DEMOCRACY IN AMERICA

Alexis de Tocqueville

Translated from the French by James T. Schleifer

VOLUME I

Edited by Eduardo Nolla
CHAPTER 5
Necessity of Studying What Happens in the
Individual States before Speaking about the
Government of the Union

The following chapter is intended to examine what form government founded on the principle of sovereignty of the people takes in America, what its means of action, difficulties, advantages and dangers are.

A first difficulty arises: the United States has a complex constitution. You notice two distinct societies there, bound together and, if I can explain it in this way, nested like boxes one inside the other. Two completely separate and nearly independent governments are seen: the one, habitual and undefined, which answers to the daily needs of the society; the other, exceptional and circumscribed, which applies only to certain general interests. They are, in a word, twenty-four small sovereign nations, that together form the great body of the Union.

To examine the Union before studying the state is to embark on a path strewn with difficulties. The form of the federal government in the United States appeared last; it was only a modification of the republic, a summary of political principles spread throughout the entire society before the federal government existed, and subsisting there independently of it. As I have just said, the federal government is, moreover, only an exception; the government of the states is the common rule. The writer who would like to show such a picture as a whole before pointing out its details would necessarily lapse into obscurities and repetitions.

There can be no doubt that the great political principles that govern American society today arose and developed in the state. So to have the key to all the rest, the state must be understood.

The states that make up the American Union today all look the same with regard to the external appearance of institutions. Political and administrative life there is found concentrated in three centers of action that could be compared to the various nerve centers that make the human body move.

At the first level is found the town; then higher, the county; finally, the state.

Of the Town System in America

Why the author begins the examination of political institutions with the town.—The town is found among all peoples.—
Difficulty of establishing and maintaining town liberty—

Translator's Note 3: I have translated commune, when it refers to America, as town rather than township. Town is, by far, the more common term in the United States, especially in New England. And American historians almost unanimously use the term town. When commune refers to France, I have usually left it in French, italicized.

When he starts on the study of the American administration, Tocqueville realizes that he hardly knows that of his own country. In the month of October 1831, he asks his father and two of his colleagues, Ernest de Chabrol and Ernest de Blosseville, to draw up for him a summary sketch of the French administration. Tocqueville writes to his father:

Nothing would be more useful to me for judging America well than to know France. But it is this last point that is missing; I know in general that among us the government gets into nearly everything; a hundred times people have blared into my ears the word centralization, without explaining it to me. . . . If you could, my dear papa, analyze for me this word centralization, you would help me immensely (letter to his father, New York, 7 October 1831, YTC, Bla2).

In reply, Hervé de Tocqueville sends his son a long report bearing the title Coup d'oeil sur l'administration française [Brief View of the French Administration]. There the former prefect develops several of the ideas presented in De la charte provinciale (Paris: J. J. Blaise, 1829, 62 pp.). After several pages devoted to description of the administration,
Its importance.—Why the author has chosen the town organization of New England as the principal object of his examination.

Not by chance do I first examine the town. [#The town is the first element of the societies out of which peoples take form; it is the social molecule; if I can express myself in this way, it is the embryo that already represents and contains the seed of the complete being.]

...the author considers in detail the problem of centralization and the way to lessen its abuses. Hervé de Tocqueville, who fears that the autonomy of the French communes [towns] will divide the country into a multitude of small republics, insists on a great deal on the fact that the King must exercise the administration and have the right to dissolve the conseils communaux [town councils]. But he recognizes, nonetheless, the extreme slowness of an excessively centralized administration and recommends the creation of special juries for the purpose of deciding administrative questions as the most effective means to accelerate decision making. In his response, Chabrol considers, above all, the question of administrative jurisdiction. Maceâr had in fact pointed out to him that the majority of trials between the administration and individuals that were judged by the conseils municipaux [municipal councils] were trials of an ordinary type that could have been judged according to the forms of the ordinary judicial system. Chabrol also points out that a large part of the administration still carries the trace of the centralizing concepts of the Napoleonic administration. The report of Blosseville, shorter and less precise than the other two, allows for the shift of administrative trials to ordinary jurisdiction, in agreement with Chabrol. (A copy of the three reports is found at Yale, under the classification CIIa).

