

contradiction to the prevailing manners; for laws which seem in opposition to accepted principles; for confused opinions encountered haphazardly in society, like those remnants of shattered chains sometimes still hanging from the vaulting of an ancient building, no longer supporting anything. In that way, an explanation would be forthcoming for the fate of certain nations which appear to be drawn by an unknown force toward a goal of which they are unaware. Until now such a study of the facts has been missing; the spirit of analysis has come to nations only in their mature years, and when, at last, they considered giving thought to the cradle of their life, time had already wrapped it in a cloud; ignorance and pride had surrounded it with legends which obscured the truth.

America is the only country in which we have been able to watch the natural and peaceful development of a society and define the influence exerted by the origins upon the future of the states.

At the time when the European nations landed on the shores of the New World, the features of their national characters were clearly set; each of them had a distinct appearance; and since they had already proceeded to that level of civilization which leads men to a study of themselves, they have conveyed to us a faithful portrait of their opinions, customs, and laws. Fifteenth-century man is almost as well known to us as we are to ourselves. Thus America highlights what the ignorance or the barbarity of early times has concealed from our gaze.

Since the men of our day are close enough to the period when American social groups were formed to know in detail their constituent parts, yet already far enough from that time to be able to judge what those earliest seeds have produced, they seem destined to see further than their predecessors into human events. Providence has placed within our grasp a torch our fathers lacked and has allowed us to discern in the destiny of nations the early inspirations which the opaque passage of time blocked from their view.

When, after giving close attention to the history of America, we examine carefully its political and social state, we can feel perfectly confident of this truth: that there is no opinion, habit,

or law, maybe not even an event, I would venture to say, which is not easily explained by the point of departure. The readers of this book will therefore discover in this chapter the seed of what follows and the key to almost the whole work.

The immigrants who came at different times to dwell in the land which today covers the American Union differed from each other in many respects; their intentions were not similar and they governed themselves according to different principles.

However, these men shared common features and found themselves in a situation common to them all.

Language is possibly the strongest and most lasting link to bind men together. All the immigrants spoke the same language, all were children of the same people. Born into a country disturbed for centuries by struggles of different factions and where these factions were forced one by one to come beneath the protection of the law, their political education had been fashioned in this hard school and thus notions about rights and principles of real freedom were more widespread amongst them than among most other European peoples. At the time of the first wave of immigrants, government by common consent, that fertile propagator of free institutions, was already deeply rooted in the customs of the English and, with it, the doctrine of the sovereignty of the people had already been introduced into the very heart of the Tudor monarchy.¹

We were at that time in the middle of the religious disputes which shook the Christian world. England had plunged, with a kind of madness, in this new direction. The character of the people, which had always been of a serious and reflective turn of mind, had become austere and argumentative. Knowledge had much increased by such intellectual contests and thus the mind became better developed. During this preoccupation with religion, morals became purer. All these general features of the nation could be more or less discerned in the faces of those of its sons who had sought a new life upon the other side of the Atlantic Ocean.

One observation, moreover, to which we shall have occasion to return later, applies not only to the English but also to the French and Spanish and to all the Europeans who came one

after the other to settle upon the shores of the New World. Every new European colony contained, if not in a developed form, at least the seed of a fully grown democracy. There were two reasons for this: in general, it can be stated that when they left their mother country, the emigrants had no particular concept of any superiority one over the other. It is hardly the happy and the powerful who choose exile; poverty, along with wretchedness, offers the best guarantee of equal status known to man. However, it did happen, on several occasions, as a consequence of political or religious quarrels, that noblemen of high standing landed in America. Laws were established to form a hierarchy of position but it soon became evident that the soil of America rejected absolutely a landed aristocracy. To clear this unfriendly land, nothing short of the persistent and committed efforts of the owner himself was needed. Once the ground was prepared, it was found that its produce was not enough to support both an owner and a tenant farmer. The land was parceled up naturally, therefore, into smallholdings cultivated solely by the owner. Now, aristocracy takes root in the land, attaches itself to the soil from which it derives its power; it is not established by privileges alone, it is not founded on birth but upon the ownership of property handed down through the generations. A nation can offer huge fortunes and great misery; but if these fortunes are not attached to land ownership, true aristocracy does not exist, simply rich classes and poor ones.

All the English colonies, therefore, at the time of their inception, shared a great kindred spirit. From the start, they all seemed destined to promote the development of liberty, not the aristocratic liberty of their mother country, but middle-class, democratic liberty, a complete example of which had still not been encountered in the history of the world.

Within this general picture, however, marked divergences could be observed, as I must reveal.

