250 to 100, as the territory of Michigan. Virginia finds that, during the same period, it increased the number of its population in the relationship of 13 to 100, while the adjacent state of Ohio increased the number of its population in the proportion of 61 to 100. See the general table contained in the National Calendar;<sup>d</sup> you will be struck by the inequality in the fortune of the different states.*

d. It concerns the *American Almanac for 1832*, p. 162. The *National Calendar* also contains figures on the census, but the percentages given by Tocqueville belong to the *American Almanac*.

74. *You are going to see further along that during the last period the population of Virginia grew in the proportion of 13 to 100. It is necessary to explain how the number of the representatives of a state can decrease when the population of the state, far from decreasing itself, is advancing. I take as point of comparison Virginia, which I have already cited. The number of representatives of Virginia, in 1823, was in proportion to the total number of representatives of the Union; the number of representatives of Virginia in 1833 is equally in proportion to the total number of representatives of the Union in 1833, and in proportion in relation to its population, which increased during these ten years. So the relation of the new number of*

opposite progression: in 1790, it had in Congress ten representatives; in 1813, twenty-seven; in 1823, thirty-four; in 1833, forty. Ohio did not have a single representative in 1803; in 1833 it had nineteen.

It is difficult to conceive of a lasting union between two peoples one of whom is poor and weak, the other rich and strong, even if it would be proved that the strength and wealth of one is not the cause of the weakness and poverty of the other. Union is still more difficult to maintain in a time when one is losing strength and when the other is in the process of gaining it.

This rapid and disproportionate increase of certain states threatens the independence of the others. If New York, with its two million inhabitants and its forty representatives, wanted to pass a law in Congress, it would perhaps succeed. But even if the most powerful states did not seek to oppress the least powerful, the danger would still exist, for it is in the possibility of the deed almost as much as in the deed itself.

The weak rarely have confidence in the justice and reason of the strong. So the states that are growing less quickly than the others cast a look of distrust and envy on those that fortune favors. From that comes this profound malaise and this vague uneasiness that you notice in one part of the Union, and that contrast with the well-being and confidence that reign in the other. I think that the hostile attitude taken by the South has no other causes.

The men of the South are of all Americans those who should most hold on to the Union, for they are the ones who above all would suffer from being abandoned to themselves; but they are the only ones who threaten to break the bond of the confederation. What causes that? It is easy to say: the South, which provided four Presidents to the confederation;<sup>75</sup> which knows today that federal power is escaping from it; which each year sees

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*representatives from Virginia to the old will be proportional, on the one hand, in relation to the new total number of representatives to the old, and, on the other, in relation to the proportions of increase for Virginia and for the entire Union. Thus in order for the number of representatives from Virginia to remain stationary, it is sufficient that the relation of the proportion of increase of the small country to that of the large be the inverse of the relation of the new total number of representatives to the old; if this proportion of increase of the Virginia population is in a weaker relation to the proportion of increase of the entire Union, as the new number of representatives of the Union with the old, the number of representatives of Virginia will be decreased.*

75. Washington, Jefferson, Madison and Monroe.

the number of its representatives to Congress decrease and those of the North and of the West increase; the South, populated by ardent and irascible men, is getting angry and is becoming uneasy. It looks at itself with distress; examining the past, it wonders each day if it is not oppressed. If it comes to find that a law of the Union is not clearly favorable to it, it cries out that it is being abused by force; it complains ardently, and if its voice is not heard, it becomes indignant and threatens to withdraw from a society whose costs it bears, without getting any profits.

“The tariff laws,” said the inhabitants of Carolina in 1832, “enrich the North and ruin the South, for, otherwise, how could you imagine that the North, with its inhospitable climate and arid soil, would constantly increase its wealth and power, while the South, which is the garden of America, is falling rapidly into decline?”<sup>76</sup>

If the changes that I have talked about took place gradually, so that each generation at least had the time to pass by along with the order of things that it had witnessed, the danger would be less; but there is something precipitous, I could almost say revolutionary, in the progress that society makes in America. The same citizen has been able to see his state march at the head of the Union and then become powerless in federal councils. There is one such Anglo-American republic that grew up as quickly as a man, and that was born, grew and reached maturity in thirty years.

It must not be imagined, however, that the states that lose power are becoming depopulated or are declining; their prosperity is not stopping; they are growing even more quickly than any kingdom of Europe.<sup>77</sup> But it

76. See the report made by its committee to the Convention that proclaimed nullification in South Carolina.

77. *The population of a country assuredly forms the first element of its wealth. During this same period of 1820 to 1832, when Virginia lost two representatives to Congress, its population increased in the proportion of 13.7 to 100;<sup>e</sup> that of the Carolinas in the relation of 15 to 100, and that of Georgia in the proportion of 51.5 to 100. (See American Almanac, 1832, p. 162.) Now Russia, which is the European country where the population grows most quickly, only increases in ten years the number of its inhabitants in the proportion of 9.5 to 100; France in that of 7 to 100, and Europe as a whole in that of 4.7 to 100 (see Malte-Brun, vol. VI, p. 95).*

e. Draft of the note in the manuscript: “The population grew by 145,000 inhabitants or 13.7 percent in ten years. See fifth census. It seems to me that by following this progression the population of Virginia would take about 75 years to double.”

seems to them that they are becoming poor because they are not becoming rich as quickly as their neighbor, and they believe they are losing their power because they suddenly come in contact with a power greater than theirs.<sup>78</sup> So it is their sentiments and their passions that are wounded more than their interests. But isn't this enough for the confederation to be at risk? If since the beginning of the world peoples and kings had in view only their true utility, you would hardly know what war was among men.

Thus the greatest danger that threatens the United States arises from their very prosperity; it tends to create among several of the confederated states the intoxication that accompanies the rapid augmentation of wealth, and, among others, the envy, distrust and the regrets that most often follow its loss.

The Americans rejoice when contemplating this extraordinary movement; they should, it seems to me, consider it with regret and with fear. Whatever they do, the Americans of the United States will become one of the greatest peoples of the world; they will cover nearly all of North America with their offspring; the continent that they inhabit is their domain, it cannot escape them. So what presses them to take possession of it today? Wealth, power and glory cannot fail to be theirs, and they rush toward this immense fortune as if only a moment remained for them to grasp it.

I believe I have demonstrated that the existence of the present confederation depends entirely on the agreement of all the confederated states to want to remain united; and from this given I tried to find out what the causes are that could lead the different states to want to separate. But there are two ways for the Union to perish. One of the confederated states can want to withdraw from the contract and thus break the common bond violently; most of the remarks that I have made before apply to this case. The federal government can progressively lose its power by a simultaneous tendency of the united republics to take back the use of their independence. The central power, deprived successively of all of its prerogatives, reduced

*78. It must be admitted, however, that the depreciation that has taken place in the value of tobacco for fifty years has notably diminished the comfort of the farmers of the South; but this fact is independent of the will of the men of the North as it is of theirs.*

by a tacit agreement to powerlessness, would become incapable of fulfilling its object, and the second Union would perish like the first, by a sort of senile weakness.

The gradual weakening of the federal bond, which leads finally to the annulment of the Union, is moreover in itself a distinct fact that can lead to many other less extreme results before producing that final result. The confederation would still exist, though the weakness of its government could already have reduced the nation to powerlessness, and caused internal anarchy and the slowing of the general prosperity of the country.

So after trying to find out what is leading<sup>f</sup> the Anglo-Americans to become disunited, it is important to examine whether, given the Union's continued existence, their government is enlarging the sphere of its action or is narrowing it, whether it is becoming more energetic or weaker.

The Americans are clearly preoccupied by a great fear. They notice that among most peoples of the world the exercise of the rights of sovereignty tend to become concentrated in a few hands, and they are afraid of the idea that it will end up by being so among them. The statesmen themselves experience these terrors, or at least pretend to experience them; for in America centralization is not popular, and you cannot more skillfully court the majority than by rising against the alleged encroachments of the central power. The Americans refuse to see that in countries where this centralizing tendency that frightens them manifests itself, you find only a single people, while the Union is a confederation of different peoples; a fact that is sufficient to disrupt all of the expectations based on the analogy.

I admit that I consider these fears of a great number<sup>g</sup> of Americans as entirely imaginary. Far from fearing like them the consolidation of sovereignty in the hands of the Union, I believe that the federal government is becoming weaker in a visible way.

To prove what I am advancing on this point I will not resort to old

f. In the manuscript: "what could lead . . ."

g. The manuscript says: "of some Americans."

facts, but to those that I was able to witness or that have taken place in our time.<sup>h</sup>

When you examine attentively what is happening in the United States, you discover without difficulty the existence of two contrary tendencies; they are like two currents that travel over the same bed in opposite directions.

During the forty-five years that the Union has existed time has dealt with a host of provincial prejudices that at first militated against it. The patriotic sentiment that attached each of the Americans to his state has become less exclusive. By getting to know each other better the various parts of the Union have drawn closer. The mail, that great link between minds, today penetrates into the heart of the wilderness;<sup>79</sup> steamboats make all points of the coast communicate with each other daily. Commerce descends and goes back up the rivers of the interior with an unparalleled rapidity.<sup>80</sup> To these opportunities created by nature and art are joined instability of desires, restlessness of spirit, and love of riches that, constantly pushing the American out of his house, put him in communication with a great number of his fellow citizens. He travels his country in all directions; he visits all the populations that inhabit it. You do not find a province of France whose inhabitants know each other as perfectly as the 13 million men who cover the surface of the United States.

h. In the margin: “#So the existence of the Union [v: the will to remain united], a matter of chance. Its *dismemberment*, something always possible, something inevitable with time.

“The weakening of the federal government as government apart from *dismemberment*, another question.#” The first intention of Tocqueville had been to acknowledge in the introduction of the second volume his error as to the danger of the dissolution of the United States (see note b for p. 690 of the third volume and James T. Schleifer, *The Making of Tocqueville’s “Democracy in America,”* pp. 102–11.

79. In 1832, the district of Michigan, which has only 31,639 inhabitants and still forms only a wilderness scarcely cleared, showed the development of 940 miles of post roads. The nearly entirely wild territory of Arkansas was already crossed by 1,938 miles of post roads. See The Report of the Postmaster General, 30 November 1833. Carrying newspapers alone throughout the Union brings in 254,796 dollars per year. [These documents are found in National Calendar, 1833, p. 244. See “Report of the Postmaster General,” National Intelligencer, 12 December 1833.]

80. In the course of ten years, from 1821 to 1831, 271 steamboats were launched just on the rivers that water the valley of the Mississippi [National Almanac, 1832, p. 255]. In 1829, there were 256 steamboats in the United States. See Legislative Documents, n. 140, p. 274.

At the same time that the Americans mingle, they assimilate; the differences that climate, origin and institutions have placed between them diminish. They all get closer and closer to a common type. Each year thousands of men who have left the North spread throughout all parts of the Union: they bring with them their beliefs, their opinions, their mores, and as their enlightenment is superior to that of the men among whom they are going to live, they do not take long to take hold of affairs and to modify society to their profit. This continual emigration of the North toward the South singularly favors the fusion of all the provincial characters into one single national character.<sup>j</sup> So the civilization of the North seems destined to become the common measure against which all the rest must model themselves one day.<sup>k</sup>

As the industry of the Americans makes progress, you see the commercial bonds that unite all the confederated states tighten, and the union moves from opinions into habits. The passage of time finally makes a host of fantastic terrors that tormented the imagination of the men of 1789 disappear. The federal power has not become oppressive; it has not destroyed the independence of the states; it does not lead the confederated states to monarchy; with the Union the small states have not fallen into dependence on the large. The confederation has continued to grow constantly in population, in wealth, in power.

So I am persuaded that in our times the Americans have fewer natural difficulties living united than they found in 1789; the Union has fewer enemies than then.<sup>m</sup>

j. Beaumont had written during his journey: "American uniformity./

"One of the principal causes of the uniformity of mores among the Americans, which is always going to increase, comes from the spirit of emigration of the inhabitants of New England, who bring everywhere their enterprising, industrious and mercantile spirit. (Baltimore, 31 October 1831)" (YTC, CIX).

k. At the time of his conversation with Tocqueville and Beaumont, John Latrobe, a lawyer from Baltimore, had insisted a great deal on the differences between the south and the north of the United States and had not hesitated to assert: "I believe that all the American continent must model itself one day on New England" (non-alphabetic notebooks 2 and 3, YTC, BIIa, and *Voyage, OC*, V, 1, p. III).

m. "All superior men for the Union, all secondary men against" (YTC, CVh, 2, p. 50).

And yet, if you want to study carefully the history of the United States over forty-five years, you will easily be persuaded that the federal power is declining.

It is not difficult to point out the causes of this phenomenon.

At the moment when the Constitution of 1789 was promulgated, everything was perishing in anarchy; the Union that followed this disorder excited much fear and hatred; but it had ardent friends because it was the expression of a great need. So although more attacked then than it is today, the federal power rapidly reached its maximum power, as usually happens to a government that triumphs after inflaming its forces in the struggle. In this period the interpretation of the Constitution seemed to expand rather than narrow federal sovereignty, and the Union presented in several respects the spectacle of one and the same people led, within as without, by a single government.<sup>n</sup>

But in order to reach this point the people in a way surpassed itself.

The Constitution had not destroyed the individuality of the states, and all bodies, whatever they may be, have a secret instinct that carries them toward independence. This instinct is still more pronounced in a country like America, where each village forms a kind of republic accustomed to governing itself.

So there was an effort made by the states that submitted to federal preponderance. And every effort, even if crowned with a great success, cannot fail to weaken with the cause that gave it birth.

As the federal government consolidated its power, America resumed its rank among nations, peace reappeared on its borders, public credit recovered; confusion was succeeded by a settled and [well-regulated] order that allowed individual industry to follow its natural path and develop in liberty.

This very prosperity began to make the Americans lose sight of the cause

n. In the margin: “#It was the temporary effect of the will of the sovereigns, and not the permanent effect of the fusion of all sovereignty into a single one. If that had been the case, the power of the Union instead of diminishing would have increased constantly.#”

that had produced it; the danger having passed, they no longer found in themselves the energy and patriotism that had helped to avert it. Delivered from the fears that preoccupied them, they lapsed easily into the course of their habits and abandoned themselves without resistance to the ordinary tendency of their inclinations. From the moment when a strong government no longer seemed necessary, some began again to think that it was a nuisance. Everything prospered with the Union, and no one separated from the Union; but they hardly wanted to feel the action of the power that represented it. In general they desired to remain united, and in each particular fact they tended to become independent again. The principle of confederation was each day more easily accepted and less applied; thus the federal government itself, by creating order and peace, brought about its decline.

As soon as this disposition of minds began to show itself outwardly, party men who live on the passions of the people began to exploit it to their profit.

From that moment the federal government found itself in a very critical situation; its enemies had popular favor, and by promising to weaken it, they gained the right to lead it.<sup>o</sup>

From that period onward every time the government of the Union entered into a contest with that of the states, it has almost never ceased to retreat. When there has been an occasion to interpret the terms of the federal Constitution, the interpretation has most often been against the Union and favorable to the states.

The Constitution gave the federal government the care of providing for the national interests. It had been thought that it was up to the federal government to do or to encourage in the interior the great undertakings (*internal improvements*) that were of a nature to increase the prosperity of the entire Union, such as, for example, canals.

The states became frightened by the idea of seeing an authority other than their own thus dispose of a portion of their territory. They feared that the central power, acquiring a formidable patronage in this way within their

o. In the margin: “#I believe, but it is to be verified, that the entry of the republicans {federalists} to power was the first step, step indirect but real along this path.#”

own area, would come to exercise an influence there that they wanted to reserve entirely to their agents alone.<sup>p</sup>

The democratic party that was always opposed to all developments of the federal power then raised its voice; Congress was accused of usurpation; the head of State, of ambition. The central government intimidated by this uproar ended by recognizing its error itself, and by withdrawing strictly into the sphere that was drawn for it.

The Constitution gives the Union the privilege of dealing with foreign peoples. The Union had in general considered the Indian tribes that border the frontiers of its territory from this point of view. As long as these savages agreed to flee before civilization, the federal right was not contested; but from the day when an Indian tribe undertook to settle on a piece of land, the surrounding states claimed a right of possession over these lands and a right of sovereignty over the men within them. The central government hastened to recognize both, and after dealing with the Indians as with independent peoples, it delivered them as subjects to the legislative tyranny of the states.<sup>81</sup>

Among the states that were formed along the Atlantic shore, several extended indefinitely to the West into the wilderness where Europeans had not yet penetrated. Those whose limits were irrevocably fixed jealously saw the immense future open to their neighbors. The former, in a spirit of conciliation and in order to facilitate the act of Union, agreed to draw limits for themselves and abandoned to the confederation all the territory that could be found beyond those limits.<sup>82</sup>

Since this period the federal government has become the proprietor of

p. In the margin: "≠Examine here the succession of messages of the various Presidents who have followed each other for forty years. But wait to see if I cannot find an agent for this research.≠" See note a for p. 84.

