

Chapter XI: Liberty of the Press in the United States

Chapter Summary

Difficulty of restraining the liberty of the press – Particular reasons which some nations have to cherish this liberty – The liberty of the press a necessary consequence of the sovereignty of the people as it is understood in America – Violent language of the periodical press in the United States – Propensities of the periodical press – Illustrated by the United States -Opinion of the Americans upon the repression of the abuse of the liberty of the press by judicial prosecutions – Reasons for which the press is less powerful in America than in France.

Liberty Of The Press In The United States

The influence of the liberty of the press does not affect political opinions alone, but it extends to all the opinions of men, and it modifies customs as well as laws. In another part of this work I shall attempt to determinate the degree of influence

which the liberty of the press has exercised upon civil society in the United States, and to point out the direction which it has given to the ideas, as well as the tone which it has imparted to the character and the feelings, of the Anglo-Americans, but at present I purpose simply to examine the effects produced by the liberty of the press in the political world.

I confess that I do not entertain that firm and complete attachment to the liberty of the press which things that are supremely good in their very nature are wont to excite in the mind; and I approve of it more from a recollection of the evils it prevents than from a consideration of the advantages it ensures.

If any one could point out an intermediate and yet a tenable position between the complete independence and the entire subjection of the public expression of opinion, I should perhaps be inclined to adopt it; but the difficulty is to discover this position. If it is your intention to correct the abuses of unlicensed printing and to restore the use of orderly language, you may in the first instance try the offender by a jury; but if the jury acquits him, the opinion which was that of a single individual becomes the opinion of the country at

large. Too much and too little has therefore hitherto been done. If you proceed, you must bring the delinquent before a court of permanent judges. But even here the cause must be heard before it can be decided; and the very principles which no book would have ventured to avow are blazoned forth in the pleadings, and what was obscurely hinted at in a single composition is then repeated in a multitude of other publications. The language in which a thought is embodied is the mere carcass of the thought, and not the idea itself; tribunals may condemn the form, but the sense and spirit of the work is too subtle for their authority. Too much has still been done to recede, too little to attain your end; you must therefore proceed. If you establish a censorship of the press, the tongue of the public speaker will still make itself heard, and you have only increased the mischief. The powers of thought do not rely, like the powers of physical strength, upon the number of their mechanical agents, nor can a host of authors be reckoned like the troops which compose an army; on the contrary, the authority of a principle is often increased by the smallness of the number of men by whom it is expressed. The words of a strong-minded man, which

penetrate amidst the passions of a listening assembly, have more power than the vociferations of a thousand orators; and if it be allowed to speak freely in any public place, the consequence is the same as if free speaking was allowed in every village. The liberty of discourse must therefore be destroyed as well as the liberty of the press; this is the necessary term of your efforts; but if your object was to repress the abuses of liberty, they have brought you to the feet of a despot. You have been led from the extreme of independence to the extreme of subjection without meeting with a single tenable position for shelter or repose.

There are certain nations which have peculiar reasons for cherishing the liberty of the press, independently of the general motives which I have just pointed out. For in certain countries which profess to enjoy the privileges of freedom every individual agent of the Government may violate the laws with impunity, since those whom he oppresses cannot prosecute him before the courts of justice. In this case the liberty of the press is not merely a guarantee, but it is the only guarantee, of their liberty and their security which the citizens possess. If the rulers of these nations propose to abol-

ish the independence of the press, the people would be justified in saying: Give us the right of prosecuting your offences before the ordinary tribunals, and perhaps we may then waive our right of appeal to the tribunal of public opinion.

But in the countries in which the doctrine of the sovereignty of the people ostensibly prevails, the censorship of the press is not only dangerous, but it is absurd. When the right of every citizen to co-operate in the government of society is acknowledged, every citizen must be presumed to possess the power of discriminating between the different opinions of his contemporaries, and of appreciating the different facts from which inferences may be drawn. The sovereignty of the people and the liberty of the press may therefore be looked upon as correlative institutions; just as the censorship of the press and universal suffrage are two things which are irreconcilably opposed, and which cannot long be retained among the institutions of the same people. Not a single individual of the twelve millions who inhabit the territory of the United States has as yet dared to propose any restrictions to the liberty of the press. The first newspaper over which I cast my eyes, upon my arrival in America, con-

tained the following article:

In all this affair the language of Jackson has been that of a heartless despot, solely occupied with the preservation of his own authority. Ambition is his crime, and it will be his punishment too: intrigue is his native element, and intrigue will confound his tricks, and will deprive him of his power: he governs by means of corruption, and his immoral practices will redound to his shame and confusion. His conduct in the political arena has been that of a shameless and lawless gamester. He succeeded at the time, but the hour of retribution approaches, and he will be obliged to disgorge his winnings, to throw aside his false dice, and to end his days in some retirement, where he may curse his madness at his leisure; for repentance is a virtue with which his heart is likely to remain forever unacquainted.

It is not uncommonly imagined in France that the virulence of the press originates in the uncertain social condition, in the political excitement, and the general sense of consequent evil which prevail in that country; and it is therefore supposed that as soon as society has resumed a certain degree of composure the press will abandon its present vehe-

mence. I am inclined to think that the above causes explain the reason of the extraordinary ascendancy it has acquired over the nation, but that they do not exercise much influence upon the tone of its language. The periodical press appears to me to be actuated by passions and propensities independent of the circumstances in which it is placed, and the present position of America corroborates this opinion.

America is perhaps, at this moment, the country of the whole world which contains the fewest germs of revolution; but the press is not less destructive in its principles than in France, and it displays the same violence without the same reasons for indignation. In America, as in France, it constitutes a singular power, so strangely composed of mingled good and evil that it is at the same time indispensable to the existence of freedom, and nearly incompatible with the maintenance of public order. Its power is certainly much greater in France than in the United States; though nothing is more rare in the latter country than to hear of a prosecution having been instituted against it. The reason of this is perfectly simple: the Americans, having once admitted the doctrine of the sovereignty of the people, apply it with perfect consis-

tency. It was never their intention to found a permanent state of things with elements which undergo daily modifications; and there is consequently nothing criminal in an attack upon the existing laws, provided it be not attended with a violent infraction of them. They are moreover of opinion that courts of justice are unable to check the abuses of the press; and that as the subtilty of human language perpetually eludes the severity of judicial analysis, offences of this nature are apt to escape the hand which attempts to apprehend them. They hold that to act with efficacy upon the press it would be necessary to find a tribunal, not only devoted to the existing order of things, but capable of surmounting the influence of public opinion; a tribunal which should conduct its proceedings without publicity, which should pronounce its decrees without assigning its motives, and punish the intentions even more than the language of an author. Whosoever should have the power of creating and maintaining a tribunal of this kind would waste his time in prosecuting the liberty of the press; for he would be the supreme master of the whole community, and he would be as free to rid himself of the authors as of their writings. In this question, therefore,

there is no medium between servitude and extreme license; in order to enjoy the inestimable benefits which the liberty of the press ensures, it is necessary to submit to the inevitable evils which it engenders. To expect to acquire the former and to escape the latter is to cherish one of those illusions which commonly mislead nations in their times of sickness, when, tired with faction and exhausted by effort, they attempt to combine hostile opinions and contrary principles upon the same soil.

The small influence of the American journals is attributable to several reasons, amongst which are the following:

The liberty of writing, like all other liberty, is most formidable when it is a novelty; for a people which has never been accustomed to co-operate in the conduct of State affairs places implicit confidence in the first tribune who arouses its attention. The Anglo-Americans have enjoyed this liberty ever since the foundation of the settlements; moreover, the press cannot create human passions by its own power, however skillfully it may kindle them where they exist. In America politics are discussed with animation and a varied activity, but they rarely touch those deep passions which are excited

whenever the positive interest of a part of the community is impaired: but in the United States the interests of the community are in a most prosperous condition. A single glance upon a French and an American newspaper is sufficient to show the difference which exists between the two nations on this head. In France the space allotted to commercial advertisements is very limited, and the intelligence is not considerable, but the most essential part of the journal is that which contains the discussion of the politics of the day. In America three-quarters of the enormous sheet which is set before the reader are filled with advertisements, and the remainder is frequently occupied by political intelligence or trivial anecdotes: it is only from time to time that one finds a corner devoted to passionate discussions like those with which the journalists of France are wont to indulge their readers.

