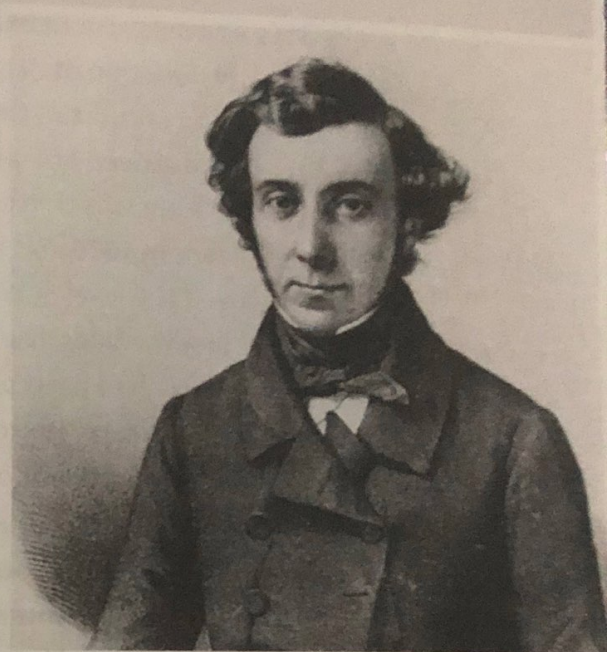


ALEXIS DE TOCQUEVILLE

Government by Democracy in America



Time Life Pictures/Getty Images

ALEXIS DE TOCQUEVILLE (1805–1859), a French aristocrat, came to see what democracy had produced in America during the early decades of the nineteenth century, when the United States was expanding rapidly westward and developing both agricultural and industrial strength. His family had lived through the French Revolution (1789) and its murderous aftermath. His parents came close to being killed but fled to England for a few years until Napoleon began his wars, which ended in 1814. When they returned to France, they helped Tocqueville begin a career in law that resulted in his appointment to a minor position in Versailles. He spent a good deal of time reading the works of Machiavelli, Montesquieu, Rousseau, and other major political thinkers and began writing in his early twenties. Tocqueville went on to enjoy more important offices in government, including in France's parlement, where he supported the abolishment of slavery. However, the government in France in 1830 became unstable, and Tocqueville's situation proved difficult. He applied for a position that allowed him to visit the United States as an inspector of American prisons.

He chose his best friend, Gustave de Beaumont, to accompany him, and they set out in 1831 to travel across the new nation. Tocqueville did visit some prisons and comment on them, but soon he saw his mission shift to the careful observation of the nature of the government and the people of the United States. Because of the violence of the French Revolution and the unstable governments that followed up to the time of his visit, he was profoundly aware that the world of the aristocracy was crumbling rapidly. Many aristocrats had been guillotined during the French Revolution and many more had been forced out of the country. The rise of a middle class in France in the first decades of the 1800s signaled a change that Tocqueville knew was permanent and imminent. His studies in the

From Democracy in America.

United States resulted in *Democracy in America* (1835; 1840), still one of the most important analyses of the function of democracy as it had been imagined by the framers of the Constitution and the authors of the *Federalist Papers*.

Tocqueville arrived at a propitious time. There were twenty-four states in the Union and the population was thirteen million people. Andrew Jackson (1767–1849) had been elected president in 1829 and was probably the most democratic holder of that office. He had not enjoyed the level of education of the presidents before him nor had he been the heir of great landholdings, like James Madison, or the scion of a brilliant family, like John Quincy Adams. He had been born in the backwoods of Carolina and somehow began the study of law in his teens. He rose in politics, took a commission in the War of 1812, and became famous for his defeat of the British at New Orleans. He was tough, immediate, and sometimes coarse, but the country adored him.

In this environment, Tocqueville traveled freely across the country and recorded his observations. In the absence of an aristocracy, he marveled at the sense of equality that Americans had. He even went so far as to include a chapter in *Democracy in America* on the equality of women. In it he says, "I think that the social change which places father and son, servant and master and, in general, lower and upper classes on the same level, will gradually raise women to make them the equals of men." But he also observed that Americans had a great sense of industry and a love of materialism. "To clear, cultivate, and transform the realm of this vast uninhabited continent of his, the American must have the daily support of some energetic passion which can only be the love of money. This love of money has, therefore, never been stigmatized in America and, provided that it does not exceed the limits set by the public order, it is held in high esteem."

He was impressed by the apparent absence of the hand of government, the freedom that people enjoyed, and the essential practicality of the nation's inhabitants. He was certain that the power of the federal government would diminish over time and felt there could never be a civil war in America — despite the fact that the Civil War began just twenty-one years after his second volume appeared. His opinion that civil war was unlikely was based on his view that the power of the states outweighed the power of the federal government at that time: "If the sovereignty of the Union were to come into conflict with that of the states, one can readily foresee that it would be defeated; I doubt whether the fight would ever be undertaken in any serious fashion." He felt this even though South Carolina threatened war while he was in America in 1832.