81. *See in the Legislative Documents that I have already cited in the chapter on the Indians the letter of the President of the United States to the Cherokees, his correspondence on this subject with his agents, and his messages to Congress.*

82. *The first act of cession took place on the part of the state of New York in 1780; Virginia, Massachusetts, Connecticut, South Carolina, North Carolina followed this example at different periods. Georgia was the last; its act of cession dates only from 1802.*

all the unsettled land<sup>TN6</sup> found outside of the thirteen states originally confederated. It is the federal government that undertakes to divide and to sell that land, and the money that is brought in is put exclusively into the treasury of the Union. With the aid of this revenue the federal government buys the Indians' lands from them, opens roads in new districts, and facilitates with all its power the rapid development of society there.

Now, it has happened that in these very wilderness areas, formerly ceded by the inhabitants on the shores of the Atlantic, new states have formed over time. Congress has continued to sell, to the profit of the entire nation, the unsettled lands that these states still enclose within them. But today those states claim that once constituted they should have the exclusive right to apply the proceeds of these sales to their own use. Since complaints had become more and more threatening, Congress believed it necessary to take away from the Union a part of the privileges that it had enjoyed until then, and at the end of 1832, it passed a law that, without ceding to the new republics of the West the ownership of their unsettled lands, nonetheless applied the greatest part of the revenue that was drawn from it to their profit alone.<sup>83</sup>

It is sufficient to travel across the United States to appreciate the advantages that the country derives from the bank.<sup>r</sup> These advantages are of several kinds; but there is one above all that strikes the foreigner; the notes of

TRANSLATOR'S NOTE 6: American historians usually refer to the matter Tocqueville is discussing here as the controversy over public lands. Given the context, to translate *terrain inculte* or *terres incultes* as *uncultivated land(s)* would miss the point; I have therefore used the term *unsettled land(s)*, that is, public land not yet settled.

83. *The President refused, it is true, to assent to this law, but he completely accepted its principle. See Message of 8 December 1833.*<sup>q</sup>

q. A note in another place of the chapter points out: "On all that see the language of the President in 1833, *National Calendar*, p. 27."

r. The discussion on the Bank of the United States and the question of the tariff formed in the beginning two distinct sections under the titles: AFFAIR OF THE BANK OF THE UNITED STATES and NULLIFICATION AFFAIR. The first section began in this place with this sentence: "The attacks directed at this moment against the Bank of the United States can be considered as new proofs of the weakening of the federal principle." The details cited by Tocqueville could he been found in the congressional debates published in the *National Intelligencer* at the end of 1833 and in the first months of 1834.

the Bank of the United States are accepted at the same value on the wilderness frontier as in Philadelphia, the seat of its operations.<sup>84</sup>

The Bank of the United States, however, is the object of great hatred. Its directors have declared themselves against the President, and they are accused not improbably of having abused their influence in order to hinder his election. So the President, with all the fervor of a personal enmity, attacks the institution that the former represent. What has encouraged the President to pursue his vengeance in this way is that he feels supported by the secret instincts of the majority.

The Bank forms the great monetary link of the Union as the Congress is its great legislative link, and the same passions that tend to make the states independent of the central power tend toward the destruction of the Bank.

The Bank of the United States always holds in its hands a great number of the notes belonging to the provincial banks; every day it can oblige the latter to redeem their notes in specie. For the Bank, in contrast, such a danger is not to be feared; the greatness of its available resources allows it to meet all expenses. Their existence thus threatened, the provincial banks are forced to exercise restraint and to put into circulation only a number of notes proportionate to their capital. Only with impatience do the provincial banks endure this salutary control. So the newspapers that are their creatures and the President, made by his interest into their organ, attack the Bank with a kind of fury. Against it they stir up local passions and the blind democratic instinct of the country. According to them the directors of the Bank form an aristocratic and permanent body whose influence cannot fail to make itself felt in the government, and must sooner or later alter the principles of equality on which American society rests.

The struggle of the Bank against its enemies is only one incident in the great battle that the provinces wage in America against the central power;

84. *The current Bank of the United States was created in 1816, with a capital of 35,000,000 dollars (185,500,000 fr.); its charter expires in 1836. Last year Congress passed a law to renew it, but the President refused his assent. Today the struggle is engaged by both sides with an extreme violence, and it is easy to predict the coming fall of the Bank.*

the spirit of independence and democracy, against the spirit of hierarchy and subordination. I am not claiming that the enemies of the Bank of the United States are precisely the same individuals who on other points attack the federal government; but I am saying that the attacks against the Bank of the United States are the result of the same instincts that militate against the federal government, and that the large number of the enemies of the first is an unfortunate symptom of the weakening of the second.

But the Union<sup>s</sup> has never shown itself more feeble than in the famous tariff affair.<sup>85</sup>

The wars of the French Revolution and that of 1812, by preventing free communication between America and Europe, had created factories in the north of the Union. When peace had reopened the road to the New World to European products, the Americans believed they had to establish a system of tariffs that could at the very same time protect their emerging industry and pay off the amount of debts that the wars had made them contract.

The states of the South,<sup>t</sup> which have no manufacturing to encourage and which are only agricultural, did not take long to complain about this measure.

I am not claiming to examine here what could be imaginary or real in their complaints, I am telling the facts.

From 1820 onward, South Carolina declared in a petition to Congress that the tariff law was *unconstitutional*, *oppressive* and *unjust*. After that Georgia, Virginia, North Carolina, the state of Alabama and that of Mississippi, made more or less energetic complaints along the same lines.

s. Here the section on the Bank of the United States ended and the one on nullification began, which finished with the words: "no use would be made of it" [p. 624].

85. For details of this affair, see principally Legislative Documents, 22nd Congress, 2nd session, n. 30.

t. Some weeks before leaving America the author admitted to his brother, Édouard: "I have only a superficial idea of the *South* of the Union, but in order to know it as well as the North, it would be necessary to have stayed there six months" (letter of 20 January 1832, YTC, B1a2). Various complications, including a very severe winter, a shipwreck, and the illness of Tocqueville, considerably reduced the time that the two friends had decided to spend in the South. Their stay in New Orleans lasted scarcely two days.

Far from taking these murmurings into account, Congress, in the years 1824 and 1828, again raised the tariff duties and again sanctioned the principle.

Then was produced or rather was recalled in the South a celebrated doctrine that took the name of *nullification*.<sup>u</sup>

I have shown in its place that the purpose of the federal Constitution was not to establish a league, but to create a national government. The Americans of the United States, in all cases foreseen by their Constitution, form only one and the same people. On all those points the national will expresses itself, as among all constitutional peoples, with the aid of a majority. Once the majority has spoken, the duty of the minority is to submit.

Such is the legal doctrine, the only one that is in agreement with the text of the Constitution and the known intention of those who established it.

The *nullifiers* of the South claim on the contrary that the Americans, by uniting, did not intend to blend into one and the same people, but that they only wanted to form a league of independent peoples; it follows that each state, having preserved its complete sovereignty if not in action at least in principle, has the right to interpret the laws of Congress, and to suspend within its borders the execution of those that to it seem opposed to the Constitution or to justice.

The entire doctrine of nullification is found in summary in a sentence pronounced in 1833 before the Senate of the United States by Mr. Calhoun, avowed head of the nullifiers of the South:

“The Constitution is a compact, to which the states are parties in their sovereign capacity; and that, as in all other cases of compact between parties having no common umpire, each has a right to judge for itself [the extent of its reserved powers].”<sup>v</sup>

u. “Nullifiers. See art. of the Revue” (YTC, CVh, 2, p. 43). Was it the *Revue des deux mondes*?

v. These ideas appear in the speech of 26 February 1833 (reply to Webster), reproduced in the *National Intelligencer* of 26 March 1833. Tocqueville had as well obtained first-hand information on this subject during his visit to Philadelphia in October 1831.

Tocqueville writes to his father on 7 October 1831:

We are in a great hurry to arrive in this last city. A remarkable event is happening there at this moment; all the partisans of free trade have sent deputies who form what

It is clear that such a doctrine destroys the federal bond in principle and in fact brings back the anarchy from which the Constitution of 1789 had delivered the Americans.

When South Carolina saw that Congress showed itself deaf to its complaints, it threatened to apply to the federal tariff law the doctrine of the nullifiers. Congress persisted in its system; finally the storm broke.

In the course of 1832, the people of South Carolina<sup>86</sup> called a national [state] convention to decide on the extraordinary means that remained to be taken; and on November 24 of the same year this convention published, under the name of an ordinance, a law that nullified the federal tariff law, and forbade levying the duties that were set forth there, and forbade accepting appeals that could be made to the federal courts.<sup>87</sup> This ordinance was supposed to be put in force only in the following month of February,

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the Americans call a *convention*; it is a great assembly that, outside of the powers of the State, discusses one of the questions most likely to agitate political passions in this country, raises all the constitutional questions, and under the pretext of drafting a petition to Congress, really plays the role of Congress. We are very curious to see how things go within this convention. We will see there one of the most extreme consequences of the dogma of the sovereignty of the people (YTC, B1a2).

In a note of 14 October of the same year, Tocqueville summarizes in this way his ideas on the convention: "Of all that I have seen in America, it is the convention that most struck me as the dangerous and impractical consequence among us of the sovereignty of the people" (alphabetic notebook B, YTC, B11a, and *Voyage, OC*, V, 1, p. 238). Memories of the revolution were too intense for Tocqueville to be able to accept the arguments of Sparks and Gilpin who, in 1833, wrote to him to assure him that the resolution of the tariff problem had contributed more to strengthening than to weakening the Union (Jared Sparks to Tocqueville, 30 August 1833; H. D. Gilpin to Tocqueville, 24 September 1833, in YTC, C1d). Tocqueville got the opposite argument from the very mouth of a former President of the United States, John Quincy Adams (non-alphabetic notebooks 2 and 3, YTC, B11a, and *Voyage, OC*, V, 1, p. 97). James T. Schleifer (*The Making of Tocqueville's "Democracy in America,"* pp. 110–111) notes the little attention given by critics to the interpretations of Sparks and Gilpin.

86. *That is to say a majority of the people; for the opposing party, called Union Party, always numbered a very strong and very active minority in its favor. Carolina can have about 47,000 voters; 30,000 were favorable to nullification, and 17,000 opposed.*

87. *This ordinance was preceded by a report of a committee charged with preparing the draft; this report contains the exposition and the purpose of the law. You read there, p. 34:*

and it was pointed out that if Congress modified the tariff before this time, South Carolina would agree not to follow up on its threats with other measures. Later, but in a vague and unspecified way, the desire to submit the question to an extraordinary assembly of all the confederated states was expressed.

While waiting, South Carolina armed its militia and prepared for war.

What did Congress do? Congress, which had not listened to its entreating subjects, lent its ear to their complaints as soon as it saw them with weapons in hand.<sup>88</sup> It passed a law<sup>89</sup> according to which the duties set in the tariff were to be progressively reduced over ten years, until they had reached the point of not exceeding the needs of the government. Thus Congress completely abandoned the tariff principle. For a duty that protected industry, Congress substituted a purely fiscal measure.<sup>90</sup> In order to hide its defeat, the government of the Union took recourse in an expedient that is much used by weak governments: while yielding on the facts, it showed itself inflexible on the principles. At the same time that Congress changed the tariff legislation, it passed another law by virtue of which the

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*When the rights reserved to the several States are deliberately invaded, it is their right and their duty to "interpose for the purpose of arresting the progress of the evil of usurpation, and to maintain, within their respective limits, the authorities and privileges belonging to them as independent sovereignties" [Virginia Resolutions of 1798. (ed.)]. If the several States do not possess this right, it is in vain that they claim to be sovereign. [. . . (ed.) . . .] South Carolina claims to be a sovereign State. She recognizes no tribunal upon earth as above her authority. It is true, she has entered into a solemn compact of Union with other sovereign States, but she claims, and will exercise the right to determine the extent of her obligations under that compact, nor will she consent that any other power shall exercise the right of judgment for her. And when that compact is violated by her co-States, or by the Government which they have created, she asserts her unquestionable right "to judge of the infractions as well as of the mode and measure of redress" [Kentucky Resolutions of 1798 (ed.)].*

88. *What really decided Congress on this measure was a demonstration by the powerful state of Virginia, whose legislature offered to serve as arbiter between the Union and South Carolina. Until then, the latter had seemed entirely abandoned, even by the states that had protested with it.*

89. *Law of 2 March 1833.*

90. *This law was suggested by Mr. Clay and passed in four days in both houses of Congress by an immense majority.*

President was vested with an extraordinary power to overcome by force the resistance that then was no longer to be feared.

South Carolina did not even agree to leave to the Union these weak appearances of victory; the same national [state] convention that had nullified the tariff law, having assembled again, accepted the concession that had been offered to it; but at the same time it declared that it would only persist more forcefully in the doctrine of the nullifiers, and to prove it, it annulled the law that conferred extraordinary powers on the President, even though it was very certain that no use would be made of it.

Nearly all the actions that I have just spoken about took place during the Presidency of General Jackson. You cannot deny that in the tariff affair the latter upheld the rights of the Union with skill and vigor. I believe, however, that, among the number of dangers that the federal power runs today, you must include the very conduct of the one who represents it.

Some persons in Europe have formed an opinion concerning the influence that General Jackson can exercise in the affairs of his country that seems very extravagant to those who have seen things up close.

You have heard it said that General Jackson had won battles, that he was an energetic man, led by character and habit to the use of force, avid for power and a despot by taste. All that is perhaps true, but the consequences that have been drawn from these truths are great mistakes.

It has been imagined that General Jackson wanted to establish a dictatorship in the United States, that he was going to make the military spirit reign there, and extend the central power to the point of endangering provincial liberties. In America the time for such undertakings and the century of such men has not yet arrived. If General Jackson had wanted to dominate in this way, he would assuredly have lost his political position and compromised his life; so he has not been so imprudent as to attempt it.

Far from wanting to extend federal power, the current President represents, on the contrary, the party that wants to restrict this power to the clearest and most precise terms of the Constitution, and that does not accept any interpretation that can ever be favorable to the government of the Union; far from presenting himself as the champion of centralization, General Jackson is the agent of provincial jealousies; it is the *decentralizing*

passions (if I can express myself in this way) that brought him to sovereign power. He remains and prospers there by flattering these passions each day. General Jackson is the slave of the majority; he follows it in its will, in its desires, in its half-discovered instincts, or rather he divines it and runs to put himself at its head.

Each time that the government of the states struggles with that of the Union it is rare that the President is not the first to doubt his right; he is almost always ahead of the legislative power; when there is room for interpretation on the extent of federal power, he lines up in a way against himself; he belittles himself, he hides, he stands aside.<sup>[\*]</sup> It is not that he is naturally weak or an enemy of the union; when the majority declared itself against the pretensions of the nullifiers of the South, you saw him put himself at its head, formulate with clarity and energy the doctrine that the majority professed and be the first to call for the use of force. General Jackson, to use a comparison borrowed from the vocabulary of American parties, seems to me *federal* by taste and *republican* by calculation.<sup>w</sup>

After thus demeaning himself before the majority in order to win its favor, General Jackson rises again; he then marches toward the objects that the majority itself pursues, or toward those that it does not see with jealousy, overturning every obstacle before him. Strong due to a support that his predecessors did not have, he tramples underfoot his personal enemies wherever he finds them, with an ease that no President has found; on his own responsibility he takes measures that none before him would ever have dared to take; it even happens that he treats the national representation with a sort of almost insulting disdain; he refuses to approve the laws passed by Congress, and often neglects to respond to this great body. He is like a favorite who sometimes treats his master rudely. So the power of General Jackson is constantly increasing; but that of the President is decreasing. In

[\*]. See message of 1832, *in fine* [at the end]. *National Calendar*, p. 31.

w. The remarks on Jackson and the American Presidency earned Tocqueville severe criticisms from Thomas H. Benton (*Thirty Years' View; or, a History of the Working of the American Government for Thirty Years, from 1820 to 1850*, New York: Appleton and Company, 1854, I, pp. 111–14). For an introduction to the ideas of Tocqueville on the Presidency, see Hugh Brogan, "Tocqueville and the American Presidency," *Journal of American Studies* 15, no. 3 (1981): 357–75. See as well note f for p. 372.

his hands the federal government is strong; it will pass enervated to his successor.

Either I am strangely mistaken, or the federal government tends each day to become weaker; it is withdrawing successively from affairs, it is narrowing more and more the circle of its action. Naturally weak, it is abandoning even the appearance of strength. From another perspective I thought I saw in the United States that the sentiment of independence was becoming more and more intense in the states, the love of provincial government more and more pronounced.

The Union is desired; but reduced to a shadow. They want it strong in certain cases and weak in all the others; they pretend that in time of war it can gather in its hand the national forces and all the resources of the country, and that in time of peace it does not so to speak exist; as if this alternation between debility and vigor was natural.

I see nothing that can for now stop this general movement of minds; the causes that have given it birth do not cease to operate in the same direction. So it will continue, and it can be predicted that, unless some extraordinary circumstance arises, the government of the Union will grow weaker each day.