It has been demonstrated by observation, and discovered by the innate sagacity of the pettiest as well as the greatest of despots, that the influence of a power is increased in proportion as its direction is rendered more central. In France the press combines a twofold centralization; almost all its power is centred in the same spot, and vested in the same hands,

for its organs are far from numerous. The influence of a public press thus constituted, upon a sceptical nation, must be unbounded. It is an enemy with which a Government may sign an occasional truce, but which it is difficult to resist for any length of time.

Neither of these kinds of centralization exists in America. The United States have no metropolis; the intelligence as well as the power of the country are dispersed abroad, and instead of radiating from a point, they cross each other in every direction; the Americans have established no central control over the expression of opinion, any more than over the conduct of business. These are circumstances which do not depend on human foresight; but it is owing to the laws of the Union that there are no licenses to be granted to printers, no securities demanded from editors as in France, and no stamp duty as in France and formerly in England. The consequence of this is that nothing is easier than to set up a newspaper, and a small number of readers suffices to defray the expenses of the editor.

The number of periodical and occasional publications which appears in the United States actually surpasses belief.

The most enlightened Americans attribute the subordinate influence of the press to this excessive dissemination; and it is adopted as an axiom of political science in that country that the only way to neutralize the effect of public journals is to multiply them indefinitely. I cannot conceive that a truth which is so self-evident should not already have been more generally admitted in Europe; it is comprehensible that the persons who hope to bring about revolutions by means of the press should be desirous of confining its action to a few powerful organs, but it is perfectly incredible that the partisans of the existing state of things, and the natural supporters of the law, should attempt to diminish the influence of the press by concentrating its authority. The Governments of Europe seem to treat the press with the courtesy of the knights of old; they are anxious to furnish it with the same central power which they have found to be so trusty a weapon, in order to enhance the glory of their resistance to its attacks.

In America there is scarcely a hamlet which has not its own newspaper. It may readily be imagined that neither discipline nor unity of design can be communicated to so multifarious a host, and each one is consequently led to fight

under his own standard. All the political journals of the United States are indeed arrayed on the side of the administration or against it; but they attack and defend in a thousand different ways. They cannot succeed in forming those great currents of opinion which overwhelm the most solid obstacles. This division of the influence of the press produces a variety of other consequences which are scarcely less remarkable. The facility with which journals can be established induces a multitude of individuals to take a part in them; but as the extent of competition precludes the possibility of considerable profit, the most distinguished classes of society are rarely led to engage in these undertakings. But such is the number of the public prints that, even if they were a source of wealth, writers of ability could not be found to direct them all. The journalists of the United States are usually placed in a very humble position, with a scanty education and a vulgar turn of mind. The will of the majority is the most general of laws, and it establishes certain habits which form the characteristics of each peculiar class of society; thus it dictates the etiquette practised at courts and the etiquette of the bar. The characteristics of the French jour-

nalists consist in a violent, but frequently an eloquent and lofty, manner of discussing the politics of the day; and the exceptions to this habitual practice are only occasional. The characteristics of the American journalist consist in an open and coarse appeal to the passions of the populace; and he habitually abandons the principles of political science to assail the characters of individuals, to track them into private life, and disclose all their weaknesses and errors.

Nothing can be more deplorable than this abuse of the powers of thought; I shall have occasion to point out hereafter the influence of the newspapers upon the taste and the morality of the American people, but my present subject exclusively concerns the political world. It cannot be denied that the effects of this extreme license of the press tend indirectly to the maintenance of public order. The individuals who are already in the possession of a high station in the esteem of their fellow-citizens are afraid to write in the newspapers, and they are thus deprived of the most powerful instrument which they can use to excite the passions of the multitude to their own advantage.*

***They only write in the papers when they choose to address the people in their own name; as, for instance, when they are called upon to repel calumnious imputations, and to correct a misstatement of facts.**

The personal opinions of the editors have no kind of weight in the eyes of the public: the only use of a journal is, that it imparts the knowledge of certain facts, and it is only by altering or distorting those facts that a journalist can contribute to the support of his own views.

But although the press is limited to these resources, its influence in America is immense. It is the power which impels the circulation of political life through all the districts of that vast territory. Its eye is constantly open to detect the secret springs of political designs, and to summon the leaders of all parties to the bar of public opinion. It rallies the interests of the community round certain principles, and it draws up the creed which factions adopt; for it affords a means of intercourse between parties which hear, and which address each other without ever having been in immediate contact. When a great number of the organs of the press adopt the same line of conduct, their influence becomes irresistible; and public opinion, when it is perpetually assailed from the same side, eventually yields to the attack. In the United States each separate journal exercises but little authority, but the power of the periodical press is only second to that of the people.*

*See Appendix, P.

The opinions established in the United States under the empire of the liberty of the press are frequently more firmly rooted than those which are formed elsewhere under the sanction of a censor.

In the United States the democracy perpetually raises fresh individuals to the conduct of public affairs; and the measures of the administration are consequently seldom regulated by the strict rules of consistency or of order. But the general principles of the Government are more stable, and the opinions most prevalent in society are generally more durable than in many other countries. When once the Americans have taken up an idea, whether it be well or ill founded, nothing is more difficult than to eradicate it from their minds. The same tenacity of opinion has been observed in England, where, for the last century, greater freedom of conscience and more invincible prejudices have existed than in all the other countries of Europe. I attribute this consequence to a cause which may at first sight appear to have a very opposite tendency, namely, to the liberty of the press. The nations amongst which this liberty exists are as apt to cling to their opinions from pride as from conviction. They cherish them

because they hold them to be just, and because they exercised their own free-will in choosing them; and they maintain them not only because they are true, but because they are their own. Several other reasons conduce to the same end.

It was remarked by a man of genius that “ignorance lies at the two ends of knowledge.” Perhaps it would have been more correct to have said, that absolute convictions are to be met with at the two extremities, and that doubt lies in the middle; for the human intellect may be considered in three distinct states, which frequently succeed one another. A man believes implicitly, because he adopts a proposition without inquiry. He doubts as soon as he is assailed by the objections which his inquiries may have aroused. But he frequently succeeds in satisfying these doubts, and then he begins to believe afresh: he no longer lays hold on a truth in its most shadowy and uncertain form, but he sees it clearly before him, and he advances onwards by the light it gives him.*

***It may, however, be doubted whether this rational and self-guiding conviction arouses as much fervor or enthusiastic devotedness in men as their first dogmatical belief.**

When the liberty of the press acts upon men who are in the first of these three states, it does not immediately disturb their habit of believing implicitly without investigation, but it constantly modifies the objects of their intuitive convictions. The human mind continues to discern but one point upon the whole intellectual horizon, and that point is in continual motion. Such are the symptoms of sudden revolutions, and of the misfortunes which are sure to befall those generations which abruptly adopt the unconditional freedom of the press.

The circle of novel ideas is, however, soon terminated; the touch of experience is upon them, and the doubt and mistrust which their uncertainty produces become universal. We may rest assured that the majority of mankind will either believe they know not wherefore, or will not know what to believe. Few are the beings who can ever hope to attain to that state of rational and independent conviction which true knowledge can beget in defiance of the attacks of doubt.

It has been remarked that in times of great religious fervor men sometimes change their religious opinions; whereas in times of general scepticism everyone clings to his own per-

suasion. The same thing takes place in politics under the liberty of the press. In countries where all the theories of social science have been contested in their turn, the citizens who have adopted one of them stick to it, not so much because they are assured of its excellence, as because they are not convinced of the superiority of any other. In the present age men are not very ready to die in defence of their opinions, but they are rarely inclined to change them; and there are fewer martyrs as well as fewer apostates.