Tocqueville returned to France after almost two years in America. There he married and continued his career, taking part in politics during tumultuous times in France. He supported French incursion into Algeria, which he visited. He also visited Ireland in 1835 and deplored the conditions of the Irish tenant farmers in the period before the great famine of the 1840s. He took a leadership role following the French revolution of 1848 and in branches of the government in the 1850s. His last work, a study of recent French history, appeared after he died in 1859.

TOCQUEVILLE'S RHETORIC

Because this is a translation from the French, it is difficult for us to appreciate the directness and skill of Tocqueville's style. However, his principles of organization are clear. He considers only a specific number of issues in this chapter from his book. First, he tackles the question of suffrage, or who can vote. He describes it as universal suffrage because any free male citizen could vote in the United States; there were no restrictions, as in Europe, for men of property, though women, African slaves, and Native Americans could not vote. But Tocqueville also notes that there seem to be fewer distinguished men in office than there were fifty years before, when the Constitution was being written. He implies that when everyone can vote — as opposed to just a limited group of electors — the common people do not choose distinguished men. Tocqueville then develops this point by causal analysis, trying to find what it is that causes fewer men of outstanding quality to assume leadership.

He follows with a discussion of the circumstance of the intervals between elections. The shortness of the intervals between elections, he says, keeps "society in a feverish excitement and public affairs in a continuous state of change" (para. 31). But if there is a long period between elections, the ousted party might try to seize power. Further, with the change that new elections bring, he sees an "instability" of American laws (para. 34). He, like Americans, does not see this as a "great weakness" (para. 34).

Then, considering the "arbitrary power of magistrates," he develops his ideas using a comparison between monarchies, limited monarchies, and democracy, with a reference to the power of New England magistrates, by which he means those "entrusted with the execution of the law." In this section, he compares despotism and democracy by using examples of legislation in New England and continues with a discussion of limited monarchies.

One complaint leads him to devote a section to what he sees as the lack of good record keeping by local governments. Tocqueville points to newspapers as being the only institutions that keep a record of social movements and social issues. As a social scientist, he is himself in the process of recording what he sees at work in America and, in a sense, tries to make up for this lack in contemporary government.

Finally, Tocqueville develops his last idea when he discusses the possibility that American democracy may be financially efficient. Again, he relies on comparison to decide whether democracy is inexpensive or overly expensive to maintain. This leads him to consider taxation and to reflect on the Aristotelian issue of classes of people. Tocqueville sees three classes: first are the wealthy, whose fortunes are considerable; second are the middle class, who hold only a slight fortune; and third are the general poor, who live on their labor and do not get rich. Tocqueville's analysis of taxation under the government of each of these classes is fascinating. And like both Aristotle and James Madison, Tocqueville is led to consider the question of government by the majority or the minority. Obviously, this question remains central to ideas about democracy.

❖ PREREADING QUESTIONS: WHAT TO READ FOR

The following prereading questions may help you anticipate key issues in the discussion of Alexis de Tocqueville's "Government by Democracy in America." Keeping them in mind during your first reading should help focus your attention.

1. How does universal suffrage affect the choice of who will govern?
2. How might the frequency of elections affect the stability of the laws of the land?
3. To what extent is a democratic form of government economically efficient?

Government by Democracy in America

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

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

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

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

Universal Suffrage

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

benefits or all the ills expected from it in Europe and that its results were in general other than is supposed.

The People's Choice and the Instincts of American Democracy in Its Choices

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

Many people in Europe believe without saying so, or say so without believing it, that one of the great advantages of universal suffrage is to summon men worthy of public trust to the direction of public affairs. The people could not possibly govern on their own, so it is said, but they do always sincerely support the welfare of the state and their instinct unfailingly tells them which men are fired by a similar desire and thus are the most competent to wield power. 6

For my part, I am bound to say, what I have seen in America does not give me any reason to think that this is the case. When I stepped ashore in the United States, I discovered with amazement to what extent merit was common among the governed but rare among the rulers. It is a permanent feature of the present day that the most outstanding men in the United States are rarely summoned to public office and one is forced to acknowledge that things have been like that as democracy has gone beyond its previous limits. The race of American statesmen has strangely shrunk in size over the last half century. 7

One can point out several reasons for this phenomenon. 8

Whatever one does, it is impossible to raise the intelligence of a nation above a certain level. It will be quite useless to ease the access to human knowledge, improve teaching methods, or reduce the cost of education, for men will never become educated nor develop their intelligence without devoting time to the matter. 9

Therefore the inevitable limitations upon a nation's intellectual progress are governed by how great or small is the ease with which it can live without working. This limitation is further off in certain countries and nearer in others; for it not to exist at all, however, the people would need to be free of the physical cares of life. It would have to cease to be the people. Thus it is as difficult to imagine a society where all men are enlightened as a state where all the citizens are wealthy; those are two related difficulties. I willingly accept that the bulk of the population very sincerely supports the welfare of the country; I might go even further to state that in general the lower social classes seem to be less likely to confuse their personal interests with this support than the 10

upper classes. But what they always lack, more or less, is the skill to judge the means to achieve this sincerely desired end. A long study and many different ideas indeed are needed to reach a precise picture of the character of one single individual! Would the masses succeed where greatest geniuses go astray? The people never find the time or the means to devote to this work. They have always to come to hasty judgments and to latch on to the most obvious of features. As a result, charlatans of all kinds know full well the secret of pleasing the people whereas more often than not their real friends fail to do so.