For the preparation of this chapter, the report on the local administration of New England, written by Jared Sparks for Alexis de Tocqueville, also has considerable importance. On this document and *Brief View of the French Administration*, see George W. Pierson, *Tocqueville and Beaumont in America*, pp. 403–13. Finally, there is a note by Beaumont that relates an interesting conversation with Sparks (in Beaumont, *Lettres d'Amérique*, pp. 152–54). The questions posed by Tocqueville to Jared Sparks and the responses of the latter have been published by H. B. Adams in Jared Sparks and Alexis de Tocqueville, *Johns Hopkins University Studies in Historical and Political Science*, XV1th series, n. 12, 1898. A rough draft with several notes for this chapter also contains numerous references to the report of Sparks (YTC, CV, p. 17). It is Jared Sparks who points out to Tocqueville that Nathaniel Niles, Secretary of the American delegation in Paris and native of New England, can be useful to him for the chapter on the town administration of this part of the United States. It seems that, following this suggestion, Tocqueville contacted the latter (see note v for p. 62).

The town is the only association that is so much a part of nature that wherever men are gathered together, a town takes shape by itself.

Town society exists therefore among all peoples no matter what their customs and their laws; it is man who establishes kingdoms and creates republics; the town seems to come directly from the hands of God. [#The town is not only the first of social elements, but also the most important of all.] But if the town has existed ever since there have been men, town liberty is something rare and fragile. d A people can always establish great political assemblies, because it usually contains a certain number of men among whom, to a certain degree, enlightenment takes the place of the practice of public affairs. The town is made up of crude elements that often resist the action of the legislator. Instead of diminishing as nations become more enlightened, the difficulty of establishing town independence increases with their enlightenment. A highly civilized society tolerates the trial efforts of town liberty only with difficulty; it rebels at the sight of its numerous errors and despairs of success before having reached the final result of the experiment.

Of all liberties, town liberty, which is so difficult to establish, is also the most exposed to the encroachments of power. Left to themselves, town institutions could scarcely resist a strong and enterprising government; to defend themselves successfully, they must have reached their

d. In the margin:
Cause of its little importance. The coarse elements that it brings into use. It can hardly arise except during little developed centuries when individuality is the first need.

The town puts liberty and government within the grasp of the people; it gives them an education or creates great national assemblies.

A town system is made only with the support of mores, laws, circumstances and time.

Town liberty is the most difficult to suppress, the most difficult to create.

It is in the town that nearly all the strength of free peoples resides. /

It is in the town that the liberty of peoples resides. Makes kingdoms and creates republics. Cf. conversation with Mr. Gray (non-alphabetic notebooks 2 and 3, YTC, BIIa and *Voyages*, OC, V, 1, pp. 94–95).
fullest development and be mingled with national ideas and habits. Thus, as long as town liberty has not become part of the mores, it is easy to destroy; and it can become part of the mores only after existing in the laws for a long time.

Town liberty therefore escapes human effort so to speak. Consequently it is rarely created; in a sense it arises by itself. It develops almost in secret within a semi-barbaric society. The continuous action of laws and of mores, circumstances, and above all time succeed in its consolidation. You can say that, of all the nations of the European continent, not a single one knows town liberty.

The strength of free peoples resides in the town, however. Town institutions are to liberty what primary schools are to knowledge; they put it within the grasp of the people; they give them a taste of its peaceful practice and accustom them to its use. Without town institutions, a nation can pretend to have a free government, but it does not possess the spirit of liberty. Temporary passions, momentary interests, the chance of circumstances can give it the external forms of independence; but despotism, driven back into the interior of the social body, reappears sooner or later at the surface.

To make the reader understand well the general principles on which the political organization of the town and the county in the United States rests, I thought that it was useful to take one state in particular as a model, to examine in detail what happens there, and then to cast a quick glance over the rest of the country.

I have chosen one of the states of New England.

The town and the county are not organized in the same way in all the parts of the Union; it is easy to recognize, however, that throughout the Union the same principles, more or less, have presided over the formation of both.

[#The town institutions of New England were the first to reach a state of maturity. They present a complete and uniform whole. They serve as a model for the other parts of the Union and tend more and more to become the standard to which all the rest must sooner or later conform.]

Now, it seemed to me that in New England these principles were considerably more developed and had attained further consequences than anywhere else. So they are, so to speak, more evident there and are thus more accessible to the observation of the foreigner.

The town institutions of New England form a complete and regular whole. They are old; they are strong because of the laws, stronger still because of the mores; they exercise a prodigious influence over the entire society.

In all these ways, they merit our attention.

**Town District**

The town in New England (Township) falls between the *canton* and the *commune* [town] in France. Generally it numbers from two to three thousand inhabitants.¹ So it is not too extensive for all its inhabitants to share

---

¹ In 1830, the number of towns, in the State of Massachusetts, was 305; the number of inhabitants 610,014; this gives an average of about 2,000 inhabitants per town.