Another still more valid reason may yet be adduced: when no abstract opinions are looked upon as certain, men cling to the mere propensities and external interests of their position, which are naturally more tangible and more permanent than any opinions in the world.

It is not a question of easy solution whether aristocracy or democracy is most fit to govern a country. But it is certain that democracy annoys one part of the community, and that aristocracy oppresses another part. When the question is reduced to the simple expression of the struggle between poverty and wealth, the tendency of each side of the dispute becomes perfectly evident without further controversy.

~~Chapter XII: Political Associations in the United States~~

~~Chapter Summary~~

~~Daily use which the Anglo-Americans make of the right of association — Three kinds of political associations — In what manner the Americans apply the representative system to associations — Dangers resulting to the State — Great Convention of 1831 relative to the Tariff — Legislative character of this Convention — Why the unlimited exercise of the right of association is less dangerous in the United States than elsewhere — Why it may be looked upon as necessary — Utility of associations in a democratic people.~~

~~Political Associations In The United States~~

~~In no country in the world has the principle of association been more successfully used, or more unsparingly applied to a multitude of different objects, than in America. Besides the permanent associations which are established by law under the names of townships, cities, and counties, a vast~~

Chapter XV: Unlimited Power Of Majority, And Its Consequences – Part I

Chapter Summary

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

Unlimited Power Of The Majority In The United States, And Its Consequences

The very essence of democratic government consists in the absolute sovereignty of the majority; for there is nothing in democratic States which is capable of resisting it. Most of the American Constitutions have sought to increase this natural strength of the majority by artificial means.*

**We observed, in examining the Federal Constitution, that the efforts of the legislators of the Union had been diametrically opposed to the present tendency. The consequence has been that the Federal Government is more independent in its sphere than that of the States. But the Federal Government scarcely ever interferes in any but external affairs; and the governments of the State are in the governments of the States are in reality the authorities which direct society in America.*

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

But whilst the law increased the strength of those authorities which of themselves were strong, it enfeebled more and more those which were naturally weak. It deprived the representatives of the executive of all stability and independence, and by subjecting them completely to the caprices of the legislature, it robbed them of the slender influence which the nature of a democratic government might have allowed them to retain. In several States the judicial power was also submitted to the elective discretion of the majority, and in

all of them its existence was made to depend on the pleasure of the legislative authority, since the representatives were empowered annually to regulate the stipend of the judges.

Custom, however, has done even more than law. A proceeding which will in the end set all the guarantees of representative government at naught is becoming more and more general in the United States; it frequently happens that the electors, who choose a delegate, point out a certain line of conduct to him, and impose upon him a certain number of positive obligations which he is pledged to fulfil. With the exception of the tumult, this comes to the same thing as if the majority of the populace held its deliberations in the market-place.

Several other circumstances concur in rendering the power of the majority in America not only preponderant, but irresistible. The moral authority of the majority is partly based upon the notion that there is more intelligence and more wisdom in a great number of men collected together than in a single individual, and that the quantity of legislators is more important than their quality. The theory of equality is in fact applied to the intellect of man: and human pride is thus

assailed in its last retreat by a doctrine which the minority hesitate to admit, and in which they very slowly concur. Like all other powers, and perhaps more than all other powers, the authority of the many requires the sanction of time; at first it enforces obedience by constraint, but its laws are not respected until they have long been maintained.

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

The French, under the old monarchy, held it for a maxim (which is still a fundamental principle of the English Constitution) that the King could do no wrong; and if he did do wrong, the blame was imputed to his advisers. This notion was highly favorable to habits of obedience, and it enabled the subject to complain of the law without ceasing to love and honor the lawgiver. The Americans entertain the same opinion with respect to the majority.

The moral power of the majority is founded upon yet an-

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

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

There are certain communities in which the persons who constitute the minority can never hope to draw over the majority to their side, because they must then give up the very point which is at issue between them. Thus, an aristocracy can never become a majority whilst it retains its exclu-

sive privileges, and it cannot cede its privileges without ceasing to be an aristocracy.

In the United States political questions cannot be taken up in so general and absolute a manner, and all parties are willing to recognize the right of the majority, because they all hope to turn those rights to their own advantage at some future time. The majority therefore in that country exercises a prodigious actual authority, and a moral influence which is scarcely less preponderant; no obstacles exist which can impede or so much as retard its progress, or which can induce it to heed the complaints of those whom it crushes upon its path. This state of things is fatal in itself and dangerous for the future.

How The Unlimited Power Of The Majority Increases In America The Instability Of Legislation And Administration Inherent In Democracy The Americans increase the mutability of the laws which is inherent in democracy by changing the legislature every year, and by investing it with unbounded authority – The same effect is produced upon the administration – In America social amelioration is conducted more energetically but less perseveringly than in Europe.

I have already spoken of the natural defects of democratic institutions, and they all of them increase at the exact ratio of the power of the majority. To begin with the most evident of them all; the mutability of the laws is an evil inherent in democratic government, because it is natural to democracies to raise men to power in very rapid succession. But this evil is more or less sensible in proportion to the authority and the means of action which the legislature possesses.

In America the authority exercised by the legislative bodies is supreme; nothing prevents them from accomplishing their wishes with celerity, and with irresistible power, whilst they are supplied by new representatives every year. That is to say, the circumstances which contribute most powerfully to democratic instability, and which admit of the free application of caprice to every object in the State, are here in full operation. In conformity with this principle, America is, at the present day, the country in the world where laws last the shortest time. Almost all the American constitutions have been amended within the course of thirty years: there is therefore not a single American State which has not modified the principles of its legislation in that lapse of time. As for the

laws themselves, a single glance upon the archives of the different States of the Union suffices to convince one that in America the activity of the legislator never slackens. Not that the American democracy is naturally less stable than any other, but that it is allowed to follow its capricious propensities in the formation of the laws.*

The omnipotence of the majority, and the rapid as well as absolute manner in which its decisions are executed in the United States, has not only the effect of rendering the law unstable, but it exercises the same influence upon the execution of the law and the conduct of the public administration. As the majority is the only power which it is important to court, all its projects are taken up with the greatest ardor, but no sooner is its attention distracted than all this ardor

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

ceases; whilst in the free States of Europe the administration is at once independent and secure, so that the projects of the legislature are put into execution, although its immediate attention may be directed to other objects.

In America certain ameliorations are undertaken with much more zeal and activity than elsewhere; in Europe the same ends are promoted by much less social effort, more continuously applied.

Some years ago several pious individuals undertook to ameliorate the condition of the prisons. The public was excited by the statements which they put forward, and the regeneration of criminals became a very popular undertaking. New prisons were built, and for the first time the idea of reforming as well as of punishing the delinquent formed a part of prison discipline. But this happy alteration, in which the public had taken so hearty an interest, and which the exertions of the citizens had irresistibly accelerated, could not be completed in a moment. Whilst the new penitentiaries were being erected (and it was the pleasure of the majority that they should be terminated with all possible celerity), the old prisons existed, which still contained a great number of of-

fenders. These jails became more unwholesome and more corrupt in proportion as the new establishments were beautified and improved, forming a contrast which may readily be understood. The majority was so eagerly employed in founding the new prisons that those which already existed were forgotten; and as the general attention was diverted to a novel object, the care which had hitherto been bestowed upon the others ceased. The salutary regulations of discipline were first relaxed, and afterwards broken; so that in the immediate neighborhood of a prison which bore witness to the mild and enlightened spirit of our time, dungeons might be met with which reminded the visitor of the barbarity of the Middle Ages.

Chapter XV: Unlimited Power Of Majority, And Its Consequences -Part II

Tyranny Of The Majority

How the principle of the sovereignty of the people is to be understood -Impossibility of conceiving a mixed government – The sovereign power must centre somewhere – Precautions to be taken to control its action – These precautions have not been taken in the United States – Consequences.