Moreover, it is not always the ability to choose men of merit which democracy lacks but the desire and inclination to do so. 11

One must not blind oneself to the fact that democratic institutions promote to a very high degree the feeling of envy in the human heart, not so much because they offer each citizen ways of being equal to each other but because these ways continuously prove inadequate for those who use them. Democratic institutions awaken and flatter the passion of equality without ever being able to satisfy it entirely. This complete equality every day slips through the people's fingers at the moment when they think they have a hold on it; it flees, as Pascal¹ says, in an eternal flight. The people become excited by the pursuit of this blessing, all the more priceless because it is near enough to be recognized but too far away to be tasted. The chance of success enthralls them; the uncertainty of success frustrates them. Their excitement is followed by weariness and bitterness. So anything which exceeds their limitations in any way appears to them as an obstacle to their desires and all superiority, however legitimate, is irksome to their eyes. 12

Many people suppose that this secret instinct which persuades the lower classes to remove the upper classes as far as they can from the direction of affairs is found only in France; that is wrong. The instinct I am mentioning is not French, it is democratic; political circumstances may have given it a particularly bitter taste, but they do not bring it into being. 13

In the United States, the people have no especial hatred for the upper classes of society; but they feel little goodwill for them and exclude them from power; they do not fear great talents but have little liking for them. Generally speaking, it is noticeable that anything which thrives without their support has trouble in winning their favor. 14

While the natural instincts of democracy persuade the people to remove distinguished men from power, the latter are guided by no less an instinct to distance themselves from a political career, where it is so difficult for them to retain their complete autonomy or to make any progress without cheapening themselves. This thought is very naively expressed by Chancellor Kent. This celebrated author I speak of, having sung the praises of that part of the Constitution 15

¹ Blaise Pascal (1623-1662) French mathematician and philosopher.

which grants the appointment of judges to the executive power, adds: "It is probable, in fact, that the most appropriate men to fill these places would have too much reserve in their manners and too much severity in their principles ever to be able to gather the majority of votes at an election that rested on universal suffrage" (Kent's *Commentaries on American Law*, vol. I, p. 273).

That was what was being printed without contradiction in America in the year 1830. 16

I hold it proved that those who consider universal suffrage as a guarantee of the excellence of the choice made are under a complete delusion. Universal suffrage has other advantages but not that one. 17

Causes Which Are Able Partly to Correct These Instincts of Democracy

Contrary effects on nations as on men of great dangers—Why America saw so many men at the head of affairs fifty years ago—Influence of intelligence and customs upon the people's choices—Example of New England—States of the Southwest—Influence of certain laws upon the people's choices—Election by two stages—Its effect on the composition of the Senate.

When great dangers threaten the state, the people often make a happy choice of those citizens best suited to save them. 18

It has been noticed that, in the face of imminent danger, a man rarely remains at his normal level; he either rises well above himself or dips well below. The same happens to nations. Extreme dangers, instead of lifting a nation, sometimes end by bringing it low; they arouse its passions without giving them direction and confuse its perceptions without clarification. The Jews were still slitting each other's throats even in the midst of the smoking ruins of the Temple. But more commonly, with nations as with men, extraordinary courage arises from the very imminence of the dangers. Then great characters stand out like those monuments hidden by the darkness of the night and seen suddenly in the glare of a conflagration. Genius no longer disdains to appear on the stage and the people, alarmed by the dangers facing them, momentarily forget their envious passions. At such a time, it is not rare for famous names to emerge from the ballot box. I have said above that statesmen of modern America seem greatly inferior to those who appeared at the head of affairs fifty years ago. Circumstances, as well as laws, were responsible for that. When America was fighting the most just of causes, that of one nation escaping from another's yoke; when it was a question of introducing a new nation into the world, the spirits of all rose to reach the height of the goal to which their efforts aspired. In this general commotion, outstanding men anticipated 19

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the nation's call and the people embraced them and adopted them as their leaders. But such events take place at rare intervals and one must judge by the commonplace aspect of things.

If fleeting events sometimes succeed in checking the passions aroused by democracy, the intelligence and customs of the community exercise a no less powerful but more lasting influence upon its inclinations. This is very obvious in the United States.

In New England, where education and freedom are the daughters of morality and religion, and where an already ancient and long-settled society has managed to shape its own maxims and customs, the people, while they have avoided all the superiorities which wealth and birth have ever created among men, have become used to respecting intellectual and moral superiorities and to submit to them willingly. Therefore, New England democracy makes better choices than elsewhere.