I believe however that we are still far from the time when the federal power, incapable of protecting its own existence and bringing peace to the country, will fade away in a sense by itself. The Union is in the mores, it is desired; its results are clear, its benefits visible. When it is noticed that the weakness of the federal government compromises the existence of the Union, I do not doubt that we will see the birth of a movement of reaction in favor of strength.

The government of the United States is, of all the federal governments that have been established until now, the one that is most naturally destined to act; as long as you do not attack it in an indirect manner by the interpretation of its laws, as long as you do not profoundly alter its substance, a change of opinion, an internal crisis, a war, could suddenly restore the vigor that it needs.

What I wanted to note is only this: many men among us think that in the United States there is a movement of minds that favors centralization of power in the hands of the President and Congress. I claim that an op-

posite movement is clearly observed. As the federal government grows older, far from gaining strength and threatening the sovereignty of the states, I say that it tends to become weaker each day, and that the sovereignty of the Union alone is in danger. That is what the present reveals. What will be the final result of this tendency, what events can stop, slow or hasten the movement that I have described? The future hides them, and I do not claim to be able to lift its veil.

### Of Republican Institutions in the United States, What Are Their Chances of Lasting?

*The Union is only an accident.—Republican institutions have more of a future.—The republic is, for now, the natural state of the Anglo-Americans.—Why.—In order to destroy it, it would be necessary to change all the laws at the same time and modify all the mores.—Difficulties that the Americans have in creating an aristocracy.*

The dismemberment of the Union, by introducing war within the states confederated today and with it permanent armies, dictatorship and taxes, could in the long run compromise the fate of republican institutions there.

But you must not confuse the future of the republic with that of the Union.<sup>x</sup>

The Union is an accident that will only last as long as circumstances favor it, but the republic seems to me the natural state of the Americans, and only the continuous action of contrary causes acting always in the same way could replace it with monarchy.<sup>y</sup>

x. *“Division of the American empire.”*

“When I spoke to Mr. Schermerhorn about the possible division that could take place among the united provinces, he seemed to me not to believe that the thing was to be feared in the least in the near future, but thinks that it could happen someday *by and by*.

“April 1831” (YTC, BIIb, unpublished travel note).

y. In the margin: “≠The republic in the United States does not arise only from the laws, but from the nature of the country, from habits, from mores.≠”

The Union exists principally in the law that created it. A single revolution, a change in public opinion can shatter it forever. The republic has deeper roots.<sup>z</sup>

z. Of the different ways that you can imagine the republic./

What is understood by republic in the United States is an ordered State actually based on the enlightened will of the people. It is a government where [v: liberty of discussion and thought reigns from which] resolutions mature over a long time, are debated slowly and are executed with maturity. What is called the republic in the United States is the tranquil rule of the majority. The majority, after it has had the time to recognize itself and to take note of its existence, is the source of all powers. But the majority itself is not omnipotent; above it in the moral world are found humanity and reason, in the material world, vested rights. The majority in its omnipotence recognizes these two barriers, and if it has sometimes happened to overturn them, it felt itself carried away by its passions beyond its rights, just as man constantly happens to do evil, while entirely recognizing the existence and the sanctity of virtue. That is what is understood by republic in the United States.

[In the margin: I cannot believe that the Roman republic could have begun at the time of Catilina./

It is this government that must leave to each man the largest part of his independence and liberty and that is the farthest removed from despotism.]

[To the side: In all the countries where this republic would be practical, I would be a republican.]

But we have made strange discoveries in Europe and we are much more advanced than that.

The republic according to certain men in Europe is not the rule of the majority as has been believed until now; it is the rule of those who speak in the name of the majority. It is not the people who act in these kinds of governments, it is those who want the greatest good for the people. Republican government is, moreover, the only one in which the right to do everything must be recognized and that must not keep strictly to any divine or human law in order to reach the end that it proposes, which is nothing other than the greatest happiness of humanity. This end in itself alone justifies all the rest.

[In the margin: Happy distinction that allows acting in the name of nations without consulting them.]

Republican liberty does not try to persuade but to break; it proceeds only by sudden movements and always has the ax or the hammer in hand in order to make its way in the world.

[In the margin: Republican liberty is the power to dare anything (illegible word, crossed out), it is scorn for all the rules, [v: holy laws] from those of morality to those of common sense.

You believed that the cause of aristocracy was lost. But here are (illegible word). I tell you that those men are the only partisans of aristocracy, at least not still the aristocracy of the rich and the nobles in truth. They are the aristocracy of cut-th[roats (ed.)]

[≠Dispersed over an immense and half empty<sup>a</sup> territory, the Americans have found themselves from the beginning divided into a great number of small distinct societies that were not naturally attached to a common center.

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When I see one of these alleged republicans, it seems to me that I always hear him say [v: see the executioner in his official outfit standing on the scaffold crying out]: Peoples of the earth (for it is always the entire earth that he addresses from their [*sic*] rooftop) come to us, for except for your fathers there has never been anything more foolish than you, and if you do not put your destiny in our hands, you will never be able to prosper, unless we get involved in your destiny.

You imagined, fellow citizens, that the republic was by its nature a mild and prosperous government, and you thought that the trial that had formerly been made of it among us must not be imputed to the system itself, but to those who put it into practice and to the extraordinary circumstances in which the (illegible word) was found; know that the republic that we are proposing is very exactly the one that you have seen in the past, and that it can be established as such only with the aid of a profound and radical revolution in property and in ranks. Some have told you that the men made so famous by the misfortunes of a generation were madmen, miserable men intoxicated with power and blood by an unexpected success, and that you must not charge liberty with the evils that they did in its name. Beware of listening to such language, fellow citizens; the men that you hear about did only what they had to do. What are called their crimes are actions as beautiful as they are immortal. They sacrificed themselves for you, ungrateful men, even while slitting your throats. You would perhaps be tempted to believe that we, their successors, adopt their love for the good while deploring their errors; do not be mistaken, fellow citizens; we think that in our time as in theirs dictatorship alone can save the country and that liberty can be established only after punishing writers [v: all our adversaries] by death, and that respect for rights can arise only after trampling all rights under foot. [v: We admire on all points these great men and we burn to walk in their steps; while waiting, we kiss the sacred dust where they left their footprint. And even their costumes, holy relic, we would like to make reappear in order to begin from now on to resemble them in a few ways.]

So come to us dear fellow citizens, come so we can share your fortunes among ourselves [v: so we can trample your beliefs underfoot] and so we can cut your throat following the principles that we received from our fathers and that we will leave to our children. How to resist such language? Aren't these agreeable speeches and pleasant missionaries?

[To the side: As long as those who sincerely want the establishment of the republic do not push far away from their ranks such miserable men, the kings of Europe can still rest easy on their thrones] (YTC, CVh, 2, pp. 68–74).

This fragment, of complicated transcription, contains various other variants and versions.

a. While preparing the plan for this chapter, Tocqueville had noted: “The republic is in a way the natural state of *small, enlightened* States” (YTC, CVh, 2, p. 43).

So it was necessary that each one of these small societies took care of its own affairs, since nowhere did you see a central authority that could naturally provide for them. Town and provincial liberty were introduced to America by the English, but they arose there all by themselves by the very nature of things. Now, town and provincial liberty are the basis of [v: the only lasting foundation that you can give to] republican institutions and as long as they exist in the United States, the United States will remain republican.≠]

What is understood by republic in the United States is the slow and tranquil action of society on itself. It is an ordered state actually based on the enlightened will of the people. It is a conciliatory government, where resolutions mature over a long time, are debated slowly and are executed with maturity.

Republicans in the United States value mores, respect beliefs, recognize rights. They profess this opinion, that a people must be moral, religious and moderate, in proportion as it is free. What is called a republic in the United States is the tranquil rule of the majority. The majority, after it has had the time to recognize itself and to take note of its existence, is the common source of powers. But the majority itself is not omnipotent. Above it in the moral world are found humanity, justice and reason; in the political world, vested rights. The majority recognizes these two barriers, and if it happens to cross them, it is because the majority has passions, like every man; and like him, it can do evil while perceiving good. [{For me, I will have no difficulty in saying, in all countries where the republic is practical, I will be republican.}]

But we have made strange discoveries in Europe.

According to some among us, the republic is not the rule of the majority, as we have believed until now; it is the rule of those who answer for the majority. It is not the people who lead these sorts of governments, but those who know the greatest good of the people: happy distinction, that allows acting in the name of nations without consulting them, and claiming their gratitude while trampling them underfoot.<sup>b</sup> Republican government is,

b. “≠Royalty has had its valets and its spies, why would the republic not have its cut-throats?”

moreover, the only one in which the right to do everything must be recognized, and that can despise what men until now have respected, from the highest laws of morality to the ordinary rules of common sense.

Until our time it had been thought that despotism was odious, whatever its forms. But it has been discovered in our day that there are legitimate tyrannies and holy injustices in the world, provided that they are exercised in the name of the people.

[≠That is not a vague theory; they are maxims that are professed while basing them on facts. These doctrines have found ardent missionaries. I believe that I hear them saying to us:

You imagined, they say to us, that the republic was by its nature a free and tolerant government, and you thought perhaps that the trial that had formerly been made of it among us must not be imputed to the system itself, but to those who put it into practice and to the extraordinary circumstances in which this country found itself.≠]<sup>c</sup>

The ideas that the Americans have formed about the republic singularly facilitate its use for them and ensure that it will last.<sup>d</sup> Among them, if the practice of republican government is often bad, at least the theory is good, and the people always finish by conforming their acts to it.

It was impossible in the beginning and it would still be very difficult in America to establish a centralized administration. Men are spread over too large a space and are separated by too many natural obstacles for one man to be able to undertake to direct the details of their existence. So America is par excellence the country of provincial and town government.

<sup>a</sup> “An aristocracy of wolves, worse.

<sup>b</sup> “Great capitals annul the representative system≠” (YTC, CVj, 2, p. 22).

<sup>c</sup> In the margin: “≠Some limit themselves to praising the disinterestedness of Robespierre and the greatness of soul of Danton. Others go still further.≠”

<sup>d</sup> Tocqueville wrote to Ernest de Chabrol, 9 June 1831:

Here we are very far from the ancient republics, it must be admitted, and yet this people is republican and I do not doubt that it will be for a long time still. And the republic is for it the best of governments.

I explain this phenomenon to myself only by thinking that America finds itself for now in a physical situation so happy that particular interest is never contrary to general interest, which is certainly not the case in Europe (YTC, BIa2).

To this cause, whose action made itself equally felt on all the Europeans of the New World, the Anglo-Americans added several others that are particular to them.

When the colonies of North America were established, municipal liberty had already penetrated English laws as well as mores, and the English emigrants adopted it not only as something necessary, but also as a good whose value they knew.

[We have seen furthermore that in this matter the influence exercised by the country has been greater or lesser depending on the circumstances that accompanied colonization and the previously contracted habits of the colonists.

The French carried to America the tradition of absolute monarchy; the English came there with the customs of a free people.

≠When the French arrived in Canada they first founded a city that they called Québec. From this city the population spread little by little by degrees, like a tree that spreads its roots in a circle. Québec has remained the central point, and the French of Canada are still today only one and the same people, submitted in most cases to one and the same government.≠

{It was not this way in the United States, above all in the part of the country that was called New England.} We have seen, furthermore, how the colonies were founded. Each province and each district so to speak was populated separately by men strangers to one another, or associated for different ends.

So the English of the United States found themselves from the beginning divided into a great number of small distinct societies that were attached to no common center, and it was necessary for each one of these small societies to take care of its own affairs, since nowhere did you see a central authority that naturally had to and easily could provide for them.

Thus the nature of the country, the very manner in which the English colonies were founded, the habits of the first emigrants, all united to develop town and provincial liberties there to an extraordinary degree.

In the United States the institutions of the country are therefore as a whole essentially republican; to destroy in a lasting way the laws that established the republic, it would be necessary in a way to abolish all the laws all at once.

If today a party undertook to establish a monarchy in the United States, it would be in a still more difficult position than whoever would want at the present moment to proclaim the republic in France. Royalty would not find legislation prepared for it in advance, and then in actual fact you would see a monarchy surrounded by republican institutions.<sup>e</sup>

The monarchical principle would penetrate with as much difficulty into the mores of the Americans.

In the United States, the dogma of the sovereignty of the people is not an isolated doctrine that is attached neither to the habits nor to the ensemble of dominant ideas; you can on the contrary envisage it as the last link in a chain of opinions that envelops the entire Anglo-American world. Providence has given to each individual, what ever he is, the degree of reason necessary for him to be able to direct himself in the things that interest him exclusively. Such is the great maxim on which in the United States civil and political society rests: the father of the family applies it to his children, the master to his servants, the town to those it administers, the province to the town, the state to the provinces, the Union to the states. Extended to the whole of the nation, it becomes the dogma of the sovereignty of the people.

[≠So the republican principle of the sovereignty of the people is not only a political principle, but also a civil principle.≠]

Thus in the United States the generative principle of the republic is the same one that regulates most human actions. So the republic, if I can express myself in this way, penetrates the ideas, the opinions and all the habits of the Americans at the same time that it is established in their laws; and in order to succeed in changing the laws, they would have to be changed wholesale as it were. In the United States the religion of the greatest number itself is republican; it subjects the truths of the other world to individual reason, as politics relinquishes to the good sense of all the responsibility for the interests of this one; and it agrees that each man should freely take the

e. "25 October 1831.—The people are always right, that is the dogma of the republic the same as the king can do no wrong is the religion of monarchical States. It is a great question to know if one is more false than the other; but what is very certain is that neither the one nor the other is true" (pocket notebook 3, YTC, BIIa, and *Voyage, OC*, V, 1, p. 184).

path that will lead him to heaven, in the same way that the law recognizes the right of each citizen to choose his government.

Clearly only a long series of facts, all having the same tendency, can substitute for this ensemble of laws, opinions and mores an ensemble of the opposite mores, opinions and laws.

If the republican principles must perish in America, they will succumb only after a long social effort, frequently interrupted, often resumed; several times they will seem to arise again, and will disappear never to return only when an entirely new people will have taken the place of those who exist today. Now, nothing can portend such a revolution, no sign announces it.

What strikes you the most on your arrival in the United States is the type of tumultuous movement in which political society is immersed. The laws change constantly, and at first view it seems impossible that a people so little sure of its will does not soon substitute for the present form of its government an entirely new form. These fears are premature. There are as regards political institutions two types of instability that must not be confused. The one is attached to secondary laws; that one can reign for a long time within a well-settled society. The other constantly shakes the very foundations of the constitution, and attacks the generative principles of the laws; this one is always followed by troubles and revolutions; the nation that suffers it is in a violent and transitory state. Experience demonstrates that these two types of legislative instability do not have a necessary link between them, for we have seen them exist conjoined or separately depending on times and places. The first is found in the United States, but not the second. The Americans frequently change the laws, but the foundation of the Constitution is respected.

Today the republican principle reigns in America as the monarchical principle dominated in France under Louis XIV. The French of that time were not only friends of monarchy, but also they did not imagine that you could put anything in its place; they acknowledged it as you acknowledge the course of the sun and the vicissitudes of the seasons. Among them royal power had no more advocates than adversaries.

This is how the republic exists in America, without struggle, without opposition, without proof, by a tacit agreement, a sort of *consensus universalis*.

Nonetheless, I think that by changing their administrative procedures as often as they do, the inhabitants of the United States compromise the future of republican government.

Hampered constantly in their projects by the continual changeability of legislation, it is to be feared that men will end up considering the republic as an inconvenient way to live in society; the evil resulting from the instability of secondary laws would then put into question the existence of the fundamental laws, and would lead indirectly to a revolution. But this time is still very far from us.

What you can foresee from now on is that by leaving the republic the Americans would pass rapidly to despotism, without stopping for a very long time at monarchy. Montesquieu said that there was nothing more absolute than the authority of a prince who followed a republic since the undefined powers that had been given without fear to an elective magistrate are then put into the hands of a hereditary leader.<sup>f</sup> This is generally true but particularly applicable to a democratic republic. In the United States the magistrates are not elected by a particular class of citizens, but by the majority of the nation; they represent immediately the passions of the multitude, and depend entirely on its will; so they inspire neither hate nor fear. Also I have noted the little care that has been taken to limit their powers by tracing limits to its action, and what an immense share has been left to their arbitrariness. This order of things has created habits that would survive it. The American magistrate would keep his undefined power while ceasing to be responsible, and it is impossible to say where tyranny would then stop.

[≠If Napoleon had followed Louis XIV, {he would have found royal power strong but surrounded by impediments that would have imposed limits on his spirit of domination} he would have shown himself more stable but not as absolute as he was. Napoleon following a representative of the people could do anything.≠]

There are men among us who are waiting to see aristocracy arise in Amer-

f. Montesquieu, *Considérations sur les causes et la grandeur des Romains et de leur décadence*, chapter XV, in *Ceuvres complètes* (Paris: Pléiade, 1951), I, p. 150.

ica and who already foresee with exactitude the period when it must grasp power.

I have already said, and I repeat, that the current movement of American society seems to me more and more democratic.