I hold it to be an impious and an execrable maxim that, politically speaking, a people has a right to do whatsoever it pleases, and yet I have asserted that all authority originates in the will of the majority. Am I then, in contradiction with myself?

A general law – which bears the name of Justice – has been made and sanctioned, not only by a majority of this or that people, but by a majority of mankind. The rights of every people are consequently confined within the limits of what is just. A nation may be considered in the light of a jury

which is empowered to represent society at large, and to apply the great and general law of justice. Ought such a jury, which represents society, to have more power than the society in which the laws it applies originate?

When I refuse to obey an unjust law, I do not contest the right which the majority has of commanding, but I simply appeal from the sovereignty of the people to the sovereignty of mankind. It has been asserted that a people can never entirely outstep the boundaries of justice and of reason in those affairs which are more peculiarly its own, and that consequently, full power may fearlessly be given to the majority by which it is represented. But this language is that of a slave.

A majority taken collectively may be regarded as a being whose opinions, and most frequently whose interests, are opposed to those of another being, which is styled a minority. If it be admitted that a man, possessing absolute power, may misuse that power by wronging his adversaries, why should a majority not be liable to the same reproach? Men are not apt to change their characters by agglomeration; nor does their patience in the presence of obstacles increase with

the consciousness of their strength.* And for these reasons I can never willingly invest any number of my fellow-creatures with that unlimited authority which I should refuse to any one of them.

I do not think that it is possible to combine several principles in the same government, so as at the same time to maintain freedom, and really to oppose them to one another. The form of government which is usually termed mixed has always appeared to me to be a mere chimera. Accurately speaking there is no such thing as a mixed government (with the meaning usually given to that word), because in all communities some one principle of action may be discovered which preponderates over the others. England in the last century, which has been more especially cited as an example of this form of Government, was in point of fact an essentially aristocratic State, although it comprised very powerful elements of democracy; for the laws and customs of the coun-
***No one will assert that a people cannot forcibly wrong another people; but parties may be looked upon as lesser nations within a greater one, and they are aliens to each other: if, therefore, it be admitted that a nation can act tyrannically towards another nation, it cannot be denied that a party may do the same towards another party.**

try were such that the aristocracy could not but preponderate in the end, and subject the direction of public affairs to its own will. The error arose from too much attention being paid to the actual struggle which was going on between the nobles and the people, without considering the probable issue of the contest, which was in reality the important point. When a community really has a mixed government, that is to say, when it is equally divided between two adverse principles, it must either pass through a revolution or fall into complete dissolution.

I am therefore of opinion that some one social power must always be made to predominate over the others; but I think that liberty is endangered when this power is checked by no obstacles which may retard its course, and force it to moderate its own vehemence.

Unlimited power is in itself a bad and dangerous thing; human beings are not competent to exercise it with discretion, and God alone can be omnipotent, because His wisdom and His justice are always equal to His power. But no power upon earth is so worthy of honor for itself, or of reverential obedience to the rights which it represents, that I

would consent to admit its uncontrolled and all-predominant authority. When I see that the right and the means of absolute command are conferred on a people or upon a king, upon an aristocracy or a democracy, a monarchy or a republic, I recognize the germ of tyranny, and I journey onward to a land of more hopeful institutions.

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

When an individual or a party is wronged in the United States, to whom can he apply for redress? If to public opinion, public opinion constitutes the majority; if to the legislature, it represents the majority, and implicitly obeys its injunctions; if to the executive power, it is appointed by the majority, and remains a passive tool in its hands; the public troops consist of the majority under arms; the jury is the majority invested with the right of hearing judicial cases; and in certain States even the judges are elected by the ma-

majority. However iniquitous or absurd the evil of which you complain may be, you must submit to it as well as you can.*

*A striking instance of the excesses which may be occasioned by the despotism of the majority occurred at Baltimore in the year 1812. At that time the war was very popular in Baltimore. A journal which had taken the other side of the question excited the indignation of the inhabitants by its opposition. The populace assembled, broke the printing-presses, and attacked the houses of the newspaper editors. The militia was called out, but no one obeyed the call; and the only means of saving the poor wretches who were threatened by the frenzy of the mob was to throw them into prison as common malefactors. But even this precaution was ineffectual; the mob collected again during the night, the magistrates again made a vain attempt to call out the militia, the prison was forced, one of the newspaper editors was killed upon the spot, and the others were left for dead; the guilty parties were acquitted by the jury when they were brought to trial.

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

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

"What! then the blacks possess the right of voting in this county?"

"Without the smallest doubt."

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

Democracy in America

“This is not the fault of the law: the negroes have an undisputed right of voting, but they voluntarily abstain from making their appearance.”

“A very pretty piece of modesty on their parts!” rejoined I.

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

“What! then the majority claims the right not only of making the laws, but of breaking the laws it has made?”

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

I do not say that tyrannical abuses frequently occur in America at the present day, but I maintain that no sure barrier is established against them, and that the causes which mitigate the government are to be found in the circumstances and the manners of the country more than in its laws.

Effects of the Unlimited Power of the Majority upon the Arbitrary Authority of the American Public Officers

Liberty left by the American laws to public officers within a certain sphere – Their power.

A distinction must be drawn between tyranny and arbitrary power. Tyranny may be exercised by means of the law, and

in that case it is not arbitrary; arbitrary power may be exercised for the good of the community at large, in which case it is not tyrannical. Tyranny usually employs arbitrary means, but, if necessary, it can rule without them.

In the United States the unbounded power of the majority, which is favorable to the legal despotism of the legislature, is likewise favorable to the arbitrary authority of the magistrate. The majority has an entire control over the law when it is made and when it is executed; and as it possesses an equal authority over those who are in power and the community at large, it considers public officers as its passive agents, and readily confides the task of serving its designs to their vigilance. The details of their office and the privileges which they are to enjoy are rarely defined beforehand; but the majority treats them as a master does his servants when they are always at work in his sight, and he has the power of directing or reprimanding them at every instant.

In general the American functionaries are far more independent than the French civil officers within the sphere which is prescribed to them. Sometimes, even, they are allowed by the popular authority to exceed those bounds; and as they

are protected by the opinion, and backed by the co-operation, of the majority, they venture upon such manifestations of their power as astonish a European. By this means habits are formed in the heart of a free country which may some day prove fatal to its liberties.

Power Exercised by the Majority in America upon Opinion

In America, when the majority has once irrevocably decided a question, all discussion ceases – Reason of this – Moral power exercised by the majority upon opinion – Democratic republics have deprived despotism of its physical instruments – Their despotism sways the minds of men.

It is in the examination of the display of public opinion in the United States that we clearly perceive how far the power of the majority surpasses all the powers with which we are acquainted in Europe. Intellectual principles exercise an influence which is so invisible, and often so inappreciable, that they baffle the toils of oppression. At the present time the

most absolute monarchs in Europe are unable to prevent certain notions, which are opposed to their authority, from circulating in secret throughout their dominions, and even in their courts. Such is not the case in America; as long as the majority is still undecided, discussion is carried on; but as soon as its decision is irrevocably pronounced, a submissive silence is observed, and the friends, as well as the opponents, of the measure unite in assenting to its propriety. The reason of this is perfectly clear: no monarch is so absolute as to combine all the powers of society in his own hands, and to conquer all opposition with the energy of a majority which is invested with the right of making and of executing the laws.