On the other hand, as one goes further south to those states where social ties are less ancient or less secure, where education is not so widespread and where the principles of morality, religion, and freedom are less happily combined, one observes that the aptitudes and virtues of government leaders are increasingly rare.

Lastly, when we get right down to the new states of the Southwest where the body of society, formed yesterday, is still no more than a mass of adventurers and speculators, the observer is dismayed to see into what hands public authority has been entrusted and he wonders what force, independent of legislation and of men, will enable the state to grow and society to prosper.

Certain laws have a democratic character, yet succeed in correcting partially democracy's dangerous instincts.

When you enter the House of Representatives in Washington, you are struck by the coarse appearance of this great assembly. Your eye often seeks in vain a single famous man. Almost all its members are unknown people whose names fail to stimulate any mental picture. For the most part, they are village lawyers, businessmen or even men from the lowest classes. In a country where education is almost universal, it is claimed that the representatives of the people cannot always write correctly.

A couple of paces away lies the Senate whose narrow precincts contain a large proportion of America's famous men. There is hardly a single man who does not recall some recent claim to fame. They are eloquent lawyers, distinguished generals, able magistrates, well-known politicians. All the speeches which emanate from this assembly would bring glory to the greatest parliamentary debates of Europe.

How does this curious contradiction come about? Why does the nation's elite gather in this house rather than the other? Why does the first assembly attract so many coarse elements whereas the latter has a monopoly of talents

and intelligence? Yet both spring from the people, both are the product of universal suffrage and no voice has so far been raised in America to maintain that the Senate might be antagonistic to popular interests. So how does such a wide difference arise? I know of only one explanation: the election for the House of Representatives is direct; the one for the Senate is in two stages. The whole citizen body appoints the legislature of each state and the federal constitution converts one by one these legislatures into electoral colleges, which return members to the Senate. Thus the senators represent, albeit indirectly, the result of universal suffrage, for the legislature which appoints senators is not an aristocratic or privileged body deriving its electoral right from itself; it fundamentally depends upon the totality of citizens; it is generally elected by them every year and they are always able to control its choices by adding new members to its ranks. But it is enough that the will of the people has passed through this elected assembly for it to have become refined in some sense and to have emerged clad in a nobler and more beautiful form. Men thus elected, therefore, represent exactly the ruling majority of the nation but they represent only the highest concepts current in the community, the generous instincts which fire its imagination and not the petty emotions which trouble or the vices which disgrace it.

It is easy to see in the future a moment when American republics will be forced to extend the two tiers in their electoral system for fear of perishing wretchedly on the reefs of democracy.

I have no scruple in confessing that I see in the two-stage electoral system the only means of placing the advantage of political liberty within the reach of all classes of society. Anyone hoping to turn this means into the exclusive weapon of one party, or anyone fearing such an outcome, seems to me to be making an equal mistake.

Influence Which American Democracy Has Exercised on Electoral Laws

Elections at long intervals expose the state to violent crises—Frequency of elections keeps up a feverish agitation—Americans have opted for the latter of these disadvantages—Versatility of the law—Opinions of Hamilton, Madison, and Jefferson on this topic.

When elections occur at long intervals, the state runs the risk of being overthrown each time. Then the parties make the utmost efforts to seize a prize which comes so rarely within their grasp and, since the outcome is almost beyond remedy for those candidates who lose, their ambition, pushed to the point of desperation, must be a source of fear. If, by contrast, the equal struggle is soon to be repeated, the losers retain their patience.

When elections follow in rapid succession, their frequency keeps society in a feverish excitement and public affairs in a continuous state of change.

Thus, on one side, the state risks the onset of unease or, on the other, revolution; the former system damages the quality of government, the latter threatens its existence.

Americans have preferred to risk the first of these evils to the second. In this choice they have been guided more by instinct than reason, since democracy pushes its inclination for variety to the edge of passion and the consequence is a strange changeability of legislation.

Many Americans consider the instability of their laws as a necessary result of a system whose general effects are useful. Yet there is no one in the United States, I believe, who wishes to deny this instability or who does not regard it as a great weakness.

Hamilton, having demonstrated the usefulness of a power which has been able to prevent or, at least, to impede the promulgation of bad laws, adds: "It may perhaps be said, that the power of preventing bad laws includes that of preventing good ones, and may be used to the one purpose as well as the other. But this objection will have little weight with those who can properly estimate the mischiefs of that inconstancy and mutability in the laws which form the greatest blemish in the character and genius of our governments." *Form the greatest blemish in the character and genius of our government (The Federalist, No. 73).*

"The facility," says Madison, "and excess of law-making seem to be the diseases to which our governments are most liable" (*The Federalist, No. 62*).

Jefferson himself, the greatest democrat to emerge from American democracy, has highlighted the same dangers.

"The instability of our laws is really an immense evil," he says. "I think it would be well to provide in our constitution that there shall always be a twelve-month between the engrossing a bill and passing it: that it should then be offered its passage without changing a word: and that if its circumstances should be thought to require a speedier passage, it should take two-thirds of both houses instead of a bare majority."²

Civil Servants under the Control of American Democracy

Simplicity of American civil servants—Absence of uniforms—All officials are salaried—Political consequences of this fact—No public career in America—Results of this.