I do not claim, however, that one day the Americans will not end by restricting among themselves the circle of political rights, or by confiscating these very rights for the profit of one man; but I cannot believe that they will ever grant the exclusive use of those rights to a particular class of citizens or, in other words, that they will establish an aristocracy.

An aristocratic body is composed of a certain number of citizens who, without being placed very far from the crowd, raise themselves nonetheless in a permanent manner above it; you touch and cannot strike them; you mix with them each day, and cannot merge with them.

It is impossible to imagine anything more contrary to the nature and to the secret instincts of the human heart than a subjugation of this type; left to themselves men will always prefer the arbitrary power of a king to the regular administration of nobles.

In order to last an aristocracy needs to establish inequality in principle, to legalize it in advance, and to introduce it into the family at the same time that it spreads it throughout the society; all things that repulse natural equity so strongly that only by coercion can you obtain them from men.

Since human societies have existed I do not believe that you can cite the example of a single people that, left to itself and by its own efforts, has created an aristocracy within itself; all the aristocracies of the Middle Ages are daughters of conquest. The conqueror was the noble, the conquered the serf. Force then imposed inequality, which once entered into the mores lasted by itself and passed naturally into the laws.

You have seen societies that, because of events prior to their existence, are so to speak born aristocratic, and that are then led by each century back toward democracy. Such was the fate of the Romans, and that of the barbarians who came after them. But a people who, starting from civilization and democracy, would come closer by degrees to inequality of conditions, and would finish by establishing within itself inviolable privileges and exclusive categories, there is something that would be new in the world.

Nothing indicates that America is destined to be the first to give such a spectacle.

[≠I do not know if the Americans, like all peoples who have run the course before them, will end by submitting to one master, but I cannot believe that they will ever have a true aristocracy./

A party that undertook to establish monarchy in America today would find itself in as difficult a position as the one that wanted to proclaim the republic in France. In France you would implant the republican principle in the middle of secondary institutions that are still eminently monarchical. In America you would establish a king who would find in his hands only republican institutions.≠]

### Some Considerations on the Causes of the Commercial Greatness of the United States

*The Americans are called by nature to be a great maritime people.—Extent of their shores.—Depth of the ports.—Greatness of the rivers.—It is however much less to physical causes than to intellectual and moral causes that you must attribute the commercial superiority of the Anglo-Americans.—Reason for this opinion.—Future of the Anglo-Americans as commercial people.—The ruin of the Union would not stop the maritime development of the peoples who compose it.—Why.—The Anglo-Americans are naturally called to serve the needs of the inhabitants of South America.—They will become, like the English, the carriers of a large part of the world.*

From the Bay of Fundy to the Sabine River in the Gulf of Mexico, the coast of the United States extends the length of about nine hundred leagues.

These coasts form a single unbroken line; they are all placed under the same rule.

No people in the world can offer to commerce deeper, more vast and more secure ports than the Americans.

The inhabitants of the United States form a great civilized nation that

fortune has placed in the middle of the wilderness, twelve hundred leagues from the principal center of civilization. So America has daily need of Europe. With time the Americans will undoubtedly manage to produce or to manufacture at home most of the objects that they need, but the two continents will never be able to live entirely independent of each other; too many natural bonds exist between their needs, their ideas, their habits and their mores.

[≠Europe has no less need of the United States than the latter of Europe. ≠]

The Union has products that have become necessary to us, and that our soil totally refuses to provide, or can do so only at great cost. The Americans consume only a very small part of these products; they sell us the rest.

So Europe is the market of America, as America is the market of Europe; and maritime commerce is as necessary to the inhabitants of the United States in order to bring their raw materials to our ports as to transport our manufactured goods to them.

So the United States would have to provide great resources to the industry of maritime peoples, if they gave up commerce themselves, as the Spanish of Mexico have done until now; or they would have to become one of the premier maritime powers of the globe. This alternative was inevitable.

The Anglo-Americans have at all times shown a decided taste for the sea. Independence, by breaking the commercial ties that united them to England, gave their maritime genius a new and powerful development. Since this period the number of ships of the Union has increased in a progression almost as rapid as the number of inhabitants. Today it is the Americans themselves who carry to their shores nine-tenths of the products of Europe.<sup>91</sup> It is also

91. *The total value of imports for the year ending 30 September 1832 was 101,029,266 dollars. Imports brought on foreign ships represented only a sum total of 10,731,037 dollars, about one tenth.*<sup>g</sup>

g. Tocqueville obtained this information from the *American Almanac* for 1834, pp. 141–42.

the Americans who carry to European consumers three-quarters of the exports of the New World.<sup>92</sup>

The ships of the United States fill the port of Le Havre and that of Liverpool. You see only a small number of English or French vessels in the port of New York.<sup>93</sup>

Thus not only does the American merchant stand up to the competition on his own soil, but he also fights foreigners with advantage on theirs.

This is easily explained. Of all the vessels of the world it is the ships of the United States that cross the seas most cheaply. As long as the merchant marine of the United States keeps this advantage over the others, not only will it keep what it has conquered, but each day it will increase its conquests.

To know why the Americans sail at lower cost than other men is a difficult problem to solve. You are tempted at first to attribute this superiority to some material advantages that nature would have put within their reach alone; but it is not that.

American ships cost almost as much to build as ours;<sup>94</sup> they are not better constructed, and in general do not last as long.

The salary of the American sailor is higher than that of the sailor of

92. *The total value of exports during the same year was 87,176,943 dollars; the value exported on foreign vessels was 21,036,183 dollars, or about one quarter (William's Register, 1833, p. 398).*

93. *During the years 1829, 1830, 1831, ships with a total tonnage of 3,307,719 entered the ports of the Union. Foreign ships provided a tonnage of only 544,591 of the total. So they were in the proportion of about 16 to 100 (National Calendar, 1833, p. 304 [305 (ed.)]).*

*During the years 1820, 1826 and 1831, English vessels that entered the ports of London, Liverpool and Hull had a tonnage of 443,800. Foreign vessels that entered the same ports during the same years had a tonnage of 159,431. So the relationship between them was about as 36 to 100 (Companion to the Almanac, 1834, p. 169).*

*In the year 1832, the relationship of foreign ships and English ships that entered the ports of Great Britain was as 20 to 100.*

94. *Raw materials in general cost less in America than in Europe, but the price of labor is very much higher there.*

Europe; what proves it is the large number of Europeans that you find in the merchant marine of the United States.<sup>h</sup>

So how do the Americans sail more cheaply than we?

I think that you would look in vain for the causes of this superiority in material advantages; it is due to purely intellectual and moral qualities.

Here is a comparison that will make my thought clear.

During the wars of the Revolution the French introduced into military art a new tactic that troubled the oldest generals and all but destroyed the oldest monarchies of Europe. They undertook for the first time to do without a host of things that until then had been judged indispensable to war; they required from their soldiers new efforts that civilized nations had never demanded from theirs; you saw them do everything on the run, and without hesitating risk the life of men in view of the result to be gained.

The French were less numerous and less rich than their enemies; they possessed infinitely fewer resources; they were constantly victorious, however, until the latter decided to imitate them.

The Americans introduced something analogous to commerce. What the French did for victory, they do for economy.<sup>j</sup>

The European navigator ventures only with prudence onto the sea; he leaves only when the weather is inviting; if an unforeseen accident happens to him, he returns to port; at night he furls part of his sails, and when he

h. *Commerce.*

Mr. *Schermerhorn* claimed that the construction of vessels, the pay of sailors and the different expenses of navigation cost more for the Americans than for the French; he attributed the superiority of the first only to their extreme activity, constantly stimulated by the passion to make a fortune, and the almost total absence of restriction. *It is an established opinion in France that the Americans are the merchants of the world who sail at least expense.*

April 1831 (unpublished travel note, YTC, BIIa).

j. "The Americans apply to commerce the same principles and the same manner that Bonaparte applied to war" (YTC, CVj, 2, p. 18).

sees the Ocean turn white as land nears, he slows his course and checks the sun.

The American neglects these precautions and defies these dangers. He leaves while the storm is still raging; night and day he spreads all of his sails to the wind; while in route, he repairs his ship strained by the storm; and when he finally approaches the end of his journey, he continues to sail toward the shore as if he already saw port. [≠He often perishes, but even more often he reaches port before his competitors.≠]

The American is often shipwrecked;<sup>k</sup> but no navigator crosses the sea as rapidly as he. [≠Of all men the American seems to me to be the one who has conceived the greatest and the most accurate idea of the value of time. There is no portion so small of day or night that does not have a value . . . in his eyes. He saves hours as the Dutch merchant saved capital. That is the secret of his success.≠] Doing the same things that someone else does in less time, he can do them at less cost.

Before coming to the end of a long voyage, the European navigator believes that he must touch land several times on his way. He loses precious time looking for a port of call or awaiting the opportunity to leave one, and each day he pays the duty to remain there.

The American navigator leaves from Boston to go to buy tea in China. He arrives in Canton, remains there a few days and comes back. He has covered in less than two years the entire circumference of the globe, and he has seen land only once. During a crossing of eight or ten months he has drunk brackish water and lived on salted meat; he has fought constantly against the sea, against disease, against boredom; but upon his return he can sell a pound of tea for one penny less than the English merchant. The goal is reached.

I cannot express my thought better than by saying that the Americans put a kind of heroism in their way of doing commerce.

k. Francis Grund (*The Americans, in Their Moral, Social and Political Relations*, Boston: Marsh, Capen and Lyon, 1837, pp. 293–94) denies this assertion. In his opinion the number of accidents was not proportionately higher in the American navy, because the number of miles covered by American ships was superior to that covered by European ships. Grund is inspired otherwise on many occasions by the *Democracy*, without ever ceasing to criticize Tocqueville.

[≠Heroism that is not only calculation, but also suggested by nature.

*Natural* heroism that must give them not only the trade of America but make them carriers to nations.≠]

It will always be very difficult for the merchant of Europe to follow the same course as his competitor from America. The American, while acting in the way I described above, is following not only a calculation; he is above all obeying his nature.

The inhabitant of the United States experiences all the needs and all the desires to which an advanced civilization gives rise, and he does not find around him as in Europe a society skillfully organized to satisfy them; so he is often obliged to obtain by himself the various objects that his education and his habits have made necessary for him. In America it sometimes happens that the same man plows his field, builds his house, fashions his tools, makes his shoes and weaves by hand the crude fabric that has to cover him. This harms the perfection of industry, but serves powerfully to develop the intelligence of the worker. There is nothing that tends more to materialize man and remove from his work even the trace of soul than the great division of labor. [<With the division of labor you do better and more economically what you already did, but you do not innovate. The division of labor is an element of wealth more than of progress.

The art of dividing labor is the art of confiscating the intelligence of the greatest number for the profit of a few.>]<sup>m</sup> In a country like America where

*m. Intelligence of the people in America.*

It has been noted in Europe that division of labor made man infinitely more suitable for taking care of the detail to which he was applying himself, but reduced his *general capacity*. The worker thus classed becomes past master in his specialty, brute in all the rest. Example of England. Frightening state of the working classes in this country.

What makes the American of the people so intelligent a man is that the division of labor does not exist so to speak in America. Each man does a little of everything. He does each thing not as well as the European who takes care of it exclusively, but his general capacity is one hundred times greater. Great cause of superiority in the habitual matters of life and in the government of society (YTC, CVE, p. 53).

J. B. Say had criticized the effects of the division of labor in chapter VIII of the first volume of his *Traité d'économie politique*. Tocqueville and Beaumont read Say aboard the *Havre* during their Atlantic crossing. We do not know if it was the *Traité* or the six volumes of *Cours d'économie politique*. In 1834 when he prepared his memoir on pauperism, following his visit to England the preceding year, Tocqueville also read the work

specialized men are so rare, you cannot require a long apprenticeship of each one of those who take up a profession. So the Americans find it very easy to change profession, and they make the most of it, depending on the needs of the moment. You meet some of them who have been successively lawyers, farmers, merchants, evangelical ministers, doctors. If the American is less skillful than the European in each trade, there are hardly any of them that are entirely unknown to him. His ability is more general, the circle of his intelligence is wider. So the inhabitant of the United States is never stopped by any axiom of trade; he escapes all prejudices of profession; he is no more attached to one system of operation than to another; he does not feel more tied to an old method than to a new one; he has created no habit for himself, and he easily escapes from the sway that foreign habits could exercise over his mind, for he knows that his country resembles no other, and that its situation is new in the world [so he always follows his reason and never practice].

The American inhabits a land of wonders, around him everything is constantly stirring, and each movement seems to be an improvement. So the idea of the new is intimately linked in his mind to the idea of the better. Nowhere does he see the limit that nature might have put on the efforts of man; in his eyes what is not is what has not yet been attempted.<sup>n</sup>

This universal movement that reigns in the United States, these frequent reversals of fortune, this unexpected displacement of public and private wealth, all join together to keep the soul in a sort of feverish agitation that admirably disposes it to all efforts, and maintains it so to speak above [itself and] the common level of humanity. For an American all of life happens like a game of chance, a time of revolution, a day of battle.

These same causes, operating at the same time on all individuals, finish

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of Viscount Alban de Villeneuve-Bargemont (*Economie politique chrétienne, ou recherches sur la nature et les causes du paupérisme* . . . , Paris: Paulin, 1834, 3 vols.), in which England is the constant example of the evils produced by the excesses of industry.

n. “#For the American the past is in a way like the future: it does not exist. He sees nowhere the natural limit that nature has put on the efforts of man; according to him what is not, is what has not yet been tried#” (YTC, CVh, 2, p. 47).

by stamping an irresistible impulse on the national character. So an American taken at random must be a man ardent in his desires, enterprising, adventurous, above all an innovator. This spirit is found in fact in all his works; he introduces it into his political laws, into his religious doctrines, into his theories of social economy, into his private industry; he carries it everywhere with him, deep in the woods, as well as within the cities. It is this same spirit applied to maritime commerce that makes the American sail more quickly and more cheaply than all the merchants of the world.

As long as the sailors of the United States keep these intellectual advantages and the practical superiority that derives from them, not only will they continue to provide for the needs of the producers and consumers of their country, but also they will tend more and more to become, like the English,<sup>95</sup> the carriers of other peoples.

This is beginning to be achieved before our eyes. Already we are seeing American sailors introduce themselves as middlemen in the commerce of several of the nations of Europe;<sup>96</sup> America offers them an even greater future.

The Spanish and the Portuguese founded in South America great colonies that have since become empires. Civil war and despotism today desolate these vast countries. The population movement is stopping, and the small number of men who live there, absorbed by the concern of defending themselves, scarcely feel the need to improve their lot.

But it cannot always be so. Europe left to itself managed by its own efforts to pierce the shadows of the Middle Ages; South America is Christian like us; it has our laws, our customs; it contains all the seeds of civilization that have developed within European nations and their offshoots; beyond what we had, South America has our example: why would it remain forever barbarous?

95. *It must not be believed that English vessels are uniquely occupied in transporting foreign goods to England or in transporting English products to foreigners; today the merchant marine of England is like a great enterprise of public carts, ready to serve all producers of the world and to connect all peoples. The maritime genius of the Americans leads them to raise an enterprise rivaling that of the English [and often they will manage to serve the same producers more cheaply].*

96. *One part of the commerce of the Mediterranean is already done on American vessels.*

It is clearly only a question of time here. A more or less distant period will undoubtedly come when the South Americans will form flourishing and enlightened nations.

But when the Spanish and the Portuguese of South America begin to experience the needs of civilized peoples, they will still be far from able to satisfy them themselves; newly born to civilization, they will be subject to the superiority already acquired by their elders. They will be farmers for a long time before becoming manufacturers and merchants, and they will need the intervention of foreigners in order to go and sell their products overseas and to obtain in exchange the objects whose necessity will now make itself felt.

You cannot doubt that the Americans of North America are called one day to provide for the needs of the Americans of South America. Nature placed the first near the second. It thus provided the North Americans with great opportunities to know and estimate the needs of the South Americans, to strike up permanent relations with these peoples, and gradually to take possession of their market. The merchant of the United States could lose these natural advantages only if he was very inferior to the merchant of Europe; and he is, on the contrary, superior to him on several points. The Americans of the United States already exercise a great moral influence over all the peoples of the New World. From them comes enlightenment. All the nations that inhabit the same continent are already accustomed to considering them as the most enlightened, most powerful and wealthiest offshoots of the great American family. So they turn their view constantly toward the Union and they assimilate themselves, as much as it is within their power, to the peoples that compose it. Each day they come to draw political doctrines from the United States and borrow laws from them.

The Americans of the United States are vis-à-vis the peoples of South America precisely in the same situation as their fathers, the English, vis-à-vis the Italians, the Spanish, the Portuguese and all those peoples of Europe who, being less advanced in civilization and industry, receive from their hands most of the objects of consumption.

England is today the natural center of commerce of nearly all the nations that are near it; the American Union is called to fulfill the same role in the other hemisphere. So every people that arises or that grows up in the New

World arises and grows up there in a way to the profit of the Anglo-American.

