

ALEXIS DE  
TOCQUEVILLE

Democracy in America  
*and Two Essays on America*

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### PART 1

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

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

## CHAPTER 7

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

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

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

Most American constitutions have further sought to increase this natural strength of the majority by artificial means.<sup>1</sup>

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

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

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

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

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

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

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

Custom has furthered this process beyond what the law demanded.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In America, sovereign power is invested in the legislative



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

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

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

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

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

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

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

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

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

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

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

#### TYRANNY OF THE MAJORITY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Without any doubt."

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

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

"That is indeed very modest of them."

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

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

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

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

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

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

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

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

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

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

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

THE POWER EXERCISED BY THE MAJORITY IN  
AMERICA OVER THOUGHT

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

How could the flatterers of Louis XIV better that?

For my part, I believe that in all governments of whatever sort meanness will attach itself to force and flattery to power. I

know of only one method of preventing men from being debased and that is to grant to no one who has omnipotence the sovereign power to demean them.

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

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

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

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

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

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

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

monarchies of Europe. So I do not suppose that weakness will cause its downfall.<sup>6</sup>

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

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

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

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

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

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

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

## CHAPTER 8

### WHAT MODERATES THE TYRANNY OF THE MAJORITY IN THE UNITED STATES

#### ABSENCE OF ADMINISTRATIVE CENTRALIZATION

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

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

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

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

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

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