² Letter to Madison of 20 December 1787, M. Conseil's translation. [Tocqueville's note]

American civil servants remain indistinguishable from the mass of the citizens; they have neither palaces nor guards, nor ceremonial uniforms. This simple government attire does not stem simply from a peculiar twist of the American character but from the basic principles of their society.

In the eyes of democracy, the government is not a blessing but a necessary evil. Some powers must be granted to civil servants for, without such power, what use would they be? But the external appearance of power is not vital for the conduct of affairs and is unnecessarily offensive to the public.

The civil servants themselves are perfectly aware that they have gained the right to hold a superior position in relation to others, which they derive from their authority only if they place themselves on a level with the whole community through their way of life.

I can imagine no one plainer in his behavior, more approachable, more sensitive to requests than an American civil servant.

I like this unself-conscious approach of democratic government and I perceive something admirably manly in this inner strength which characterizes the office rather than the official, the man rather than the external symbols of power.

As for the influence that uniforms exert, I believe that the importance they have to carry in a century like ours is much exaggerated. I have not noticed American officials in the exercise of their authority greeted with any less respect or regard because they have nothing but their own merit to recommend them.

On the other hand, I very much doubt whether a special garment induces men in public life to respect themselves if they are not naturally disposed to do so, for I cannot believe that they have more regard for their clothes than their person.

When I see some of our magistrates harassing or indulging their wit against litigants or shrugging their shoulders at the defense pleas or smiling smugly as the charges are listed, I should like to try to take their robes from them so as to find out whether, clothed as ordinary citizens, they might recall the natural dignity of the human race.

Not one American public official wears uniform but they all receive a salary. This flows even more naturally than the preceding example from democratic principles. A democracy may surround its magistrates with pomp and cover them with gold and silk without directly compromising the principle of its existence. Such privileges are transitory and belong to the place not the man. But the creation of unpaid offices is to form a class of wealthy and independent officials; that is the core of an aristocracy. If the people still retain the right to choose, the exercise of that right has inevitable limitations.

Whenever a democratic republic converts salaried offices to unpaid ones, I think one may conclude that it is veering toward monarchy. And whenever a

monarchy begins to remunerate unpaid offices, it is a sure sign of progression toward a despotism or a republic.

I, therefore, think that to change from salaried to unpaid offices is by itself the instigation of a real revolution.

The complete absence of unpaid offices is for me one of the most obvious indications of the absolute sway American democracy holds. Services of whatever kind rendered to the public are rewarded so that everyone has not only the right but also the means of performing such services.

If all the citizens of democratic states are able to take up office, all are not tempted to canvas for them. The choice of the electorate is limited not by the qualifications for candidature but by the number and capability of the candidates.

In nations where the principle of election is universally applied, properly speaking no public career exists. Men reach office to some degree by accident and have no guarantee of staying there. This is especially true with annual elections. The result is that in times of calm, public office offers little attraction to ambition. In the United States, men of moderate desires commit themselves to the twists and turns of politics. Men of great talent and passion in general avoid power to pursue wealth; it often comes about that only those who feel inadequate in the conduct of their own business undertake to direct the fortunes of the state.

These reasons, quite as much as any poor decisions of democracy, have to account for the great number of coarse men holding public office. I do not know whether the people of the United States would choose men of superior qualities who might canvas their votes but it is certain that such men do not bid for office.

The Arbitrary Power of Magistrates³ under the Sway of American Democracy

Why the arbitrary power of magistrates is greater under absolute monarchies and democratic republics than in limited monarchies—Arbitrary power of magistrates in New England.

Under two types of government, magistrates exercise considerable arbitrary power, namely, under the absolute government of a single individual and under that of democracy.

This same effect issues from almost analogous causes.

In despotisms, no one's fate is secure, whether they be public officials or ordinary individuals. The ruler, holding in his hand the lives, fortunes, and

³ Here I mean the word *magistrate* in its widest sense: I apply it to all entrusted with the execution of the law. [Tocqueville's note]

sometimes the honor of those he employs, believes he has nothing to fear from them and allows them great freedom of action because he feels sure they will never use it against him.