The authority of a king is purely physical, and it controls the actions of the subject without subduing his private will; but the majority possesses a power which is physical and moral at the same time; it acts upon the will as well as upon the actions of men, and it represses not only all contest, but all controversy. I know no country in which there is so little true independence of mind and freedom of discussion as in America. In any constitutional state in Europe every sort of religious and political theory may be advocated and propa-

gated abroad; for there is no country in Europe so subdued by any single authority as not to contain citizens who are ready to protect the man who raises his voice in the cause of truth from the consequences of his hardihood. If he is unfortunate enough to live under an absolute government, the people is upon his side; if he inhabits a free country, he may find a shelter behind the authority of the throne, if he require one. The aristocratic part of society supports him in some countries, and the democracy in others. But in a nation where democratic institutions exist, organized like those of the United States, there is but one sole authority, one single element of strength and of success, with nothing beyond it.

In America the majority raises very formidable barriers to the liberty of opinion: within these barriers an author may write whatever he pleases, but he will repent it if he ever step beyond them. Not that he is exposed to the terrors of an auto-da-fe, but he is tormented by the slights and persecutions of daily obloquy. His political career is closed forever, since he has offended the only authority which is able to promote his success. Every sort of compensation, even that of celebrity, is refused to him. Before he published his opin-

ions he imagined that he held them in common with many others; but no sooner has he declared them openly than he is loudly censured by his overbearing opponents, whilst those who think without having the courage to speak, like him, abandon him in silence. He yields at length, oppressed by the daily efforts he has been making, and he subsides into silence, as if he was tormented by remorse for having spoken the truth.

Fetters and headsmen were the coarse instruments which tyranny formerly employed; but the civilization of our age has refined the arts of despotism which seemed, however, to have been sufficiently perfected before. The excesses of monarchical power had devised a variety of physical means of oppression: the democratic republics of the present day have rendered it as entirely an affair of the mind as that will which it is intended to coerce. Under the absolute sway of an individual despot the body was attacked in order to subdue the soul, and the soul escaped the blows which were directed against it and rose superior to the attempt; but such is not the course adopted by tyranny in democratic republics; there the body is left free, and the soul is enslaved. The sovereign

can no longer say, "You shall think as I do on pain of death;" but he says, "You are free to think differently from me, and to retain your life, your property, and all that you possess; but if such be your determination, you are henceforth an alien among your people. You may retain your civil rights, but they will be useless to you, for you will never be chosen by your fellow-citizens if you solicit their suffrages, and they will affect to scorn you if you solicit their esteem. You will remain among men, but you will be deprived of the rights of mankind. Your fellow-creatures will shun you like an impure being, and those who are most persuaded of your innocence will abandon you too, lest they should be shunned in their turn. Go in peace! I have given you your life, but it is an existence in comparably worse than death."

Monarchical institutions have thrown an odium upon despotism; let us beware lest democratic republics should restore oppression, and should render it less odious and less degrading in the eyes of the many, by making it still more onerous to the few.

Works have been published in the proudest nations of the Old World expressly intended to censure the vices and de-

ride the follies of the times; Labruyere inhabited the palace of Louis XIV when he composed his chapter upon the Great, and Moliere criticised the courtiers in the very pieces which were acted before the Court. But the ruling power in the United States is not to be made game of; the smallest reproach irritates its sensibility, and the slightest joke which has any foundation in truth renders it indignant; from the style of its language to the more solid virtues of its character, everything must be made the subject of encomium. No writer, whatever be his eminence, can escape from this tribute of adulation to his fellow-citizens. The majority lives in the perpetual practice of self-applause, and there are certain truths which the Americans can only learn from strangers or from experience.

If great writers have not at present existed in America, the reason is very simply given in these facts; there can be no literary genius without freedom of opinion, and freedom of opinion does not exist in America. The Inquisition has never been able to prevent a vast number of anti-religious books from circulating in Spain. The empire of the majority succeeds much better in the United States, since it actually re-

moves the wish of publishing them. Unbelievers are to be met with in America, but, to say the truth, there is no public organ of infidelity. Attempts have been made by some governments to protect the morality of nations by prohibiting licentious books. In the United States no one is punished for this sort of works, but no one is induced to write them; not because all the citizens are immaculate in their manners, but because the majority of the community is decent and orderly.

In these cases the advantages derived from the exercise of this power are unquestionable, and I am simply discussing the nature of the power itself. This irresistible authority is a constant fact, and its judicious exercise is an accidental occurrence.

Effects of the Tyranny of the Majority upon the National Character of the Americans

Effects of the tyranny of the majority more sensibly felt hitherto in the manners than in the conduct of society – They check the development of leading characters – Democratic republics organized like the United States bring the practice of courting favor within the reach of the many – Proofs of this spirit in the United States – Why there is more patriotism in the people than in those who govern in its name.

The tendencies which I have just alluded to are as yet very slightly perceptible in political society, but they already begin to exercise an unfavorable influence upon the national character of the Americans. I am inclined to attribute the singular paucity of distinguished political characters to the ever-increasing activity of the despotism of the majority in the United States. When the American Revolution broke out they arose in great numbers, for public opinion then served, not to tyrannize over, but to direct the exertions of individuals. Those celebrated men took a full part in the general agi-

tation of mind common at that period, and they attained a high degree of personal fame, which was reflected back upon the nation, but which was by no means borrowed from it.

In absolute governments the great nobles who are nearest to the throne flatter the passions of the sovereign, and voluntarily truckle to his caprices. But the mass of the nation does not degrade itself by servitude: it often submits from weakness, from habit, or from ignorance, and sometimes from loyalty. Some nations have been known to sacrifice their own desires to those of the sovereign with pleasure and with pride, thus exhibiting a sort of independence in the very act of submission. These peoples are miserable, but they are not degraded. There is a great difference between doing what one does not approve and feigning to approve what one does; the one is the necessary case of a weak person, the other befits the temper of a lackey.

In free countries, where everyone is more or less called upon to give his opinion in the affairs of state; in democratic republics, where public life is incessantly commingled with domestic affairs, where the sovereign authority is accessible on every side, and where its attention can almost always be

attracted by vociferation, more persons are to be met with who speculate upon its foibles and live at the cost of its passions than in absolute monarchies. Not because men are naturally worse in these States than elsewhere, but the temptation is stronger, and of easier access at the same time. The result is a far more extensive debasement of the characters of citizens.

Democratic republics extend the practice of currying favor with the many, and they introduce it into a greater number of classes at once: this is one of the most serious reproaches that can be addressed to them. In democratic States organized on the principles of the American republics, this is more especially the case, where the authority of the majority is so absolute and so irresistible that a man must give up his rights as a citizen, and almost abjure his quality as a human being, if he intends to stray from the track which it lays down.

In that immense crowd which throngs the avenues to power in the United States I found very few men who displayed any of that manly candor and that masculine independence of opinion which frequently distinguished the Americans in former times, and which constitutes the leading feature in

distinguished characters, wheresoever they may be found. It seems, at first sight, as if all the minds of the Americans were formed upon one model, so accurately do they correspond in their manner of judging. A stranger does, indeed, sometimes meet with Americans who dissent from these rigorous formularies; with men who deplore the defects of the laws, the mutability and the ignorance of democracy; who even go so far as to observe the evil tendencies which impair the national character, and to point out such remedies as it might be possible to apply; but no one is there to hear these things besides yourself, and you, to whom these secret reflections are confided, are a stranger and a bird of passage. They are very ready to communicate truths which are useless to you, but they continue to hold a different language in public.

If ever these lines are read in America, I am well assured of two things: in the first place, that all who peruse them will raise their voices to condemn me; and in the second place, that very many of them will acquit me at the bottom of their conscience.