If the Union came to break up, the commerce of the states that formed it would undoubtedly be slowed for some time in its development, but less than is thought. It is clear that whatever happens the commercial states will remain united. They all touch each other; among them there is a perfect identity of opinion, interests and mores, and alone they can make up a very great maritime power. Thus even if the South of the Union became independent of the North, the result would not be that it could do without the North. I said that the South is not commercial; nothing yet indicates that it must become so.<sup>[\*]</sup> So the Americans of the South of the United States will be obliged for a long time to resort to foreigners in order to export their products and to bring to them the objects that are necessary for their needs. Now of all the middlemen that they can take their neighbors of the North are surely those who can serve them more cheaply. So they will serve them, for the lowest price is the supreme law of commerce. There is no sovereign will or national prejudices that can struggle for long against the lowest price. You cannot see more venomous hatred than that which exists between the Americans of the United States and the English. In spite of these hostile sentiments, however, the English provide to the Americans most manufactured goods, for the sole reason that the English sell them for less than other peoples. The growing prosperity of America thus turns, despite the desire of the Americans, to the profit of the manufacturing industry of England.

[\*]. #This is due to the combination of several natural causes whose influence it is very difficult to combat. The South, if you thus call all the country situated south of the Potomac, possesses very few good mercantile ports and has no military port except Norfolk in Virginia.

As long as slavery exists in [the (ed.)] South you will not be able to recruit sailors there. The population that provides sailors in the North does not exist in the South; it is replaced there by slaves who cannot be used to do commerce.<sup>1</sup> We have seen moreover that slavery takes away from the Americans of the South some of the qualities most appropriate for succeeding on the seas.#

1. #They would not serve as well as white sailors and would desert in foreign countries.#

Reason shows and experience proves that no commercial greatness is lasting if it cannot be combined as needed with military power.

This truth is as well understood in the United States as anywhere else. The Americans are already in the position of making their flag respected; soon they will be able to make it feared.

I am persuaded that the dismemberment of the Union, far from diminishing the naval forces of the Americans, would tend strongly to increase them. Today the commercial states are linked to those that are not commercial, and the latter often go along only reluctantly with increasing a maritime power from which they profit only indirectly.

If, on the contrary, all the commercial states of the Union formed only one and the same people, trade would become for them a national interest of the first order, so they would be disposed to make very great sacrifices to protect their ships, and nothing would prevent them from following their desires on this point.

[In the present condition in which the affairs of the commercial world find themselves, there is no policy more naturally indicated than that of France.

France is called to be always one of the great maritime powers, but she can never become the first except by chance. Since France cannot hope to dominate the sea in a lasting way, her visible interest is to prevent another from dominating there [v: to rise up against the domination of the sea] and to make the most liberal maxims as regards commerce prevail in the whole world.

Even if the principle of the independence of neutral nations were not based on the right of nations, France should therefore still uphold it with all her strength. The independence of neutral nations is a guarantee against maritime tyranny, and France is the necessary champion of freedom of the seas.

It is from this point of view that France is the natural enemy of England. She will always be so whatever you do, as long as England is able to impose its laws on the ocean.

America is at present in a position analogous to that of France. It is powerful without being able to dominate; it is liberal because it cannot oppress.

So America is the natural ally of France, in the same way that England is its enemy.<sup>o</sup> Everything that is done to the profit of the naval greatness of the United States is done in a way to the profit of France; for the maritime power of the Americans, by increasing, divides the dominion of the sea and gives to the French the liberty that they need.

If maritime forces come to reach a balance between England and America, which will happen I think in a period that is not far away, the role of France will be, by going alternately to the side of the weaker, to prevent either one of them from entirely dominating the sea and thus to maintain liberty there.

But this balance itself will not be settled.]

I think that nations, like men, almost always show from their youth the principal features of their destiny. When I see in what spirit the Anglo-Americans manage commerce, the opportunities that they find for doing it, the successes that they achieve, I cannot keep myself from believing that one day they will become the premier maritime power of the globe. They are pushed to take possession of the seas, as the Romans to conquer the world.

o. Tocqueville expressed himself in similar terms in a letter to John C. Spencer of 10 November 1841 (Virginia Historical Society, reproduced in *Correspondance étrangère*, OC, VII, pp. 84–86). Two years later he explains to Niles: “I have let the chain of my relationships with the United States break a bit. I regret it. I would like to renew it. I place there an interest of heart and also of patriotism, for one of the foundations of my politics is that in spite of prejudices and quarrels over details, France and the United States are allies so natural and so necessary to one another that they must never for a moment lose sight of one another” (Letter of 15 June 1843, YTC, DIIa). Tocqueville’s brief time at the ministry of foreign affairs coincided paradoxically with a moment of great tension between the two countries.

## Conclusion<sup>a</sup>

Here I am approaching the end. Until now, while speaking of the future destiny of the United States, I forced myself to divide my subject into various parts in order to study each one of them with more care.

Now I would like to bring all of them together in a single point of view. What I will say will be less detailed, but more sure. I will see each object less distinctly; I will take up general facts with more certitude. I will be like a traveler who, while coming outside the walls of a vast city, climbs up the adjacent hill. As he moves away, the men that he has just left disappear from his view; their houses blend together; he no longer sees the public squares; he makes out the path of the streets with difficulty; but his eyes follow more easily the contours of the city, and for the first time he grasps its form. It seems to me that I too discover before me the whole future of the English race in the New World. The details of this immense tableau have remained in shadow; but my eyes take in the entire view, and I conceive a clear idea of the whole.

The territory occupied or possessed today by the United States of America forms about one-twentieth of inhabited lands.<sup>b</sup>

However extensive these limits are, you would be wrong to believe that the Anglo-American race will stay within them forever; it is already spreading very far beyond.

There was a time when we too were able to create in the American wil-

a. In the manuscript, the conclusion is found in a jacket with the title: *≠FUTURE OF THE REPUBLICAN PRINCIPLE IN THE UNITED STATES.≠*

b. In an earlier draft, the conclusion began here with this paragraph: “*≠The American confederation occupies or possesses a territory whose surface is estimated at 2,257,374<sup>1</sup> square miles. Thus the United States alone has under its domination about one-twentieth of inhabited lands.≠*

“1. *≠View of the United States, by Darby, p. 57.≠*”

derness a great French nation and balance the destinies of the New World with the English. France formerly possessed in North America a territory nearly as vast as the whole of Europe. The three greatest<sup>c</sup> rivers of the continent then flowed entirely under our laws. The Indian nations that live from the mouth of the Saint Lawrence to the Mississippi delta heard only our language spoken; all the European settlements spread over this immense space recalled the memory of the homeland; they were Louisbourg, Montmorency, Duquesne, Saint-Louis, Vincennes, La Nouvelle Orléans, all names dear to France and familiar to our ears.

But a combination of circumstances that would be too long to enumerate<sup>1</sup> deprived us of this magnificent heritage. Every place where the French were too few and not well established, they disappeared. What was left gathered into a small space and passed under other laws. The four hundred thousand French of Lower Canada today form like the remnant of an ancient people lost amid the waves of a new nation.<sup>d</sup> Around them the foreign population grows constantly; it is spreading in all directions; it even penetrates the ranks of the former masters of the soil, dominates in their cities, and distorts their

c. The manuscript says: "The two greatest . . ."

1. *In first place this one: free peoples accustomed to the municipal regime succeed much more easily than others in creating flourishing colonies. The habit of thinking for yourself and governing yourself is indispensable in a new country, where success necessarily depends in large part on the individual efforts of the colonists.*

d. In a small fragment belonging to one of the appendices of the *Penitentiary System*, Tocqueville explains why according to him the French do not have good colonies (repeated in *Écrits et discours politiques*, OC, III, 1, pp. 35–40). Among the reasons advanced he cites the continental character of France, the love of the Frenchman for his country, the legal habits and bad political education that accustom citizens to the existence of a tutelary power ready to help in the slightest difficulty. In the same way Tocqueville explains how Canada, even better than France, allows the damaging effects of administrative centralization to be studied (*L'Ancien Régime et la Révolution*, OC, II, 1, pp. 286–87). See in this regard: Jean-Michel Leclercq, "Alexis de Tocqueville in Canada (24 August to 2 September 1831)," *Revue d'histoire de l'Amérique française* 22, no. 3 (1968): 356–64; Edgar McInnis, "A Letter from Alexis de Tocqueville on the Canadian Rebellion of 1837," *Canadian Historical Review* 19, no. 4 (1938): 394–97; and Gérard Bergeron, *Quand Tocqueville et Siegfried nous observaient . . .* (Quebec: Presses de l'Université du Québec, 1990).

language. This population is identical to that of the United States. So I am right to say that the English race does not stop at the limits of the Union, but is advancing very far beyond toward the northeast.

In the northwest you find only a few unimportant Russian settlements; but in the southwest Mexico arises before the steps of the Anglo-American like a barrier.

Thus there are truly speaking only two rival races that share the New World today, the Spanish and the English.

The limits that are to separate these two races have been fixed by a treaty. But however favorable this treaty may be to the Anglo-Americans, I do not doubt that they are soon going to break it.

Beyond the frontiers of the Union, next to Mexico, extend vast provinces that still lack inhabitants. The men of the United States will penetrate these uninhabited areas even before those who have the right to occupy them. They will appropriate the soil, they will establish a society, and when the rightful owner finally appears, he will find the wilderness made fertile and foreigners calmly settled on his inheritance.

The land of the New World belongs to the first occupant, and empire is the prize for the race.

Countries already populated will have difficulty protecting themselves from invasion.

I have already spoken before about what is happening in the province of Texas. Each day the inhabitants of the United States enter little by little into Texas; they acquire lands there, and even while submitting to the laws of the country, they are establishing the dominion of their language and their mores. The province of Texas is still under the rule of Mexico; but soon you will no longer find any Mexicans there so to speak. Something similar is happening everywhere the Anglo-Americans enter into contact with populations of another origin.

You cannot conceal the fact that the English race has acquired an immense preponderance over all the other European races of the New World. It is very superior to them in civilization, in industry and in power. As long as it has before it only uninhabited or sparsely inhabited countries, as long as it does not find in its path aggregated populations, through which it will

be impossible for it to clear a passage, you will see it spread without ceasing. It will not stop at lines drawn in treaties, but will overflow these imaginary dikes from all directions.

[{The Constitution of the United States has been credited with the progress that the population makes each year.}]

What also marvelously facilitates this rapid development of the English race in the New World is the geographic position that it occupies there.

When you go up toward the north above its northern frontiers, you find polar ice, and when you descend a few degrees below its southern limits, you get into the heat of the equator. So the English of America are located in the most temperate zone and the most habitable part of the continent.

You imagine that the prodigious movement that is noted in the increase of the population of the United States dates only from independence. That is an error. The population grew as quickly under the colonial system as today; it doubled the same in about twenty-two years. But then it applied to thousands of inhabitants; now it applies to millions. The same fact that passed unnoticed a century ago strikes all minds today.<sup>e</sup>

The English of Canada, who obey a king, increase in number and spread almost as quickly as the English of the United States, who live under a republican government.

During the eight years that the War of Independence lasted, the population did not cease to increase following the proportion previously indicated.

Although there then existed on the frontiers of the West great Indian nations allied with the English, the movement of emigration toward the West never, so to speak, relented. While the enemy ravaged the coasts of the Atlantic, Kentucky, the western districts of Pennsylvania, the state of Vermont and that of Maine filled up with inhabitants. Nor did the

e. In the margin: “≠Nothing can slow it, neither political event, nor civil discords, nor bad laws, nor wars.≠”

disorder that followed the war prevent the population from growing and stop its progressive march into the wilderness. Thus the difference in laws, the state of peace or the state of war, order or anarchy, influenced only in an imperceptible way the successive development of the Anglo-Americans.

This is easily understood. No causes exist that are general enough to make themselves felt at the same time at all the points of a territory so immense. Thus there is always a large portion of the country where you are sure to find a shelter from the calamities that strike another, and however great the evils may be, the remedy offered is always greater still.

So it must not be believed that it is possible to stop the expansion of the English race of the New World. The dismemberment of the Union, by leading to war on the continent, the abolition of the republic, by introducing tyranny there, can retard its development, but not prevent it from attaining the necessary complement of its destiny. There is no power on earth that can close to the steps of the emigrants this fertile wilderness that is open in all areas to industry and that presents a refuge from all miseries. Future events, whatever they may be, will not take away from the Americans either their climate, or their interior seas, or their great rivers, or the fertility of their soil. Bad laws, revolution and anarchy, cannot destroy among them the taste for well-being and the spirit of enterprise that seems the distinctive character of their race, or completely extinguish the knowledge that enlightens them.

[≠It would be as easy to stop the waves of the sea as to prevent the waves of Anglo-American emigration from reaching the shores of the Pacific Ocean.≠]

Thus amid the uncertainty of the future there is at least one event that is certain. At some period that we can call near at hand, since it concerns the life of peoples, the Anglo-Americans will cover alone all the immense space included between the areas of polar ice and the tropics; they will spread from the strands of the Atlantic Ocean to the shores of the Pacific.

I think that the territory over which the Anglo-American race must

someday spread equals three-quarters of Europe.<sup>2</sup> The climate of the Union is, everything considered, preferable to that of Europe; its natural advantages are as great; it is clear that its population cannot fail one day to be proportionate to ours.

Europe, divided among so many diverse peoples; Europe, through constantly recurring wars and the barbarism of the Middle Ages, succeeded in having four hundred ten inhabitants<sup>3</sup> per square league. What cause so powerful could prevent the United States from having as many one day?

Many centuries will pass before the various offshoots of the English race of America cease showing a common physiognomy. You cannot foresee the period when man will be able to establish permanent inequality of conditions in the New World.

So whatever differences are made one day in the destiny of the various offshoots of the great Anglo-American family by peace or war, liberty or tyranny, prosperity or poverty, they will all at least preserve an analogous social state and will have in common customs and ideas that derive from the social state.

The bond of religion alone was sufficient in the Middle Ages to bring the diverse races that peopled Europe together in the same civilization. The English of the New World have a thousand other bonds with each other, and they live in a century when everything is trying to become equal among men.

The Middle Ages was a period of division. Each people, each province, each city, each family then tended strongly to become more individual.<sup>f</sup> Today an opposite movement makes itself felt; peoples seem to march toward unity. Intellectual links unite the most distant parts of the earth, and men cannot remain strangers to one another for a single day, or ignorant of what is happening in no matter what corner of the universe. Conse-

2. *The United States alone already covers a space equal to half of Europe. The surface of Europe is 500,000 square leagues; its population 205,000,000 inhabitants. Malte-Brun, vol. VI, book CXIV, p. 4.*

3. *See Malte-Brun, vol. VI, book CXVI, p. 92.*

f. Tocqueville will for the first time use the term "individualism" in chapter II of the second part of the third volume.

quently you notice today less difference between Europeans and their descendants of the New World, despite the Ocean that divides them, than between certain cities of the XIIIth century that were separated only by a river.

If this movement of assimilation brings foreign peoples together, it is opposed with greater reason to the offshoots of the same people becoming strangers to each other.

So a time will come when you will be able to see in North America one hundred and fifty million<sup>g</sup> men<sup>4</sup> equal to one another, who will all belong to the same family, who will have the same point of departure, the same civilization, the same language, the same religion, the same habits, the same mores, and among whom thought will circulate with the same form and will be painted with the same colors. All the rest is doubtful, but this is certain. Now here is a fact entirely new in the world, and imagination itself cannot grasp its import.

Today there are two great peoples on earth who, starting from different points, seem to advance toward the same goal: these are the Russians and the Anglo-Americans.

Both grew up in obscurity; and while the attention of men was occupied elsewhere, they suddenly took their place in the first rank of nations, and the world learned of their birth and their greatness nearly at the same time.

All other peoples seem to have almost reached the limits drawn by nature, and have nothing more to do except maintain themselves; but these two are growing.<sup>5</sup> All the others have stopped or move ahead only with a thousand efforts; these two alone walk with an easy and rapid stride along a path whose limit cannot yet be seen.

The American struggles against obstacles that nature opposes to him; the Russian is grappling with men. The one combats the wilderness and bar-

g. The figure is missing in the manuscript.

4. *It is the population proportionate to that of Europe, by taking the average of 410 men per square league.*

5. *Russia is of all the nations of the Old World the one whose population is increasing most rapidly, keeping the proportion. [See Malte-Brun, vol. VI, p. 95.]*

barism; the other, civilization clothed in all its arms. Consequently the conquests of the American are made with the farmer's plow, those of the Russian with the soldier's sword.

To reach his goal the first relies on personal interest, and, without directing them, allows the strength and reason of individuals to operate.

The second in a way concentrates all the power of society in one man.

The one has as principal means of action liberty; the other, servitude.