In despotisms, the ruler is so enamored of his power that he fears the restrictions of his own regulations; he likes to see his agents acting in an almost random manner so as to be assured that he will never observe in them any inclination which runs against his wishes. 57

In democracies, since the majority is able to remove power annually from the hands of those entrusted with it, it has no fear of any abuse against itself. Since the majority has the power to indicate its wishes to its rulers from moment to moment, it prefers to leave them to their own efforts rather than bind them to inflexible rules which, by fettering them, would, to some extent, fetter the majority itself. 58

Looking quite closely, one actually discovers that the arbitrary power of democratic magistrates is even greater than it would be in despotic states, where the ruler can punish at any time all the mistakes he perceives. But he could not possibly flatter himself that he has spotted every mistake he ought to punish. On the other hand, in democracies, the sovereign power is both all-powerful and present everywhere. Thus we see that American officials are much freer in the sphere of action allotted to them by law than any European counterpart. Often they are merely shown the goal to be reached while being left free to choose their own means. 59

In New England for example, the formation of the jury list is left to the selectmen of each township; the only rule imposed on them is as follows: they should choose juries from citizens who enjoy electoral rights and whose reputation is excellent.⁴ 60

In France, we would consider the life and liberty of men to be in danger, if we entrusted the exercise of such a formidable right to an official, whoever he was. 61

In New England, these same magistrates are able to have the names of drunkards posted in taverns and to prevent the inhabitants of the town from supplying them with wine.⁵ 62

⁴ See the law of 27 February 1813 in the *General Collection of the Laws of Massachusetts*, vol. 2, p. 331. It must be added that the jurors are subsequently drawn by lot from the lists. [Tocqueville's note]

⁵ Law of 28 February 1787, *ibid.*, vol. 1, p. 302. Here is the text: "The selectmen in each town shall cause to be posted up in the houses and shops of all taverners, innholders, and retailers, within such towns, a list of the names of all persons reputed common drunkards, common tipplers, or common gamblers, misspending their time and estate in such houses. And every keeper of such house or shop, after notice given him, that shall be convicted before one or more Justices of the Peace, of entertaining or suffering any of the persons in such list, to drink or tittle, or game, in his or her house, or any of the dependencies thereof, or of selling them spiritous liquor, shall forfeit and pay the sum of thirty shillings." [Tocqueville's note]

Such a moralistic power would appall people in the most absolute of monarchies; here, however, people have no difficulty in obeying.

Nowhere has the law left greater scope to arbitrary power than in democratic republics because such power appears not to scare them. It may even be said that magistrates become freer as voting rights are wider spread and the duration of the magistracy is shortened.

That is why it is so difficult to convert a democratic republic into a monarchy. Though they are not elected, magistrates normally retain the rights and the habits of elected magistrates. That leads to despotism.

Only in limited monarchies does the law define the sphere of action around public officials while at the same time taking care to guide their every step. This fact is easily explained.

In limited monarchies, power is divided between the people and the prince. Both have a vested interest in the stability of magistrates.

The prince is unwilling to entrust the fate of public officials to the hands of the people for fear that they betray his authority; the people, from their point of view, are afraid that magistrates, being absolutely dependent upon the prince, might serve to oppress their liberty; thus they are, in a sense, left dependent upon no one.

The same reason which persuades prince and people to make officials independent induces them to seek guarantees against the abuse of that independence so that they do not turn it against the authority of the former or the liberty of the latter. Both agree, therefore, upon the necessity of marking out, in advance, a line of conduct for public officials and find it in both their interests to impose upon these officials rules they cannot possibly disregard.

Administrative Instability in the United States

American society often leaves behind fewer records of its proceedings than a family does—Newspapers are the only historical monuments—How extreme administrative instability injures the art of government.

Men reach power for one brief moment before disappearing in a crowd, which changes its appearance daily; the result is that the proceedings of American society often leave behind fewer records than a private family does. In a sense, public administration hands down its records via an oral tradition. Nothing is written or, if it is, it flies off in the slightest gust of wind like Sibylline leaves,⁶ to vanish without recall.

The sole historical monuments in the United States are newspapers. If one number is missing, the chain of events is, as it were, broken; the present and

⁶ **Sibylline leaves** A reference to the lost books of the Roman tracks, *The Sibylline Books*.

the past are no longer connected. I am quite certain that in fifty years time it will be more difficult to gather together authentic documents about the details of American social life than about the administration of medieval France. And if a barbarian invasion happened to take the United States by surprise, in order to find out anything about the people who lived there one would have to turn to the history of other nations.

Administrative instability has begun to permeate our thinking; I might almost say that today everyone has ended up with a taste for it. No one has any concern for what happened before his time. No methodical system is in force; no collecting of material takes place; no documents are gathered together when it would be easy to do so. When by chance they are in someone's possession, little care is taken of them. Among my papers I have original documents given to me by public administrators to answer some of my inquiries. American society seems to live from hand to mouth like an army in the field. However, the skill of administration is assuredly a science and all sciences, in order to improve, need to group together the discoveries of the different generations as they follow each other. One man, in the brief span of his life, notes one fact, another conceives an idea; one man invents a method, another finds a formula; the human race collects en route these various fruits of individual experiments and formulates the sciences. It is difficult for American administrators to learn anything from each other. Thus they bring to the conduct of society the enlightenment which they discover widespread in that society and not the knowledge which should be their own. So democracy, pushed to the limits, damages the art of government. In this context, it is better suited to a nation whose administrative education is already complete than to a nation uninitiated in public affairs.

Moreover, this does not apply solely to the science of administration. Democratic government, founded upon such a simple and natural idea, nevertheless always implies the existence of a very civilized and educated society.⁷ At first sight, it may be imagined as belonging to the earliest ages of the world; a closer examination allows us to discover that it had to come about last.