I have heard of patriotism in the United States, and it is a virtue which may be found among the people, but never

among the leaders of the people. This may be explained by analogy; despotism debases the oppressed much more than the oppressor: in absolute monarchies the king has often great virtues, but the courtiers are invariably servile. It is true that the American courtiers do not say “Sire,” or “Your Majesty” – a distinction without a difference. They are forever talking of the natural intelligence of the populace they serve; they do not debate the question as to which of the virtues of their master is pre-eminently worthy of admiration, for they assure him that he possesses all the virtues under heaven without having acquired them, or without caring to acquire them; they do not give him their daughters and their wives to be raised at his pleasure to the rank of his concubines, but, by sacrificing their opinions, they prostitute themselves. Moralists and philosophers in America are not obliged to conceal their opinions under the veil of allegory; but, before they venture upon a harsh truth, they say, “We are aware that the people which we are addressing is too superior to all the weaknesses of human nature to lose the command of its temper for an instant; and we should not hold this language if we were not speaking to men whom their virtues and their in-

telligence render more worthy of freedom than all the rest of the world.” It would have been impossible for the sycophants of Louis XIV to flatter more dexterously. For my part, I am persuaded that in all governments, whatever their nature may be, servility will cower to force, and adulation will cling to power. The only means of preventing men from degrading themselves is to invest no one with that unlimited authority which is the surest method of debasing them.

The Greatest Dangers of the American Republics Proceed from the Unlimited Power of the Majority

Democratic republics liable to perish from a misuse of their power, and not by impotence – The Governments of the American republics are more centralized and more energetic than those of the monarchies of Europe – Dangers resulting from this – Opinions of Hamilton and Jefferson upon this point.

Governments usually fall a sacrifice to impotence or to tyranny. In the former case their power escapes from them; it is wrested from their grasp in the latter. Many observers, who

have witnessed the anarchy of democratic States, have imagined that the government of those States was naturally weak and impotent. The truth is, that when once hostilities are begun between parties, the government loses its control over society. But I do not think that a democratic power is naturally without force or without resources: say, rather, that it is almost always by the abuse of its force and the misemployment of its resources that a democratic government fails. Anarchy is almost always produced by its tyranny or its mistakes, but not by its want of strength.

It is important not to confound stability with force, or the greatness of a thing with its duration. In democratic republics, the power which directs* society is not stable; for it often changes hands and assumes a new direction. But whichever way it turns, its force is almost irresistible. The Governments of the American republics appear to me to be as much centralized as those of the absolute monarchies of Europe, and more energetic than they are. I do not, therefore, imag-

**This power may be centred in an assembly, in which case it will be strong without being stable; or it may be centred in an individual, in which case it will be less strong, but more stable.*

ine that they will perish from weakness.*

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

Mr. Hamilton expresses the same opinion in the “Federalist,” No. 51. “It is of great importance in a republic not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part. Justice is the end of government. It is the end of civil society. It ever has been, and ever will be, pursued until it be obtained, or until liberty be lost in the pursuit. In a society, under the forms of which the stronger faction can readily unite and oppress the weaker, anarchy may as truly be said to reign as in a state of nature, where the weaker

**I presume that it is scarcely necessary to remind the reader here, as well as throughout the remainder of this chapter, that I am speaking, not of the Federal Government, but of the several governments of each State, which the majority controls at its pleasure.*

individual is not secured against the violence of the stronger: and as in the latter state even the stronger individuals are prompted by the uncertainty of their condition to submit to a government which may protect the weak as well as themselves, so in the former state will the more powerful factions be gradually induced by a like motive to wish for a government which will protect all parties, the weaker as well as the more powerful. It can be little doubted that, if the State of Rhode Island was separated from the Confederacy and left to itself, the insecurity of right under the popular form of government within such narrow limits would be displayed by such reiterated oppressions of the factious majorities, that some power altogether independent of the people would soon be called for by the voice of the very factions whose misrule had proved the necessity of it.”

Jefferson has also thus expressed himself in a letter to Madison:* “The executive power in our Government is not the only, perhaps not even the principal, object of my solicitude. The tyranny of the Legislature is really the danger most to be feared, and will continue to be so for many years to come.

*March 15, 1789.

The tyranny of the executive power will come in its turn, but at a more distant period.” I am glad to cite the opinion of Jefferson upon this subject rather than that of another, because I consider him to be the most powerful advocate democracy has ever sent forth.

~~Chapter XVI: Causes Mitigating Tyranny in the United States – Part I~~

~~Chapter Summary~~

~~The national majority does not pretend to conduct all business – Is obliged to employ the town and county magistrates to execute its supreme decisions.~~

~~I have already pointed out the distinction which is to be made between a centralized government and a centralized administration. The former exists in America, but the latter is nearly unknown there. If the directing power of the American communities had both these instruments of government at its disposal, and united the habit of executing its own com-~~

Democracy In America

Volume 2

by

Alexis de Toqueville

Translator – Henry Reeve

Book Two

Influence of Democracy on Progress of Opinion in US

De Tocqueville's Preface To The Second Part

The Americans live in a democratic state of society, which has naturally suggested to them certain laws and a certain political character. This same state of society has, moreover, engendered amongst them a multitude of feelings and opinions which were unknown amongst the elder aristocratic communities of Europe: it has destroyed or modified all the relations which before existed, and established others of a novel kind. The aspect of civil society has been no less affected by these changes than that of the political world. The former subject has been treated of in the work on the Democracy of America, which I published five years ago; to examine the latter is the object of the present book; but these two parts complete each other, and form one and the same work.

I must at once warn the reader against an error which would be extremely prejudicial to me. When he finds that I attribute so many different consequences to the principle of equality,

he may thence infer that I consider that principle to be the sole cause of all that takes place in the present age: but this would be to impute to me a very narrow view. A multitude of opinions, feelings, and propensities are now in existence, which owe their origin to circumstances unconnected with or even contrary to the principle of equality. Thus if I were to select the United States as an example, I could easily prove that the nature of the country, the origin of its inhabitants, the religion of its founders, their acquired knowledge, and their former habits, have exercised, and still exercise, independently of democracy, a vast influence upon the thoughts and feelings of that people. Different causes, but no less distinct from the circumstance of the equality of conditions, might be traced in Europe, and would explain a great portion of the occurrences taking place amongst us.

I acknowledge the existence of all these different causes, and their power, but my subject does not lead me to treat of them. I have not undertaken to unfold the reason of all our inclinations and all our notions: my only object is to show in what respects the principle of equality has modified both the former and the latter.

Some readers may perhaps be astonished that – firmly persuaded as I am that the democratic revolution which we are witnessing is an irresistible fact against which it would be neither desirable nor wise to struggle – I should often have had occasion in this book to address language of such severity to those democratic communities which this revolution has brought into being. My answer is simply, that it is because I am not an adversary of democracy, that I have sought to speak of democracy in all sincerity.

Men will not accept truth at the hands of their enemies, and truth is seldom offered to them by their friends: for this reason I have spoken it. I was persuaded that many would take upon themselves to announce the new blessings which the principle of equality promises to mankind, but that few would dare to point out from afar the dangers with which it threatens them. To those perils therefore I have turned my chief attention, and believing that I had discovered them clearly, I have not had the cowardice to leave them untold.

I trust that my readers will find in this Second Part that impartiality which seems to have been remarked in the former work. Placed as I am in the midst of the conflicting opinions

between which we are divided, I have endeavored to suppress within me for a time the favorable sympathies or the adverse emotions with which each of them inspires me. If those who read this book can find a single sentence intended to flatter any of the great parties which have agitated my country, or any of those petty factions which now harass and weaken it, let such readers raise their voices to accuse me.

The subject I have sought to embrace is immense, for it includes the greater part of the feelings and opinions to which the new state of society has given birth. Such a subject is doubtless above my strength, and in treating it I have not succeeded in satisfying myself. But, if I have not been able to reach the goal which I had in view, my readers will at least do me the justice to acknowledge that I have conceived and followed up my undertaking in a spirit not unworthy of success.