Their point of departure is different, their paths are varied; nonetheless, each one of them seems called by a secret design of Providence to hold in its hands one day the destinies of half the world.<sup>h</sup>

h. This passage is one of the best known of the *Democracy*, and probably one of the most cited of the entire book. It gained Tocqueville a reputation as a prophet that has not failed to harm the overall interpretation of his work. If several critics have noted that a similar idea is found among authors as diverse as Edmund Dana, Alexander Hill Everett, the Abbé de Pradt, Madame de Staël, Edward Everett (in two reviews of Pradt), John Bristed, Stendhal, and Michel Chevalier, it must nonetheless be noted that the theories of Tocqueville sometimes differ perceptibly from those of these authors. M. de Pradt (*Du système permanent de l'Europe à l'égard de la Russie et des affaires de l'Orient*, Paris: Pichon and Didier, 1828), for example, does oppose two powers, but they are England as maritime force and Russia as land force. He only incidentally mentions that America could avenge Europe (p. 5). Alexander Everett (*America: Or a General Survey of the Political Situation of the Several Powers of the Western Continent . . .*, Philadelphia: H. C. Carey and I. Lee, 1827), for his part, conceives three great powers: Russia, England, and the United States.

You cannot understand why Tocqueville terminates his considerations with this affirmation if you forget that his interest in the United States is nearly equal to the one he had for Russia. This is clear not only in his correspondence with the Circourts, Greg, Madame Phillimore, Everett, or Corcelle, but also in long conversations that he was able to have with Theodore Sedgwick in 1834 or with Grandmaison twenty years later. The latter notes that in 1854, Tocqueville continued to think that the Slavic race and the Anglo-Saxon race would one day share the world. His interest in Russia had led him to read the work of Baron de Haxthausen (*Études sur la situation intérieure, la vie nationale et les institutions rurales de la Russie*, Hanover, 1847–1853, 3 vols.). Grandmaison reports that Tocqueville asserted: “a young and intelligent man, courageous enough to learn Russian and to spend some years in Russia, would find there the subject of a very curious study and of a book of high interest that would come to be a counterpart to his own work on America.” And he adds: “This idea preoccupied him a great deal; you felt with him the regret of not being able to execute it, and I believe he would have willingly pushed me into this undertaking, if I had given him the slightest opening from my side” (“Séjour d’Alexis de Tocqueville en Touraine, préparation du livre sur l’Ancien Régime,”

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*Correspondant*, 114, 1879, pp. 926–49; cf. p. 943). Beaumont, perhaps persuaded by the author, will do for the *Revue des deux mondes* a review of the book of Haxthausen (“La Russie et les Etats-Unis sous le rapport économique,” *Revue des deux mondes*, 2nd series, 5, 1854, pp. 1163–83). See note  $\gamma$  for p. 158. Also see on this subject: René Rémond, *Les États-Unis devant l’opinion française, 1815–1852*, Paris: Armand Colin, 1962, I, pp. 378–79 note; Theodore Draper, “The Idea of the ‘Cold War’ and Its Prophets. On Tocqueville and Others,” *Encounter*, 52, 1979, pp. 34–45 (Draper insists on the fact that Tocqueville never considered a possible confrontation between the two countries); Bernard Fabian, Alexis de Tocqueville *Amerikabild: Genetische Untersuchungen über Zusammenhänge mit der Zeitgenössischen, Insbesondere der Englischen Amerika-Interpretation*, Heidelberg: C. Winter, 1957; and Philip Merlan, “A Precursor of Tocqueville,” *Pacific Historical Review* 35, no. 4 (1966): 467–68.

# Notes

## First Part

### (A) Page 36

See, concerning the lands of the west that Europeans have not yet penetrated, the two voyages undertaken by Major Long, at the expense of Congress.

Concerning the great American desert, Mr. Long says notably that a line must be drawn about parallel to the 20th degree of longitude (meridian of Washington),<sup>1</sup> beginning at the Red River and ending at the Platte River. Extending from this imaginary line to the Rocky Mountains, which border the Mississippi Valley in the west, are immense plains, generally covered with sand which is unsuitable for agriculture, or strewn with granite stones. They are deprived of water in the summer. There only great herds of buffalo and wild horses are found. Some Indian hordes are seen as well, but only a small number.

Major Long has heard it said that, ascending the Platte River, in the same direction, this same desert would always be found on the left; but he was not able personally to verify the accuracy of this report. *Long's Expedition*, vol. II, p. 361.

Whatever confidence Major Long's account merits, it must not be forgotten, however, that he only crossed the country that he is speaking about, without making any great zigzags outside the line that he followed.

1. *The 20th degree of longitude, following the meridian of Washington, is approximately the equivalent of the 99th degree following the meridian of Paris.*

## (B) Page 38

South America, in the region between the tropics, produces an incredible profusion of climbing plants known by the generic name of creepers. The flora of the Antilles alone offers more than forty different species.

Among the most graceful of these bushes is the grenadilla. Descourtiz,<sup>a</sup> in his description of the plant kingdom of the Antilles, says that this lovely plant attaches itself to trees by means of its tendrils, and forms moving arcades and colonnades, made rich and elegant by the beauty of the crimson flowers, variegated with blue, that decorate them and that delight the sense of smell with the scent they give off; vol. I, p. 265.

The acacia with large pods is a very thick creeper that grows rapidly and, going from tree to tree, sometimes covers more than a half-league; vol. III, p. 227.

## (C) Page 40

## On the American Languages

The languages spoken by the Indians of America, from the Arctic Pole to Cape Horn, are all formed, it is said, on the same model, and subject to the same grammatical rules; from that it can be concluded that, in all likelihood, all the Indian nations came from the same stock.

Each tribal band of the American continent speaks a different dialect; but the languages strictly speaking are very few in number, which would tend as well to prove that the nations of the New World do not have a very ancient origin.

Finally the languages of America are extremely regular, so it is probable that the peoples who use them have not yet been subjected to great revolutions and have not mixed with foreign nations by necessity or voluntarily;

a. M. E. Descourtiz, *Voyages d'un naturaliste et ses observations*, Dufart Père, 1809, 3 vols.

for it is in general the union of several languages into a single one that produces irregularities of grammar.

Not long ago the American languages, and in particular, the languages of North America, attracted the serious attention of philologists. It was discovered then, for the first time, that this idiom of a barbarous people was the product of a system of very complicated ideas and of very clever combinations. It was noticed that these languages were very rich and that, when forming them, great care had been taken to show consideration for the sensitivity of the ear.

The grammatical system of the Americans differs from all others on several points, but principally in this one.

Some peoples of Europe, among others the Germans, have the ability to combine different expressions as needed, and thus to give a complex meaning to certain words. The Indians have extended this ability in the most surprising way, and have succeeded in fixing so to speak at a single point a very large number of ideas. This will be easily understood with the help of an example cited by Mr. Duponceau, in the *Memoirs of the American Philosophical Society*.

When, he says, a Delaware woman plays with a cat or with a dog, you sometimes hear her pronounce the word *kuligatschis*. The word is composed in this way: *K* is the sign of the second person and means you or your; *uli*, which is pronounced *ouli*, is a fragment of the word *wulit*, which means *beautiful, pretty*; *gat* is another fragment of the word *wichgat*, which means *paw*; finally *schis*, which is pronounced *chise*, is the diminutive ending which carries with it the idea of smallness. Thus, in a single word, the Indian woman has said: Your pretty little paw.

Here is another example that shows with what felicity the savages of America know how to compose their words.

A young man in the Delaware language is called *pilapé*. This word is formed from *pilsit*, chaste, innocent; and from *lénapé*, man: that is to say man in his purity and his innocence.

This ability to combine words is noticeable above all in a very strange way of forming verbs. The most complicated action is often rendered by a single verb; nearly all the nuances of the idea bear upon the verb and modify it.

Those who would like to examine in more detail this subject that I myself have only touched on very superficially, should read:

1. The Correspondence of Mr. Duponceau with the Reverend Heckewelder [Heckewelder (ed.)], relating to the Indian languages. This correspondence is found in the first volume of the *Memoirs of the American Philosophical Society*, published in Philadelphia, in 1819, Abraham Small, pp. 356–464.

2. The grammar of the Delaware or Lenape language by Geiberger,<sup>b</sup> and the preface of Mr. Duponceau, which is added. The whole thing is found in the same collections, vol. III.

3. A very well done summary of these works, contained at the end of volume VI of the *Encyclopedia Americana*.

(D) Page 42

We find in Charlevoix, volume I, p. 235, the history of the first war that the French of Canada had to sustain, in 1610, against the Iroquois. The latter, although armed with bows and arrows, offered a desperate resistance to the French and their allies. Charlevoix, who is not good at doing portraits, shows very well in this piece the contrast that the mores of the Europeans presented to those of the savages, as well as the different ways in which these two races understood honor.

“The French,” he says, “grabbed the beaver skins that covered the Iroquois, whom they saw spread out over the ground; the Hurons, their allies, were scandalized by this spectacle. The latter, on their side, began to exercise their ordinary cruelties on the prisoners, and devoured one of those who had been killed, which horrified the French. “Thus,” adds Charlevoix, “these barbarians gloried in a disinterestedness that they were surprised not to find in our nation, and did not understand that there was much less evil in stripping the dead than in eating their flesh like wild beasts.”

b. David Zeisberger, “A Grammar of the Language of the Lenni Lanâpé,” translated by P. S. Duponceau, *Transactions of the American Philosophical Society*, III, 1827, pp. 65–250.

The same Charlevoix, in another place, vol. I, p. 230 [–231 (ed.)], depicts in this way the first torture that Champlain witnessed, and the return of the Hurons to their village.

“After having done eight leagues,” he says, “our allies stopped, and, taking one of their captives, they reproached him for all the cruelties that he had exercised on the warriors of their nation who had fallen into his hands, and they declared to him that he must expect to be treated in the same manner, adding that, if he had courage, he would display it by singing. He soon started to sing his song [of death, then his song (ed.)] of war, and all those that he knew, but with a very sad tone, says Champlain, who had not yet had the time to know that all of the music of the savages is somewhat lugubrious. His torture, accompanied by all the horrors that we will speak of later, frightened the French who in vain did their utmost to put an end to it.<sup>c</sup> The following night, because a Huron dreamed that they were being pursued, the retreat changed into a veritable flight, and the savages did not stop anywhere again until they were out of any danger.

“From the moment that they saw the huts of their village, they cut long sticks to which they attached their share of the scalps and carried them triumphantly. At this sight the women ran, jumped in swimming, and, reaching the canoes took these bloody scalps from the hands of their husbands, and hung them around their necks.

“These warriors offered one of these horrible trophies to Champlain, and also made him a present of some bows and some arrows, the only spoils of the Iroquois that they had wanted to take, begging him to show them to the king of France.”

Champlain lived alone all one winter amid these barbarians, without his person or his property being compromised for one instant.

(E) Page 64

Although the Puritan rigor that prevailed at the birth of the English colonies of America has already become much weaker, you still find extraordinary traces of it in the habits and in the laws.

c. Tocqueville omits here the details of the dismemberment and death of the Indian.

In 1792, at the very period when the anti-Christian republic of France began its ephemeral existence, the legislative body of Massachusetts promulgated the law that you are about to read, in order to force citizens to observe Sunday. Here are the preamble and the principal provisions of this law, which deserves to attract all the reader's attention:

Whereas, says the legislator, Sunday observance is in the public interest; that it produces a useful suspension of work; that it leads men to reflect upon the duties of life and the errors to which humanity is so prone; that it allows us in private and in public to honor God, creator and governor of the universe, and allows us to devote ourselves to those acts of charity that are the adornment and the relief of Christian societies;

Whereas some irreligious or thoughtless persons, forgetting the duties imposed by Sunday and the benefits that society gains from them, profane the Holy Day in pursuit of their pleasures or their work; that this behavior is contrary to their own interests as Christians; that, in addition, it is of a nature to disturb those who do not follow their example, and brings real harm to the entire society by introducing the taste for dissipation and dissolute habits;

The Senate and the House of Representatives order the following:

1. No one will be able, on Sunday, to keep his shop or workshop open. No one will be able, on that day, to be active in any work or business whatsoever, attend any concert, ball or show of any sort, nor pursue any kind of hunt, game, recreation, under penalty of a fine. The fine will not be less than 10 shillings, and will not exceed 20 shillings for each offense.

2. No traveler, driver, carter, except in case of necessity, will be able to travel on Sunday, under penalty of the same fine.

3. Hotelkeepers, retailers, innkeepers, will prevent any person living in their town from visiting them on Sunday, in order to pass the time in pleasure or business. In case of offense, the innkeeper and his guest will pay the fine. Moreover, the innkeeper will lose his license.

4. Whoever, being in good health and without having a sufficient reason, fails for three months to attend public worship will be condemned to a 10 shilling fine.

5. Whoever, within the confines of a church, displays inappropriate behavior will pay a fine of 5 to 40 shillings.

6. The tythingmen of the towns<sup>2</sup> are charged with responsibility for enforcing this law. They have the right to visit on Sunday all the rooms of hotels or public places. The innkeeper who refuses their entry into his establishment will be condemned for this fact alone to a fine of 40 shillings.

The tythingmen must stop travelers and inquire after the reason that has forced them to be on the road on Sunday. Whoever refuses to answer will be condemned to a fine that could be 5 pounds sterling.

If the reason given by the traveler does not seem sufficient to the tythingman, he will bring the said traveler before the justice of the peace of the district (*Law of 8 March 1792. General Laws of Massachusetts*, vol. I, p. 410).

On 11 March 1797, a new law increased the level of fines, half of which was to belong to the one who brought proceedings against the offender. *Same collection*, vol. I, p. 535.

On 16 February, 1816, a new law confirmed these same measures. *Same collection*, vol. II, p. 405.

Analogous provisions exist in the laws of the state of New York, revised in 1827 and 1828. (See *Revised Statutes*, 1st part, ch. XX, p. 675). It is said there that on Sunday no one will be able to hunt, fish, gamble or frequent establishments where drink is served. No one will be able to travel, if it is not out of necessity.

This is not the only trace left in the laws by the religious spirit and the austere mores of the first emigrants.

You read in the revised statutes of the state of New York, vol. I, p. 662 [–663 (ed.)], the following article:

Every person who shall win or lose at play, or by betting at any time, the sum or value of twenty-five dollars or upwards, within the space of twenty-four hours, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than five times the value or sum so lost or won; which [. . . (ed.) . . .] shall be paid to the overseers of the poor of the town. [. . . (ed.) . . .]

2. *These are officials elected each year who, by their functions, are at the very same time close to the rural guard and to the officer of the criminal investigation department.*

Every person who shall [. . . (ed.) . . .] lose at any time or sitting the sum or value of twenty-five dollars or upwards[. . . (Ed) . . .] may [. . . (ed.) . . .] sue for and recover the money. [. . . (ed.) . . .] The overseers of the poor of the town where the offense was committed may sue for and recover the sum or value so lost and paid, together with treble the said sum or value, from the winner thereof for the benefit of the poor.

The laws that we have just cited are very recent; but who could comprehend them without going back to the very origin of the colonies? I do not doubt that today the penal portion of this legislation is only very rarely applied; the laws retain their inflexibility when the mores have already bent before the movement of the times. Sunday observance in America, however, is still what most strikes the foreigner.<sup>d</sup>

There is notably a large American city in which, beginning Saturday evening, social movement is as if suspended. You cross it at the hour that seems to invite those of mature years to business and youth to pleasure, and you find yourself in a profound solitude. Not only is no one working, but also no one appears to be alive. You hear neither the movement of industry nor the accents of joy, nor even the confused murmurings that arise constantly within a large city. Chains are hung in the vicinity of the churches; the half-closed shutters of the houses only reluctantly allow a ray of sunlight to penetrate the dwelling of the citizens. Scarcely here and there do you see an isolated man who is passing noiselessly through deserted crossroads and along abandoned streets.

The next morning at the beginning of day, the rattle of carriages, the noise of hammers, the cries of the population begin again to make themselves heard; the city awakens; a restless crowd rushes toward the centers of commerce and industry; everyone stirs, everyone becomes agitated, everyone hurries around you. A sort of lethargic drowsiness is followed by a feverish activity; you would say that each person has only a single day at his disposal in order to gain wealth and to enjoy it.

d. See the appendix SECTS IN AMERICA.

## (F) Page 70

It is needless to say that, in the chapter that you have just read, I did not intend to do a history of America. My only goal was to enable the reader to appreciate the influence that the opinions and mores of the first emigrants exercised on the fate of the different colonies and on that of the Union in general. So I had to limit myself to citing a few unconnected fragments.

I do not know if I am wrong, but it seems to me that by following the path that I am only pointing out here, someone could present some portraits of the first years of the American republic that would be worthy of the attention of the public, and that would undoubtedly provide material for statesmen to consider. Not able to devote myself to this work, I wanted at least to facilitate it for others. So I believed that I should present here a short list and an abridged analysis of the works that seemed to me most useful to draw upon.

In the number of general documents that could fruitfully be consulted, I will place first the work entitled: *Historical Collection of State Papers and other authentic documents, intended as materials for an history of the United States of America*, by Ebenezer Hazard.

The first volume of this compilation, which was printed in Philadelphia in 1792, contains the exact text of all the charters granted by the crown of England to the emigrants, as well as the principal acts of the colonial governments during the first years of their existence. You find there, among others, a great number of authentic documents on the affairs of New England and Virginia during this period.

