Alexis de Tocqueville

DEMOCRACY IN AMERICA

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VOLUME I

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

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

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

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

So why do the American republics live on and prosper?
In laws, the end that they seek must be carefully distinguished from the
way in which they move toward that end; their absolute goodness, from
goodness that is only relative.

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

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

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

The laws of democracy are decidedly defective in the last two objects. But I am
tempted to believe that they are superior in the first, and in this way I explain their
general result, which often seems in general contradiction to reason and daily expe-
rience. See the example of England (YTC, CVh, 4, pp. 77–78).
I suppose that the purpose of the legislator is to favor the interests of the few at the expense of those of the many; his measures are devised in a way to obtain the result that he wants in the least time and with the least possible effort. The law will be well made; its aim, bad. It will be dangerous in proportion to its very effectiveness.

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

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

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

But its advantages end there.

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

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

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

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e. DEMOCRACY.

Imperfect laws. Succession of laws, a great evil.

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

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

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ARISTOCRACY.

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

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

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

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

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

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

I will say something analogous about public officials.

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

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

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

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

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

f. Hervé de Tocqueville:

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

This subject is extremely abstract, and needs to be reviewed and considered again. I believe that the difficulty comes from the fact that Alexis seems to assume that most of the American laws are bad; I imagine that it is the opposite. Without that, the system that the author puts forth would not be tenable (YTC, CIIIb, 1, p. 93).
Note too that if the democratic magistrate exercises power worse than another, he generally holds it for less time.  

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

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

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

Those charged, in the United States, with leading public affairs are often inferior in capacity and morality to the men whom aristocracy would bring to power; but their interest merges and is identified with that of the majority of their fellow citizens. So they can commit frequent infidelities and serious errors, but they will never systematically follow a tendency hostile to this majority; and they can never impart an exclusive and dangerous direction to the government.

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

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

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

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

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

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

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

h. In the manuscript: "of the greatest number."
How can we be surprised if he doesn’t resist? Consequently, in aristocracies we often see even those not corrupted by class spirit dragged along by it and unknowingly made to adapt society little by little to their own use and to prepare it for their descendants.

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

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

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

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

Tocqueville replied:

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

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

You reproach me for having said that the interests of the poor were sacrificed in England to those of the rich. I confess that this thought, exposed in so few words, thrown out in passing, without commentary, naturally tends to present a meaning much more absolute than what I intended to give it, and my intention has always been to modify rights of the greatest number to the privileges of a few. Therefore, within England today all the greatest extremes of fortune are present together, and miseries are found there that nearly equal its power and glory.

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

Hervé de Tocqueville: "The word England presents too absolute an idea that reason immediately contests. I believe that it would be necessary to put: the lower class in England has reached, etc." (YTC, CVh, 1, p. 95).

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

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

If a hidden force independent of men did not exist in democratic institutions, it would be impossible to explain satisfactorily the peace and prosperity that reign within certain democracies (YTC, CVh, 4, p. 76).
If it were not so, who could understand what happens among men? We would see some peoples enjoy a greater mass of well-being and prosperity than other peoples and, when we came to examine the detail of their government, we would find something to correct in each of its actions.

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

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

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

Who could say within what narrow limits what we call our free will is exercised? Man obeys first causes of which he is unaware, secondary causes that he cannot foresee, a thousand caprices of his fellows; in the end, he puts himself in chains and binds himself forever to the fragile work of his hands.)²

**Of Public Spirit in the United States ³**

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

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

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² In the first chapter of the *Social Contract*, Rousseau asserts that if man is born free, he finds himself everywhere in chains. The image is customary at that time.

³ To the side: "[Mr. Parier (?[ed.]) will leave blank what I enclosed in lines." (It probably involves the copyist of the manuscript. Here and there fragments in his hand are found in the manuscript.)

⁴ Hervé de Tocqueville: "All of this piece is charming; nonetheless the words caught sight of are not good" (YTC, CIIIb, 1, p. 95).

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