A. De T.

March, 1840

Chapter I: Philosophical Method Among the Americans

I think that in no country in the civilized world is less attention paid to philosophy than in the United States. The Americans have no philosophical school of their own; and they care but little for all the schools into which Europe is divided, the very names of which are scarcely known to them. Nevertheless it is easy to perceive that almost all the inhabitants of the United States conduct their understanding in the same manner, and govern it by the same rules; that is to say, that without ever having taken the trouble to define the rules of a philosophical method, they are in possession of one, common to the whole people. To evade the bondage of system and habit, of family maxims, class opinions, and, in some degree, of national prejudices; to accept tradition only as a means of information, and existing facts only as a lesson used in doing otherwise, and doing better; to seek the reason of things for one's self, and in one's self alone; to tend to results without being bound to means, and to aim at the substance through the form; – such are the principal characteristics of

what I shall call the philosophical method of the Americans. But if I go further, and if I seek amongst these characteristics that which predominates over and includes almost all the rest, I discover that in most of the operations of the mind, each American appeals to the individual exercise of his own understanding alone. America is therefore one of the countries in the world where philosophy is least studied, and where the precepts of Descartes are best applied. Nor is this surprising. The Americans do not read the works of Descartes, because their social condition deters them from speculative studies; but they follow his maxims because this very social condition naturally disposes their understanding to adopt them. In the midst of the continual movement which agitates a democratic community, the tie which unites one generation to another is relaxed or broken; every man readily loses the trace of the ideas of his forefathers or takes no care about them. Nor can men living in this state of society derive their belief from the opinions of the class to which they belong, for, so to speak, there are no longer any classes, or those which still exist are composed of such mobile elements, that their body can never exercise a real control over its mem-

bers. As to the influence which the intelligence of one man has on that of another, it must necessarily be very limited in a country where the citizens, placed on the footing of a general similitude, are all closely seen by each other; and where, as no signs of incontestable greatness or superiority are perceived in any one of them, they are constantly brought back to their own reason as the most obvious and proximate source of truth. It is not only confidence in this or that man which is then destroyed, but the taste for trusting the ipse dixit of any man whatsoever. Everyone shuts himself up in his own breast, and affects from that point to judge the world.

The practice which obtains amongst the Americans of fixing the standard of their judgment in themselves alone, leads them to other habits of mind. As they perceive that they succeed in resolving without assistance all the little difficulties which their practical life presents, they readily conclude that everything in the world may be explained, and that nothing in it transcends the limits of the understanding. Thus they fall to denying what they cannot comprehend; which leaves them but little faith for whatever is extraordinary, and an almost insurmountable distaste for whatever is supernatu-

ral. As it is on their own testimony that they are accustomed to rely, they like to discern the object which engages their attention with extreme clearness; they therefore strip off as much as possible all that covers it, they rid themselves of whatever separates them from it, they remove whatever conceals it from sight, in order to view it more closely and in the broad light of day. This disposition of the mind soon leads them to contemn forms, which they regard as useless and inconvenient veils placed between them and the truth.

The Americans then have not required to extract their philosophical method from books; they have found it in themselves. The same thing may be remarked in what has taken place in Europe. This same method has only been established and made popular in Europe in proportion as the condition of society has become more equal, and men have grown more like each other. Let us consider for a moment the connection of the periods in which this change may be traced. In the sixteenth century the Reformers subjected some of the dogmas of the ancient faith to the scrutiny of private judgment; but they still withheld from it the judgment of all the rest. In the seventeenth century, Bacon in the natural

sciences, and Descartes in the study of philosophy in the strict sense of the term, abolished recognized formulas, destroyed the empire of tradition, and overthrew the authority of the schools. The philosophers of the eighteenth century, generalizing at length the same principle, undertook to submit to the private judgment of each man all the objects of his belief.

Who does not perceive that Luther, Descartes, and Voltaire employed the same method, and that they differed only in the greater or less use which they professed should be made of it? Why did the Reformers confine themselves so closely within the circle of religious ideas? Why did Descartes, choosing only to apply his method to certain matters, though he had made it fit to be applied to all, declare that men might judge for themselves in matters philosophical but not in matters political? How happened it that in the eighteenth century those general applications were all at once drawn from this same method, which Descartes and his predecessors had either not perceived or had rejected? To what, lastly, is the fact to be attributed, that at this period the method we are speaking of suddenly emerged from the schools, to pen-

trate into society and become the common standard of intelligence; and that, after it had become popular among the French, it has been ostensibly adopted or secretly followed by all the nations of Europe?

The philosophical method here designated may have been engendered in the sixteenth century - it may have been more accurately defined and more extensively applied in the seventeenth; but neither in the one nor in the other could it be commonly adopted. Political laws, the condition of society, and the habits of mind which are derived from these causes, were as yet opposed to it. It was discovered at a time when men were beginning to equalize and assimilate their conditions. It could only be generally followed in ages when those conditions had at length become nearly equal, and men nearly alike.

The philosophical method of the eighteenth century is then not only French, but it is democratic; and this explains why it was so readily admitted throughout Europe, where it has contributed so powerfully to change the face of society. It is not because the French have changed their former opinions, and altered their former manners, that they have convulsed

the world; but because they were the first to generalize and bring to light a philosophical method, by the assistance of which it became easy to attack all that was old, and to open a path to all that was new.

If it be asked why, at the present day, this same method is more rigorously followed and more frequently applied by the French than by the Americans, although the principle of equality be no less complete, and of more ancient date, amongst the latter people, the fact may be attributed to two circumstances, which it is essential to have clearly understood in the first instance. It must never be forgotten that religion gave birth to Anglo-American society. In the United States religion is therefore commingled with all the habits of the nation and all the feelings of patriotism; whence it derives a peculiar force. To this powerful reason another of no less intensity may be added: in American religion has, as it were, laid down its own limits. Religious institutions have remained wholly distinct from political institutions, so that former laws have been easily changed whilst former belief has remained unshaken. Christianity has therefore retained a strong hold on the public mind in America; and, I would

more particularly remark, that its sway is not only that of a philosophical doctrine which has been adopted upon inquiry, but of a religion which is believed without discussion. In the United States Christian sects are infinitely diversified and perpetually modified; but Christianity itself is a fact so irresistibly established, that no one undertakes either to attack or to defend it. The Americans, having admitted the principal doctrines of the Christian religion without inquiry, are obliged to accept in like manner a great number of moral truths originating in it and connected with it. Hence the activity of individual analysis is restrained within narrow limits, and many of the most important of human opinions are removed from the range of its influence.

The second circumstance to which I have alluded is the following: the social condition and the constitution of the Americans are democratic, but they have not had a democratic revolution. They arrived upon the soil they occupy in nearly the condition in which we see them at the present day; and this is of very considerable importance.

There are no revolutions which do not shake existing belief, enervate authority, and throw doubts over commonly

received ideas. The effect of all revolutions is therefore, more or less, to surrender men to their own guidance, and to open to the mind of every man a void and almost unlimited range of speculation. When equality of conditions succeeds a protracted conflict between the different classes of which the elder society was composed, envy, hatred, and uncharitableness, pride, and exaggerated self-confidence are apt to seize upon the human heart, and plant their sway there for a time. This, independently of equality itself, tends powerfully to divide men - to lead them to mistrust the judgment of others, and to seek the light of truth nowhere but in their own understandings. Everyone then attempts to be his own sufficient guide, and makes it his boast to form his own opinions on all subjects. Men are no longer bound together by ideas, but by interests; and it would seem as if human opinions were reduced to a sort of intellectual dust, scattered on every side, unable to collect, unable to cohere.

Thus, that independence of mind which equality supposes to exist, is never so great, nor ever appears so excessive, as at the time when equality is beginning to establish itself, and in the course of that painful labor by which it is established.

That sort of intellectual freedom which equality may give ought, therefore, to be very carefully distinguished from the anarchy which revolution brings. Each of these two things must be severally considered, in order not to conceive exaggerated hopes or fears of the future.

I believe that the men who will live under the new forms of society will make frequent use of their private judgment; but I am far from thinking that they will often abuse it. This is attributable to a cause of more general application to all democratic countries, and which, in the long run, must needs restrain in them the independence of individual speculation within fixed, and sometimes narrow, limits. I shall proceed to point out this cause in the next chapter.