The second volume is dedicated almost entirely to the acts of the confederation of 1643. This federal pact, which took place among the colonies of New England, with the goal of resisting the Indians, was the first example of union given by the Anglo-Americans. There were also several other confederations of the same nature, until that of 1776, which led to the independence of the colonies.

The historical collection of Philadelphia is found in the Royal Library.

Each colony has as well its historical memorials, several of which are

very precious. I begin my study with Virginia, which is the state populated earliest.

The first of all the historians of Virginia is its founder Captain John Smith. Captain Smith left us a volume in quarto, entitled: *The General History of Virginia and New-England, by Captain John Smith, some time governor in those countryes and admiral of New-England*, printed in London in 1627. (This volume is found at the Royal Library.) The work of Smith is embellished with very interesting maps and plates, which date from the time when it was printed. The account of the historian extends from the year 1584 to 1626. Smith's book is esteemed and deserves to be so. The author is one of the most famous adventurers who appeared in the century full of adventurers; he lived at the end of that century. The book itself breathes this fervor of discoveries, this spirit of enterprise that characterized the men of that time; there you find those chivalrous mores that were mixed with business and were made to serve the acquisition of wealth.

But what is remarkable above all in Captain Smith is that he mixed, with the virtues of his contemporaries, qualities that remained foreign to most of them; his style is simple and clear, all of his accounts have the stamp of truth, his descriptions are not ornate.

This author throws precious light on the state of the Indians at the period of the discovery of North America.

The second historian to consult is Beverley. The work of Beverley, which forms a volume in duodecimo, was translated into French and printed in Amsterdam in 1707. The author begins his accounts in the year 1585 and ends them in the year 1700. The first part of his book contains historical documents, properly so called, relative to the early years of the colony. The second contains a curious portrait of the state of the Indians at that distant period. The third gives very clear ideas about the mores, social state, laws and political habits of the Virginians at the time of the author.

Beverly was of Virginian origin, which made him say at the beginning "that he begs readers not to examine his work with too strict a critical eye, seeing that since he was born in the Indies, he does not aspire to purity of language." Despite this modesty of the colonist, the author shows throughout his book that he bears the supremacy of the mother country with impatience. You find as well in the work of Beverley numerous traces of this

spirit of civil liberty that has, since that time, animated the English colonies of America. You also find the trace of the divisions that have existed for such a long time among them, and that delayed their independence. Beverley detests his Catholic neighbors of Maryland still more than the English government. The style of this author is simple; his accounts are often full of interest and inspire confidence. The French translation of Beverley's history is found in the Royal Library.

I saw in America, but I was not able to find again in France, a work that also merits consultation; it is entitled: *History of Virginia*, by William Stith. This book offers interesting details, but it seemed long and diffuse to me.

The oldest and best document that you can consult on the history of the Carolinas is a small book in quarto, entitled: *The History of Carolina*, by John Lawson, printed in London in 1718.

The work of Lawson contains first a voyage of discovery in the west of Carolina. This voyage is written as a journal; the accounts of the author are confused; his observations are very superficial; you only find a quite striking portrait of the ravages caused by smallpox and brandy among the savages of this period, and an interesting portrait of the corruption of mores that reigned among them, and that the presence of the Europeans favored.

The second part of the work of Lawson is dedicated to retracing the physical state of Carolina and to making its products known.

In the third part, the author does an interesting description of the mores, customs and government of the Indians of this period.

There is often spirit and originality in this portion of the book.

The history by Lawson ends with the charter granted to Carolina at the time of Charles II.

The general tone of this work is light, often licentious, and forms a perfect contrast with the profoundly grave style of the works published at this same time in New England.

The history by Lawson is an extremely rare document in America that cannot be obtained in Europe. There is, however, a copy of it in the Royal Library.

From the southern extremity of the United States, I pass immediately to the northern extremity. The intermediate space was populated only later.

I must first point out a very curious compilation entitled: *Collection of the Massachusetts Historical Society*, printed for the first time in Boston in 1792, reprinted in 1806. This work is not in the Royal Library, nor, I believe, in any other.

The collection (which continues) contains a host of very precious documents relating to the history of the different states of New England. There you find unpublished correspondence and authentic pieces that were hidden away in the provincial archives. The complete work of Gookin relating to the Indians has been inserted there.

Several times, in the course of the chapter to which this note belongs, I pointed out the work of Nathaniel Morton entitled: *New England's Memorial*. What I said about this work is enough to prove that it is worthy to draw the attention of those who would like to know the history of New England. The book by Nathaniel Morton forms a volume in octavo, reprinted in Boston in 1826. It is not in the Royal Library.

The most respected and most important document that we possess on the history of New England is the work of the Reverend Cotton Mather, entitled: *Magnalia Christi Americana, or the ecclesiastical history of New England*, 1620–1698, 2 vol. in octavo, reprinted in Hartford in 1820. I do not believe that it is found in the Royal Library.

The author divided his work into seven books.

The first presents the history of what prepared and led to the founding of New England.

The second contains the life of the first governors and principal magistrates who administered this country.

The third is consecrated to the life and works of the evangelical ministers who, during this same period, led souls there.

In the fourth, the author describes the founding and development of the university of Cambridge (Massachusetts).

In the fifth, he explains the principles and discipline of the Church of New England.

The sixth is consecrated to retracing certain facts that denote, according to Mather, the salutary action of Providence on the inhabitants of New England.

In the seventh, finally, the author teaches us the heresies and troubles to which the Church of New England has been exposed.

Cotton Mather was an evangelical minister who, born in Boston, spent his life there.

All the ardor and all the religious passions that led to the founding of New England animate and give life to his accounts. You frequently find traces of bad taste in his way of writing; but he captivates, because he is full of enthusiasm that ends by communicating itself to the reader. He is often intolerant, more often gullible; but you never see in him the desire to deceive; sometimes his work even presents beautiful passages and true and profound ideas such as these:

Before the arrival of the Puritans, he says, vol. I, ch. IV, p. 61, the English had tried several times to settle the country that we live in; but since they did not aim higher than the success of their material interests, they were soon defeated by obstacles; this wasn't the case with the men who arrived in America, pushed and sustained by a noble religious idea. Although the latter found more enemies than perhaps the founders of any other colony ever had, they persisted in their plan, and the settlement that they established still exists today.

Mather sometimes mixes, with the austerity of these portraits, images full of sweetness and tenderness. After speaking about an English lady whose religious fervor had brought her to America with her husband, and who soon succumbed to the hardships and miseries of exile, he adds:

“As for her virtuous spouse, Isaac Johnson, Esq., He try'd to live without her, lik'd it not, and dy'd” (V. I, p. 71.)

Mather's book admirably reveals the time and country that he is trying to describe.

If he wants to teach us what motives led the Puritans to seek a refuge beyond the seas, he says:

The God of Heaven served as it were, a summons upon the spirits of his people in the English nation; stirring up the spirits of thousands which never saw the faces of each other, with a most unanimous inclination to leave all the pleasant accommodations of their native country; and go over

a terrible ocean, into a more terrible desert [*sic*], for the pure enjoyment of all his ordinances.

It is now reasonable that before we pass any further [he adds] the reasons of this undertaking should be more exactly made known unto the posterity of those that were the undertakers, lest they come at length to forget and neglect the true interest of New-England. Wherefore I shall now transcribe some of them from a manuscript, wherein they were then tendered unto consideration.

[ . . . (ed.) . . . ]

First, It will be a service unto the Church of great consequence, to carry the Gospel into those parts of the world, and raise a bulwark against the kingdom of antichrist, which the Jesuites [*sic*] labour to rear up in all parts of the world.

Secondly, All other Churches of Europe have been brought under desolations; and it may be feared that the like judgments are coming upon us; and who knows but God hath provided this place to be a refuge for many, whom he means to save out of the General Destruction.

Thirdly, The land grows weary of her inhabitants, insomuch that man, which is the most precious of all creatures, is here more vile and base than the earth he treads upon: children, neighbors, and friends, especially the poor, are counted the greatest burdens, which if things were right would be the chiefest earthly blessings.

Fourthly, We are grown to that intemperance in all excess of riot, as no mean estate almost will suffice a man to keep sail with his equals, and he that fails in it, must live in scorn and contempt: hence it comes to pass, that all arts and trades are carried in that deceitful manner, and unrighteous course, as it is almost impossible for a good upright man to maintain his constant charge, and live comfortably in them.

Fifthly, The schools of learning and religion are so corrupted, as [ . . . (ed.) . . . ] most children, even the best, wittiest, and of the fairest hopes, are perverted, corrupted, and utterly overthrown, by the multitude of evil examples and licentious behaviours in these seminaries.

Sixthly, The whole earth is the Lord's garden, and he hath given it to the sons of Adam, to be tilled and improved by them: why then should we stand starving here for places of habitation and in the mean time suffer whole countries, as profitable for the use of man, to lye [*sic*] waste without any improvement?

Seventhly, What can be a better or nobler work, and more worthy of a christian, than to erect and support a reformed particular Church in its infancy, and unite our forces with such a company of faithful people, as by a timely assistance may grow stronger and prosper; but for want of it, may be put to great hazard, if not be wholly ruined.

Eighthly, If any such as are known to be godly, and live in wealth and prosperity here, shall forsake all this to join with this reformed church, and with it run the hazard of an hard and mean condition, it will be an example of great use, both for the removing of scandal and to give more life unto the faith of God's people in their prayers for the plantation, and also to encourage others to join the more willingly in it.

Later, explaining the principles of the Church of New England on moral matters, Mather rises up violently against the custom of drinking toasts at dinner, which he calls a pagan and abominable habit.

He proscribes with the same rigor all ornaments that women can put in their hair, and condemns without pity the fashion of showing the neck and arms that, he says, is becoming established among them.

In another part of the work, he recounts at great length several instances of witchcraft that frightened New England. You see that the visible action of the devil in the affairs of this world seems to him an incontestable and proven truth.

In a great number of places in this same book a spirit of civil liberty and political independence is revealed that characterized the contemporaries of the author. Their principles in matters of government appear at each step. Thus, for example, you see the inhabitants of Massachusetts, from the year 1630 [1636 (ed.)], ten years after the founding of Plymouth, devote 400 pounds sterling to the establishment of the university of Cambridge.

If I pass from general documents relating to the history of New England

to those that relate to the various states included in its limits, I will first have to point out the work entitled: *The History of the Colony of Massachusetts, by Hutchinson, Lieutenant-Governor of the Massachusetts province*, 2 vols. in octavo. A copy of this book is found in the Royal Library; it is a second edition printed in London in 1765.

The history of Hutchinson, which I cited several times in the chapter to which this note relates, begins in the year 1628 and finishes in 1750. A great air of truthfulness reigns in the whole book; the style is simple and unaffected. This history is very detailed.

The best document to consult, for Connecticut, is the history of Benjamin Trumbull, entitled: *A Complete History of Connecticut, Civil and Ecclesiastical, 1630–1764*, 2 vols. in octavo, printed in 1818 at New Haven. I do not believe that Trumbull's work is found in the Royal Library.

This history contains a clear and cold exposition of all the events that took place in Connecticut during the period indicated by the title. The author drew upon the best sources, and his accounts retain the stamp of truth. All that he says about the early years of Connecticut is extremely interesting. See notably in his work the Constitution of 1639, vol. I, ch. VI, p. 100 [–103 (ed.)]; and also the Penal Laws of Connecticut, vol. I, ch. VII, p. 123.

The work of Jeremy Belknap entitled: *History of New Hampshire*, 2 vols. in octavo, printed in Boston in 1792, is rightly well regarded. See particularly, in Belknap's work, ch. III of the first volume. In this chapter, the author gives extremely valuable details about the political and religious principles of the Puritans, about the causes of their emigration, and about their laws. There you find this interesting quotation from a sermon delivered in 1663:

New England must constantly recall that it was founded for a religious purpose and not for a commercial purpose. It is written on its forehead that it professed purity in matters of doctrine and discipline. May merchants and all those who are busy piling up money remember, therefore, that it is religion, and not gain, that was the object of the founding of these colonies. If there is someone among us who, in his estimation of the world and of religion, looks upon the first as 13 and takes the second

only as 12, he is not prompted by the sentiments of a true son of New England.

Readers will find in Belknap more general ideas and more power of thought than that presented until now by the other American historians.

I do not know if this book is found in the Royal Library.

Among the states of the center that are already old, and that merit our interest, the states of New York and Pennsylvania stand out above all. The best history that we have of the state of New York is entitled: *History of New York*, by William Smith, printed in London in 1757. A French translation exists, also printed in London in 1757, 1 vol. in duodecimo. Smith provides us with useful details on the wars of the French and English in America. He is, of all the American historians, the one who best shows the famous confederation of the Iroquois.

As for Pennsylvania, I cannot do better than to point to the work of Proud entitled: *The History of Pennsylvania, From the Original Institution and Settlement of That Province, under the First Proprietor and Governor William Penn, in 1681 till after the Year 1742*, by Robert Proud, 2 vols. in octavo, printed in Philadelphia in 1797.

This work particularly deserves the attention of the reader; it contains a host of very interesting documents on Penn, the doctrine of the Quakers, the character, mores, customs of the first inhabitants of Pennsylvania. As far as I know, it is not in the Royal Library.

I do not need to add that among the most important documents relative to Pennsylvania are the works of Penn himself and those of Franklin. These works are known by a great number of readers.

Most of the books that I have just cited had already been consulted by me during my stay in America. The Royal Library has kindly entrusted me with some of them; others have been loaned to me by Mr. Warden, former consul general of the United States to Paris, author of an excellent book on America. I do not want to conclude this note without extending to Mr. Warden the expression of my gratitude.

## (G) Page 84

You find what follows in the *Mémoires de Jefferson*:

In the first years of the English settlement in Virginia, when land was obtained for little, or even for nothing, several far-seeing individuals acquired great land concessions, and desiring to maintain the splendor of their families, they entailed their wealth to their descendants. The transmission of these properties from generation to generation, to men who carried the same name, had finally produced a distinct class of families that, with the legal privilege of perpetuating their wealth, thus formed a kind of patrician order distinguished by the grandeur and the luxury of their holdings. It was from among this group that the king usually chose the members of his council (*Jefferson's Memoirs*).

In the United States, the principal provisions of English law relating to inheritance were universally rejected.

The first rule of inheritance is, says Mr. Kent, that if a person owning real estate, dies seized, or as owner, without devising the same, the estate shall descend to his lawful descendants in the direct line of lineal descent; and if there be but one person, then to him or her alone, and if more than one person, and all of equal degree of consanguinity to the ancestor, then the inheritance shall descend to the several persons as tenants in common in equal parts [. . . (ed.) . . .] without distinction of sex.

This rule was prescribed for the first time in the state of New York by a statute of 23 February 1786 (see *Revised Statutes*, vol. III; *Appendix*, p. 48); it has been adopted since in the revised statutes of the same state. It prevails now throughout the United States, the sole exception being that, in the state of Vermont, the male heir has a double share. *Kent's Commentaries*, vol. IV, p. 370.

Mr. Kent, in the same work, vol. IV, pp. 1–22, reviews American legislation relative to *entail*. The outcome is that before the American Revolution the English laws on *entail* formed the common law in the colonies. Entail strictly speaking (*Estates' tail*) was abolished in Virginia in 1776 (this abolition took place on the motion of Jefferson; see *Jefferson's Memoirs*), in the state of New York in 1786. The same abolition has taken place since

in North Carolina, Kentucky, Tennessee, Georgia, Missouri. In Vermont, the states of Indiana, Illinois, South Carolina and Louisiana, entail has always been unusual. The states that believed they had to keep English legislation relative to entail modified it in a way to remove its principal aristocratic characteristics. "Our general principles in matters of government," says Mr. Kent, "tend to favor the free circulation of property."<sup>e</sup>

What singularly strikes the French reader who studies American legislation relative to inheritance is that our laws on the same matter are still infinitely more democratic than theirs.

American laws divide the wealth of the father equally, but only in the case where his will is not known: "for every man, says the law, in the State of New York (*Revised Statutes*, vol. III; *Appendix*, p. 51), has full liberty, power and authority, to dispose of his goods by a will, to bequeath, divide, in favor of whatever person it may be, provided that he does not make out his will in favor of a political body or an organized company."

French law makes equal or nearly equal division the rule of the testator.

Most of the American republics still allow entail and limit themselves to restricting the effects.

French law allows entail in no case.<sup>f</sup>

If the social state of Americans is still more democratic than ours, our laws are thus more democratic than theirs. This is explained better than you think: in France democracy is still busy demolishing; in America it reigns tranquilly over the ruins.

e. The quoted text reads: "The general policy of this country does not encourage restraints upon the power of alienation of land." *Kent's Commentaries*, volume IV, p. 17.

f. Hervé de Tocqueville: "I read that with surprise. The law authorizes the father testator to favor one of his children. In collateral line it leaves a very much greater latitude" (YTC, CIIIb, 2, p. 99).