Public Expenses under the Rule of American Democracy

In all societies citizens divide into a certain number of classes — The instinct of each of these classes in the organization of state finances — Why public expenses must tend to increase when the people govern — What makes the extravagancies of democracy less of a fear in America — Use of public funds under a democracy.

⁷ I do not need to say that I am referring here to the democratic government which applies to a nation and not that which applies to a small tribe. [Tocqueville's note]

Is democratic government economical? First we must know with what we are comparing it.

The question would be easy to solve if we set out to draw a parallel between a democratic republic and an absolute monarchy. Public expenses would be much higher in the former than in the latter. But such is the case for all free states compared with those which are not so. Despotism certainly brings ruin to men, more by preventing them from producing than by taking away the fruits of their labors; it dries up the source of wealth while it often respects wealth once acquired. On the other hand, freedom spawns a thousand times more goods than it destroys and, in nations where this is understood, the people's resources always grow more quickly than taxes.

At present, I am concerned to compare nations which are free and to establish the influence of democracy upon state finances in such nations.

Societies, like other organized bodies, are shaped by certain fixed rules which they cannot sidestep and are made up of certain elements found in all places at all times.

It will always be simple to divide each nation theoretically into three classes.

The first is composed of the wealthy. The second will include those who are, in all respects, comfortably off without being wealthy. In the third are locked those who have only little or no property and who live primarily on the work provided by the first two.

The individuals in these various categories may be more or less numerous according to the state of society, but it is impossible for these categories not to exist.

Each one of these classes will bring to the handling of state finances certain instincts peculiar to itself.

Let us suppose that the first alone makes the laws; it will probably concern itself but little with saving public money because a tax on a substantial fortune removes only part of the surplus without affecting it very much.

On the other hand, let us grant that the middle classes alone make the law. You can count on it that they will not raise extravagant taxes because nothing is more disastrous than a heavy tax on a slight fortune.

Government by the middle classes has to be, I do not say the most enlightened of free governments, nor especially the most generous, but the most economical.

Now, let me suppose that the lowest class is exclusively responsible for making the law; I see clearly opportunities for an increase rather than a decrease in public expenditure for two reasons:

As most of the voters then have no taxable property, all the money expended in the interests of society can only profit them without ever harming them; those who do have a little property easily find means of fixing taxes so as to fall upon the wealthy and to profit the poor; this is something the wealthy could not possibly pursue were they to be in charge of the government.

Countries where the poor⁸ were exclusively responsible for lawmaking could not therefore expect much economy in public expenses, which will always be extensive, either because taxes cannot touch those who vote for them or because they are assessed so as not to touch them. In other words, democratic government is the only one where those who vote for the tax can evade the obligation to pay it. 87

It is an empty objection to say that the interest of the people properly understood is to be careful with the fortunes of the wealthy because it would soon feel an ensuing constriction itself. Is it not also to the advantage of kings to make their subjects happy and of the nobility to know when it is appropriate to open their ranks? If a distant advantage could prevail over the passions and needs of the passing moment, neither tyrannical rules nor exclusive aristocracies would ever have come into being. 88

Again, someone may stop me and say: Who has ever thought of making the poor solely responsible for lawmaking? Who? Those who introduced universal suffrage. Does the majority or the minority make the law? The majority, of course; and if I demonstrate that the poor always make up the majority, am I not right to add that in countries where they have the vote, they alone make the law? 89

Now, certainly up to this time, in every nation of the world, those with no property or those whose property was too modest to allow them to live comfortably without working always comprised the greatest number. Therefore, universal suffrage really does entrust the government of society to the poor. 90

The vexing influence occasionally exercised by the power of the people on state finances was very evident in certain democratic republics of the ancient world in which the public treasury was drained away to help the poorest citizens or to provide the people with games and public spectacles. It is true that the representative system was almost unknown in the ancient world. Nowadays, popular passions find it more difficult to thrive in public affairs; however, you can guarantee that in the long run, the delegate will always in the end conform to the opinions of his constituents and support their inclinations as well as their interests. 91

However, the extravagancies of democracies are less a source of dread as the people become increasingly property-owning because then, on the one hand, the people need the money of the wealthy less, on the other, they will experience more difficulty in contriving a tax which will not touch the people themselves. In this respect, universal suffrage should be less dangerous in 92

⁸ It should be understood that the word *poor* has here, as in the rest of the chapter, a relative meaning, not an absolute one. Poor men in America might often appear rich compared with their European counterparts; nevertheless one would be right to call them poor in comparison with those of their fellow citizens who are richer than they are. [Tocqueville's note]

France than in England, where almost all taxable property is concentrated in a few hands. America enjoys a situation more favorable than France because the great majority of citizens own something.

Still more reasons exist for the possible increase of the financial budget in democracies.