Chapter II: Of the Principal Source of Belief Among Democratic Nations

At different periods dogmatical belief is more or less abundant. It arises in different ways, and it may change its object or its form; but under no circumstances will dogmatical belief cease to exist, or, in other words, men will never cease to

entertain some implicit opinions without trying them by actual discussion. If everyone undertook to form his own opinions and to seek for truth by isolated paths struck out by himself alone, it is not to be supposed that any considerable number of men would ever unite in any common belief. But obviously without such common belief no society can prosper - say rather no society can subsist; for without ideas held in common, there is no common action, and without common action, there may still be men, but there is no social body. In order that society should exist, and, a fortiori, that a society should prosper, it is required that all the minds of the citizens should be rallied and held together by certain predominant ideas; and this cannot be the case, unless each of them sometimes draws his opinions from the common source, and consents to accept certain matters of belief at the hands of the community.

If I now consider man in his isolated capacity, I find that dogmatical belief is not less indispensable to him in order to live alone, than it is to enable him to co-operate with his fellow-creatures. If man were forced to demonstrate to himself all the truths of which he makes daily use, his task would

never end. He would exhaust his strength in preparatory exercises, without advancing beyond them. As, from the shortness of his life, he has not the time, nor, from the limits of his intelligence, the capacity, to accomplish this, he is reduced to take upon trust a number of facts and opinions which he has not had either the time or the power to verify himself, but which men of greater ability have sought out, or which the world adopts. On this groundwork he raises for himself the structure of his own thoughts; nor is he led to proceed in this manner by choice so much as he is constrained by the inflexible law of his condition. There is no philosopher of such great parts in the world, but that he believes a million of things on the faith of other people, and supposes a great many more truths than he demonstrates. This is not only necessary but desirable. A man who should undertake to inquire into everything for himself, could devote to each thing but little time and attention. His task would keep his mind in perpetual unrest, which would prevent him from penetrating to the depth of any truth, or of grappling his mind indissolubly to any conviction. His intellect would be at once independent and powerless. He must therefore make

his choice from amongst the various objects of human belief, and he must adopt many opinions without discussion, in order to search the better into that smaller number which he sets apart for investigation. It is true that whoever receives an opinion on the word of another, does so far enslave his mind; but it is a salutary servitude which allows him to make a good use of freedom.

A principle of authority must then always occur, under all circumstances, in some part or other of the moral and intellectual world. Its place is variable, but a place it necessarily has. The independence of individual minds may be greater, or it may be less: unbounded it cannot be. Thus the question is, not to know whether any intellectual authority exists in the ages of democracy, but simply where it resides and by what standard it is to be measured.

I have shown in the preceding chapter how the equality of conditions leads men to entertain a sort of instinctive incredulity of the supernatural, and a very lofty and often exaggerated opinion of the human understanding. The men who live at a period of social equality are not therefore easily led to place that intellectual authority to which they bow either

beyond or above humanity. They commonly seek for the sources of truth in themselves, or in those who are like themselves. This would be enough to prove that at such periods no new religion could be established, and that all schemes for such a purpose would be not only impious but absurd and irrational. It may be foreseen that a democratic people will not easily give credence to divine missions; that they will turn modern prophets to a ready jest; and they that will seek to discover the chief arbiter of their belief within, and not beyond, the limits of their kind.

When the ranks of society are unequal, and men unlike each other in condition, there are some individuals invested with all the power of superior intelligence, learning, and enlightenment, whilst the multitude is sunk in ignorance and prejudice. Men living at these aristocratic periods are therefore naturally induced to shape their opinions by the superior standard of a person or a class of persons, whilst they are averse to recognize the infallibility of the mass of the people.

The contrary takes place in ages of equality. The nearer the citizens are drawn to the common level of an equal and similar condition, the less prone does each man become to place

implicit faith in a certain man or a certain class of men. But his readiness to believe the multitude increases, and opinion is more than ever mistress of the world. Not only is common opinion the only guide which private judgment retains amongst a democratic people, but amongst such a people it possesses a power infinitely beyond what it has elsewhere. At periods of equality men have no faith in one another, by reason of their common resemblance; but this very resemblance gives them almost unbounded confidence in the judgment of the public; for it would not seem probable, as they are all endowed with equal means of judging, but that the greater truth should go with the greater number.

When the inhabitant of a democratic country compares himself individually with all those about him, he feels with pride that he is the equal of any one of them; but when he comes to survey the totality of his fellows, and to place himself in contrast to so huge a body, he is instantly overwhelmed by the sense of his own insignificance and weakness. The same equality which renders him independent of each of his fellow-citizens taken severally, exposes him alone and unprotected to the influence of the greater number. The public

has therefore among a democratic people a singular power, of which aristocratic nations could never so much as conceive an idea; for it does not persuade to certain opinions, but it enforces them, and infuses them into the faculties by a sort of enormous pressure of the minds of all upon the reason of each.

In the United States the majority undertakes to supply a multitude of ready-made opinions for the use of individuals, who are thus relieved from the necessity of forming opinions of their own. Everybody there adopts great numbers of theories, on philosophy, morals, and politics, without inquiry, upon public trust; and if we look to it very narrowly, it will be perceived that religion herself holds her sway there, much less as a doctrine of revelation than as a commonly received opinion. The fact that the political laws of the Americans are such that the majority rules the community with sovereign sway, materially increases the power which that majority naturally exercises over the mind. For nothing is more customary in man than to recognize superior wisdom in the person of his oppressor. This political omnipotence of the majority in the United States doubtless augments the influ-

ence which public opinion would obtain without it over the mind of each member of the community; but the foundations of that influence do not rest upon it. They must be sought for in the principle of equality itself, not in the more or less popular institutions which men living under that condition may give themselves. The intellectual dominion of the greater number would probably be less absolute amongst a democratic people governed by a king than in the sphere of a pure democracy, but it will always be extremely absolute; and by whatever political laws men are governed in the ages of equality, it may be foreseen that faith in public opinion will become a species of religion there, and the majority its ministering prophet.

Thus intellectual authority will be different, but it will not be diminished; and far from thinking that it will disappear, I augur that it may readily acquire too much preponderance, and confine the action of private judgment within narrower limits than are suited either to the greatness or the happiness of the human race. In the principle of equality I very clearly discern two tendencies; the one leading the mind of every man to untried thoughts, the other inclined to prohibit him

from thinking at all. And I perceive how, under the dominion of certain laws, democracy would extinguish that liberty of the mind to which a democratic social condition is favorable; so that, after having broken all the bondage once imposed on it by ranks or by men, the human mind would be closely fettered to the general will of the greatest number.

If the absolute power of the majority were to be substituted by democratic nations, for all the different powers which checked or retarded overmuch the energy of individual minds, the evil would only have changed its symptoms. Men would not have found the means of independent life; they would simply have invented (no easy task) a new dress for servitude. There is - and I cannot repeat it too often - there is in this matter for profound reflection for those who look on freedom as a holy thing, and who hate not only the despot, but despotism. For myself, when I feel the hand of power lie heavy on my brow, I care but little to know who oppresses me; and I am not the more disposed to pass beneath the yoke, because it is held out to me by the arms of a million of men.

~~Book One — Chapters III — V~~

~~Chapter III: Why The Americans Display More Readiness And More Taste For General Ideas Than Their Forefathers, The English~~

~~The Deity does not regard the human race collectively. He surveys at one glance and severally all the beings of whom mankind is composed, and he discerns in each man the resemblances which assimilate him to all his fellows, and the differences which distinguish him from them. God, therefore, stands in no need of general ideas; that is to say, he is never sensible of the necessity of collecting a considerable number of analogous objects under the same form for greater convenience in thinking. Such is, however, not the case with man. If the human mind were to attempt to examine and pass a judgment on all the individual cases before it, the immensity of detail would soon lead it astray and bewilder its discernment: in this strait, man has recourse to an imperfect but necessary expedient, which at once assists and demonstrates his weakness. Having superficially considered a cer-~~