## (H) Page 97

## Summary of Electoral Conditions in the United States

All the states grant the enjoyment of electoral rights at age twenty-one. In all the states, you have to have resided a certain time in the district where you vote. This time varies from three months to two years.

As for the property qualification: in the state of Massachusetts, to be a voter, you have to have 3 pounds sterling of income, or 60 of capital.

In Rhode Island, you have to own property valued at 133 dollars (704 francs).

In Connecticut, you have to have a property with an income of 17 dollars (about 90 francs). A year of service in the militia gives the right to vote as well.

In New Jersey, the voter must have wealth of 50 pounds sterling.

In South Carolina and Maryland, the voter must own 50 acres of land.

In Tennessee, you must own some property.

In the states of Mississippi, Ohio, Georgia, Virginia, Pennsylvania, Delaware, New York, it is sufficient, to be a voter, to pay taxes: in most of these states, service in the militia is the equivalent of paying taxes.

In Maine and in New Hampshire, it is sufficient not to be included on the list of the poor.

Finally in the states of Missouri, Alabama, Illinois, Louisiana, Indiana, Kentucky, Vermont, no condition is required having to do with the wealth of the voter.

Only North Carolina, I think, imposes on the voter for the Senate conditions other than those imposed on voters for the House of Representatives. The first must own property of 50 acres of land. It is sufficient, in order to be able to elect representatives, to pay a tax.

## (I) Page 161

A prohibitive system exists in the United States. The small number of customs officials and the great extent of coastline make smuggling very easy;

it is done infinitely less there than elsewhere, however, because each person works to repress it.

Since there is no preventive surveillance in the United States, you see more fires there than in Europe; but in general they are extinguished sooner, because the surrounding population does not fail to go quickly to the place of danger.

(K) Page 165

It is not correct to say that centralization was born out of the French Revolution; the French Revolution perfected it, but did not create it. The taste for centralization and the mania for regulation go back in France to the period when the jurists entered into the government; which takes us back to the time of Philippe le Bel [the Fair]. Since that time, these two things have never ceased to increase. Here is what M. de Malesherbes, speaking in the name of the *Cour des aides*, said to King Louis XVI in 1775:<sup>3</sup>

There remained to each body, to each community of citizens the right to administer its own affairs; a right that we do not say was part of the original constitution of the kingdom, for it goes back much further: it is natural law, it is the law of reason. But it has been taken away from your subjects, Sire, and we will not be afraid to say that the administration has fallen in this respect into excesses that can be called childish.

Since powerful ministers made it a political principle not to allow the national assembly to be convoked, we have gone step by step to the point of declaring null and void deliberations of the inhabitants of a village when they are not authorized by an *intendant*; so that, if this community has an expenditure to make, the assent of the subdelegate of the *intendant* must be gained, consequently the plan that he adopted must be followed, the workers that he favors must be used, they must be paid as he sees fit; and if the community has a court case to sustain, it must also be authorized to do so by the *intendant*; the case must be argued before this first tribunal before being brought before the courts. And if the opinion of the *inten-*

3. See *Mémoires pour servir à l'histoire du droit public de la France en matière d'impôts*, p. 654, printed in *Brussels in 1779*.

*dant* is against the inhabitants, or if their adversary has the ear of the *intendant*, the community is deprived of the ability to defend its rights. Here, Sire, are the means by which some have worked to smother in France all municipal spirit, to extinguish, if it could be done, even the sentiments of citizens; the entire nation has been so to speak *prohibited* and it has been given guardians.<sup>8</sup>

What could you say better today, now that the French Revolution has made what are called its *conquests* in the matter of centralization?

In 1789, Jefferson wrote from Paris to one of his friends: “Never was there a country where the mania for governing too much had taken deeper roots and done more mischief than in France.” Letter to Madison, 28 August 1789.

The truth is that in France, for several centuries, the central power has always done all that it could to extend administrative centralization; in this course it has never had any other limit than its strength.

The central power born from the French Revolution went further in this than any of its predecessors, because it was stronger and more clever than any of them. Louis XIV submitted the details of communal existence to the wishes of the *intendant*; Napoleon submitted them to those of the minister. It is always the same principle, extended to consequences more or less remote.

(L) Page 170

This immutability of the constitution in France is a necessary consequence of our laws.

And, to speak first about the most important of all the laws, that which regulates the order of succession to the throne, what is more immutable in its principle than a political order based on the natural order of succession

g. Count de Boissy d’Anglas, *Essais sur la vie, les écrits et les opinions de M. de Malesherbes* (Paris: Treuttel and Würtz, 1819), I, pp. 305–6 (quoted in YTC, CVh, 5, p. 3). We know that this idea that the process of centralization predates the Revolution is the principal thesis of the *Old Regime and the Revolution*.

Also see Luis Díez del Corral, *El pensamiento político de Tocqueville* (Madrid: Alianza Universidad, 1989), pp. 137–80.

from father to son? In 1814, Louis XVIII had this perpetuity of the law of political succession acknowledged in favor of his family. Those who settled the results of the revolution of 1830 followed his example; only they established the perpetuity of the law to the profit of another family; in this they imitated chancellor Maupeou, who, while instituting the new *parlement* on the ruins of the old, took care to declare in the same ordinance that the new magistrates would be irremovable as their predecessors were.

The laws of 1830 do not, any more than those of 1814, indicate any means to change the constitution. Now, it is clear that the ordinary means of legislation cannot be sufficient for that.

From what does the king derive his powers? From the constitution. From what the peers? From the constitution. From what the deputies? From the constitution. How then would the king, the peers and the deputies be able, by uniting, to change something in a law by the sole virtue of which they govern? Outside the constitution they are nothing; so on what ground would they stand in order to change the constitution? One of two things: either their efforts are powerless against the charter, which continues to exist in spite of them, and then they continue to rule in its name; or they succeed in changing the charter, and then, since the law by which they exist no longer exists, they are no longer anything themselves. By destroying the charter, they are destroyed.

That is still much more obvious in the laws of 1830 than in those of 1814. In 1814, the royal power put itself, in a way, outside and above the constitution; but in 1830, by its own admission, it is created by the constitution and is absolutely nothing without it.

Thus a part of our constitution is immutable, because it has been joined with the destiny of a family; and the whole of the constitution is equally immutable, because no legal means are seen to change it.

All this is not applicable to England. Since England has no written constitution, who can say that its constitution is being changed?

## (M) Page 171

The most respected authors who have written about the English constitution establish, as though trying to out do each other, this omnipotence of Parliament.

Delolme says [book I (ed.)], ch. x, p. 77: *It is a fundamental principle with the English lawyers, that parliament can do everything, except making a woman a man or a man a woman.*

Blackstone expresses himself still more categorically, if not more energetically, than Delolme; in these terms [book V, ch. II]:

“The power and jurisdiction of Parliament,” says sir Edward Coke (4 Inst. 36), “is so transcendent and absolute, that it cannot be confined, either for causes or persons, within any bounds. And of this high court,” he adds, “it may be truly said, *Si antiquitatem spectes, est vetustissima; si dignitatem, est honoratissima; si jurisdictionem, est capacissima.* It hath sovereign and uncontrollable authority in making, confirming, enlarging, restraining, abrogating, repealing, reviving, and expounding of laws concerning matters of all possible denominations, ecclesiastical, or temporal, civil, military, maritime, or criminal: this being the place where that absolute despotice [*sic*] power, which must in all governments reside somewhere, is entrusted by the constitution of these kingdoms. All mischief and grievances, operations and remedies, that transcend the ordinary course of laws are within the reach of this extraordinary tribunal. It can regulate or new model the succession to the crown; as was done in the reign of Henry VIII and William III. It can alter the established religion of the land; as was done in a variety of instances, in the reigns of king Henry VIII. and his three children. It can *change and create afresh even the constitution of the kingdom* and of parliaments themselves; as was done by the act of union and the several statutes for triennial and septennial elections. It can, in short, do everything that is not naturally impossible; and therefore some have not scrupled to call it’s [*sic*] power, by a figure rather too bold, the *omnipotence* of parliament.”

## (N) Page 185

There is no subject on which the American constitutions agree more than on political jurisdiction.

All the constitutions that deal with this subject give the house of representatives the exclusive right to accuse, except only the Constitution of North Carolina, which grants the same right to the grand juries (article 23).

Nearly all the constitutions give to the senate, or to the assembly that takes its place, the exclusive right to judge.

The only penalties that the political courts can pronounce are: dismissal or banning from public offices in the future. Only the Constitution of Virginia allows pronouncing all types of penalties.

Crimes that can lead to political jurisdiction are: in the federal Constitution (sect. IV, art. I) [Article II, Section 4 (ed.)], in that of Indiana (art. 3, pp. 23 and 24), of New York (art. 5), of Delaware (art. 5), high treason, corruption and other high crimes or misdemeanors;

In the Constitution of Massachusetts (ch. I, sect. II), of North Carolina (art. 23), and of Virginia (p. 252), bad conduct and bad administration;

In the Constitution of New Hampshire (p. 105), corruption, reprehensible schemes, and bad administration;

In Vermont (ch. II, art. 24), bad administration;

In South Carolina (art. 5), Kentucky (art. 5), Tennessee (art. 4), Ohio (art. 1, #23, 24), Louisiana (art. 5), Mississippi (art. 5), Alabama (art. 6), Pennsylvania (art. 4), crimes committed in office.

In the states of Illinois, Georgia, Maine and Connecticut, no crime is specified.

## (O) Page 276

It is true that the powers of Europe can wage great maritime wars against the Union; but it is always easier and less dangerous to sustain a maritime

war than a continental war. Maritime war requires only a single kind of effort. A commercial people that consents to give its government the money needed is always sure to have fleets. Now, sacrifices of money can be concealed from nations much more easily than sacrifices of men and personal efforts. Defeats at sea, moreover, rarely compromise the existence or the independence of the people who experience them.

As for continental wars, it is clear that the peoples of Europe cannot wage dangerous wars against the American Union.

It is very difficult to transport to and to maintain in America more than 25,000 soldiers; this represents a nation of about 2,000,000 people. The greatest European nation fighting against the Union in this way is in the same position as a nation of 2,000,000 inhabitants would be in a war against one of 12,000,000. Add to this that the American has all of his resources at hand and the European is 1,500 leagues from his, and that the immensity of the territory of the United States alone would present an insurmountable obstacle to conquest.

## Second Part

### (A) Page 298

In April 1704 the first American newspaper appeared. It was published in Boston. See *Collection of the Historical Society of Massachusetts*, vol. VI, p. 66.

You would be wrong to believe that the periodical press has always been entirely free in America; attempts were made there to establish something analogous to prior censorship and to the surety bond.

Here is what you find in the legislative documents of Massachusetts, for the date of 14 January 1722.

The committee named by the general assembly (the legislative body of the province) to study the affair relating to the newspaper entitled: *New England Courant*<sup>h</sup>

h. In the first edition: “*Courant* (which was written by the celebrated Franklin) . . .” The error was corrected in the following editions.

thinks that the tendency of the said newspaper is to ridicule religion and make it sink into contempt; that the holy authors are treated in a profane and irreverent manner; that the conduct of the ministers of the Gospel is interpreted with malice; that the government of His Majesty is insulted, and that the peace and tranquillity of this province are disturbed by the said newspaper; consequently, the committee is of the opinion that, in the future, James Franklin, printer and editor, be forbidden to print or publish the said newspaper or any other writing, without having submitted them in advance to the Secretary of the province. The justices of the peace of the town of Suffolk will be charged with obtaining from Mr. Franklin a bond that will be a pledge for his good conduct during the coming year.

The proposal of the committee was accepted and became law, but the effect was null. The newspaper eluded the interdiction by putting the name of *Benjamin* Franklin in place of *James* Franklin beneath its columns, and opinion finally put an end to the measure.

#### (B) Page 445

In order to be county voters (those who represent landed property) before the reform bill passed in 1832, it was necessary to have by sole ownership or by lifetime lease capital in land bringing in 40 shillings in net income. This law was made under Henry VI, about 1450. It has been calculated that 40 shillings at the time of Henry VI would be equivalent to 30 pounds sterling today. This amount adopted in the XVth century was allowed to remain, however, until 1832, which proves how much the English constitution became democratic over time, even while appearing immobile. See *Delolme*, book I, ch. IV; also see *Blackstone*, book I, ch. IV.

English jurors are chosen by the county sheriff (*Delolme*, vol. I, ch XII [XIII (ed.)]). The sheriff is in general a prominent man of the county; he fulfills judicial and administrative functions; he represents the King, and is named by him every year (*Blackstone*, book I, ch. IX). His position puts him above suspicion of corruption on the part of the parties; if, moreover, his impartiality is put in doubt, the jury that he has named can be recused en masse, and then another officer is charged with choosing new jurors. See *Blackstone*, book III, ch. XXIII.

To have the right to be a juror, it is necessary to own capital in land, with a value of at least 10 shillings in income. (*Blackstone*, book III, ch. XXIII). You will note that this condition was imposed during the reign of William and Mary, that is toward 1700, a period when the value of money was infinitely higher than today. You see that the English based their jury system, not on capacity but on landed property, like all their other political institutions.

In the end farmers were admitted to the jury, but it was required that their leases be very long, and that they have a net income of 20 shillings, apart from the rent. (*Blackstone*, *idem.*)

(C) Page 445

The federal constitution introduced the jury into the courts of the Union in the same way that the states had introduced it into their particular courts; in addition, the federal constitution did not establish its own rules about the choice of jurors. Federal courts draw from the ordinary list of jurors that each state has drawn up for its use. So it is the laws of the states that must be examined to know the theory of the composition of the jury in America. See Story's *Commentaries on the Constitution*, book III, ch. XXXVIII, pp. 654–59; Sergeant's *Constitutional Law*, p. 165. Also see the federal laws of 1789, 1800 and 1820 on the subject.

To show clearly the principles of the Americans regarding the composition of the jury, I have drawn upon the laws of states far from each other. Here are the general ideas that can be derived from this examination.

In America, all citizens who are voters have the right to be jurors. The large state of New York has, however, established a slight difference between those two capacities; but it is in the direction opposite to our laws, that is to say, there are fewer jurors than voters in the state of New York. In general, you can say that in the United States the right to be part of a jury, like the right to elect representatives, extends to everyone; but the exercise of this right is not put indiscriminately into all hands.

Each year a body of municipal or district magistrates, called *selectmen* in New England, *supervisors* in the state of New York, *trustees* in Ohio, parish *sheriffs* in Louisiana, choose for each district a certain number of

citizens having the right to be jurors, and among whom they assume the capacity to be so. These magistrates, being elected themselves, do not excite distrust; their powers are very extensive and very arbitrary, like those of republican magistrates in general, and it is said that they often use those powers, above all in New England, in order to remove unworthy or incompetent jurors.

The names of the jurors thus chosen are sent on to the county court, and from the totality of these names, the jury that must deliver the verdict in each affair is drawn by lot.

The Americans have, moreover, tried by all possible means to put the jury within reach of the people, and to make it as little burdensome as possible. Since the jurors are very numerous, each person's turn comes scarcely every three years. The sessions are held in the chief seat of each county; the county corresponds more or less to our *arrondissement*. Thus, the court comes to be located near the jury, instead of drawing the jury close to it, as in France; finally the jurors are paid, either by the state, or by the parties. They receive, in general, one dollar (5.42 fr.) per day, apart from travel expenses. In America the jury is still regarded as a burden, but it is a burden easy to bear, and one you submit to without difficulty.

See Brevard's *Digest of the Public Statute Law of South Carolina*, 2nd vol., p. 338; *id.*, vol. I, pp. 454 and 456; *id.*, vol. II, p. 218.

See *The General Laws of Massachusetts revised and published by authority of the legislature*, vol. II, pp. 331, 187 [141].

See *The Revised Statutes of the State of New York*, vol. II, pp. 720, 411, 717, 643.

See *The Statute Law of the State of Tennessee*, vol. I, p. 209.

See *Acts of the State of Ohio*, pp. 95 and 210.

See *Digeste général des actes de la législature de la Louisiane*, vol. II, p. 55.

#### (D) Page 449

When you closely examine the constitution of the civil jury among the English, you easily discover that the jurors never escape the control of the judge.

It is true that the verdict of the jury, civil as well as criminal, generally

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includes fact and law in a simple statement. Example: A house is claimed by Peter as one he bought, here is the fact. His adversary raises the objection of the incompetence of the seller, here is the law. The jury limits itself to saying that the house will be put back in Peter's hands; thus it decides fact and law. When introducing the jury in civil matters, the English did not keep the infallibility of the opinion of the jurors that they granted in criminal matters, when the verdict is favorable.

If the judge thinks that the verdict has made a false application of the law, he can refuse to receive it, and send the jurors back to deliberate.

If the judge allows the verdict without comment, the proceedings are still not entirely settled: there are several paths of recourse open against the decision. The principal one consists of asking the courts to void the verdict and to assemble a new jury. It is true to say that such a demand is rarely granted and never more than two times. Nonetheless, I saw the case happen before my eyes. See *Blackstone*, book III, ch. XXIV; *id.*, book III, ch. XXV.