Under an aristocratic regime, those men who rule the affairs of state are free from all need because of their own position in society; satisfied with their lot, they look to society for power and reputation; placed, as they are, above the dim mass of citizens, they do not always understand clearly how the general well-being must contribute to their own greatness. Not that they view the sufferings of the poor without pity; but they cannot feel their wretchedness as if they shared it themselves. Provided that the people appear to tolerate their lot, they themselves are satisfied and expect nothing more from the government. Aristocracy thinks more about preservation than improvement.

On the contrary, when public authority is in the hands of the people, they, as the sovereign power, seek out improvements in every quarter because of their own discontent.

The spirit of improvement then infiltrates a thousand different areas; it delves into endless detail and above all advocates those sorts of improvements which cannot be achieved without payment; for its concern is to better the condition of the poor who cannot help themselves.

Furthermore, an aimless restlessness permeates democratic societies where a kind of everlasting excitement stimulates all sorts of innovations which almost always involve expense.

In monarchies and aristocracies, the men of ambition flatter the sovereign's normal taste for renown and power and thereby often drive him to spend a great deal of money.

In democracies where the sovereign power is always in need of funds, its favors can hardly be won except by increasing its prosperity and that can almost never be achieved without money.

In addition, when the people start to reflect upon their own position, a host of needs arise which they had not felt at first and which cannot be satisfied except by having recourse to state assets. The result is that public expenditure seems to increase with the growth of civilization and that taxes rise as knowledge spreads.

There is one final reason which often makes democratic government more expensive than any other. Sometimes democracy aims to economize in its expenditure but fails to succeed because it has no skill in managing money. As it frequently changes its mind and still more frequently its agents, its enterprises are badly conducted or remain incomplete. Firstly, the state expends more than is warranted by the scope of the intended aim; secondly, its expenditure is unprofitable.

❖ QUESTIONS FOR CRITICAL READING

1. Tocqueville was amazed "to what extent merit was common among the governed but rare among the rulers" (para. 7). Is this true today?
2. Tocqueville says, "The people could not possibly govern on their own" (para. 6). What in his essay would convince you that his statement is right or wrong?
3. What does Tocqueville say about the effect of universal suffrage on American democracy?
4. What was the role of newspapers in Tocqueville's time? Is it the same today?
5. How does Tocqueville describe civil servants?
6. Is Tocqueville correct when he says, "Whatever one does, it is impossible to raise the intelligence of a nation above a certain level" (para. 9)? What are his concerns about education in the 1830s?
7. What does Tocqueville think about rule by the majority in a democracy?

❖ SUGGESTIONS FOR CRITICAL WRITING

1. Tocqueville feels all nations must contain three classes: the wealthy, whose fortunes are large; the comfortable, whose fortunes are small; and the poor, who have no fortune and must live by their labors alone. Does this breakdown reflect conditions today? How reasonable is Tocqueville's understanding of how these three groups would vote on taxation? Do you think that if it was true in Tocqueville's time it is true today? Would all three classes vote primarily for their own interests?
2. Tocqueville was disturbed by the fact that when he went into the House of Representatives he met no one who was famous or well known. He felt that universal suffrage was responsible for that. He says that "it is not always the ability to choose men of merit which democracy lacks but the desire and inclination to do so" (para. 11). Do you agree with Tocqueville that universal suffrage works against choosing the most distinguished and accomplished candidate and toward choosing a mediocre candidate? What are his reasons for thinking so?
3. Because elected office is essentially insecure (one may lose an election), Tocqueville says that politics is not a calling that attracts the best men. As he puts it, "In the United States, men of moderate desires commit themselves to the twists and turns of politics. Men of great talent and passion in general avoid power to pursue wealth; it often comes about that only those who feel inadequate in the conduct of their own business undertake to direct the fortunes of the state" (para. 52). Argue either for or against his position using examples from selections in this book or from your own studies and experience.
4. In the section that discusses civil servants (paras. 39–53), Tocqueville makes a number of statements that may be controversial. Examine that section and explain why

he is concerned about the ways in which civil servants are or are not paid and how they present themselves to the general public in the American democracy. How valid do you feel his arguments are?

5. **CONNECTIONS** The framers of the Constitution as well as Aristotle in "Democracy and Oligarchy" (p. 70) were concerned with the effects of a pure democracy. Tocqueville is similarly concerned, and in paragraph 89 he asks, "Does the majority or the minority make the law?" What is his conclusion regarding this question and how does his analysis affect his thinking about taxation and the economic efficiency of a democracy? With what parts of Tocqueville's analysis would Aristotle take issue, and how would Aristotle correct Tocqueville's thinking? How well might Aristotle and Tocqueville have gotten along had they met?
6. In paragraph 72, while meditating on the failure of the new nation to preserve records of its past, Tocqueville says, "No one has any concern for what happened before his time." Explain what you think Tocqueville means by this statement and see if you can validate or invalidate his view by reference to other selections in Part One. Or consider his statement in light of current national circumstances and your own experience and your experiences with other citizens. Is this statement reasonable and reflective of the way people feel today? How concerned are you that it might be true?