We can distinguish two main branches in the great Anglo-American family which, so far, have grown without losing their distinct identity, the one in the south and the other in the north. Virginia welcomed the first English colony. The immigrants¹ reached there in 1607. At that time, Europe was particularly

taken with the idea that gold and silver mines are the source of national wealth: a fatal idea which has done more to impoverish those European nations who were enslaved by it and has destroyed more men in America than the united influence of war and bad laws. The men sent to Virginia¹ were, therefore, seekers of gold, adventurers without substance or character whose turbulent and restless outlook disturbed the early days of the colony,² making its progress uncertain. After them came men skilled in crafts and farming who, although more moral and less rowdy, were scarcely in any way superior to the lower classes in England.³ No noble views, no spiritual thought presided over the foundation of these new settlements. Hardly had the colony been established than slavery⁴ was introduced. This was the principal fact which was to exercise a huge influence over the characters, laws, and the entire future development of the South.

Slavery, as I shall explain later, brings dishonor to work; it introduces idleness into society together with ignorance and pride, poverty, and indulgence. It weakens the powers of the mind and dampens human effort. The influence of slavery, together with the English character, explains the customs and the social conditions of the South.

Upon the same English background were depicted quite

1. The charter granted by the Crown of England in 1609 stipulated, amongst other things, that the colonials should pay the crown a fifth of all that was produced from the gold and silver mines. See *Life of Washington*, by Marshall, vol. 1, pp. 18-66.
2. A large number of the colonizers, says Smith (*History of Virginia*), were undisciplined young men, shipped off by their families to save them from an ignominious fate; dismissed servants, fraudulent bankrupts, the debauched, and others of the same sort, those more likely to pillage and destroy than promote the establishment of the new settlements, made up the rest. Seditious leaders easily persuaded this band into all kinds of extravagances and excesses. See, relating to the history of Virginia, the following works: *History of Virginia from the First Settlements to the Year 1624*, by Smith; *History of Virginia*, by William Smith; *History of Virginia from the Earliest Period*, by Beverley, translated into French in 1807.
3. It was not until later that a certain number of rich English landowners came to settle in the colony.
4. Slavery was introduced around the year 1620 by a Dutch vessel which landed twenty Negroes on the banks of the James River. See Chalmers.

different features in the North. At this point I may be allowed to go into some detail.

It is in these English colonies of the North, better known as the New England states,⁵ that were brought together the two or three main ideas which today constitute the social theory of the United States.

The New England principles spread first of all to neighboring states; subsequently, they reached successively the more distant, ending up, if I may put it this way, by *permeating* the entire confederation. Now they exert their influence beyond its limits to the whole American world. The civilization of New England has been like a beacon lit upon mountain tops which, after warming all in its vicinity, casts a glow over the distant horizon.

The founding of New England was a novel spectacle and everything attending it was unusual and original; nearly all the colonies were first inhabited by men without education or means, driven from the land of their birth by poverty or wrongdoing or by greedy speculators and adventurers. Some settlements cannot even claim so honorable an origin. San Domingo was founded by brigands and currently the English law courts are busy supplying Australia with its population.

The immigrants who settled on the New England shores all belonged to the comfortably off classes of the mother country. Their gathering on American soil exhibited from the outset the peculiar situation of a society containing neither lords nor common people, neither poor nor wealthy, so to speak. Relatively speaking, there was a greater number of intelligent men than in any present-day European nation. Perhaps without exception, all had received a quite advanced education and several of them had established a reputation in Europe for their talents and knowledge. The other colonies had been founded by adventurers without family; the settlers of New England brought with them laudable elements of order and morality; they landed on the empty coastline together with their wives and children. But what set them apart above all the others was

5. The states of New England are those situated to the east of the Hudson; today they are six in number: i) Connecticut; ii) Rhode Island; iii) Massachusetts; iv) Vermont; v) New Hampshire; vi) Maine.

the very aim of their undertaking. They were not forced to abandon their native land by necessity; they left behind a social position they might well have regretted and an assured livelihood. Nor did they move to the New World in order to better their lives or to increase their wealth. They tore themselves away from the comforts of their native land to obey a purely intellectual need; by suffering the inevitable deprivations of exile, their object was the triumph of an *idea*.

The immigrants or, as they so aptly styled themselves, the *Pilgrims*, belonged to that English sect given the name of Puritan by the austerity of their principles. Puritanism was not only a religious doctrine; it linked itself in several respects to the most prominent democratic and republican theories. From that feature had emerged its most dangerous opponents. Persecuted by the rulers of their homeland, bruised because of their austere principles by the daily habits of the society in which they lived, the Puritans sought out a land so rough and so neglected that they might be allowed to live there as they wished and to worship God without restriction.

~~A few quotations will reveal a clearer picture of the outlook of these pious adventurers than all I could add myself. Nathaniel Morton, the historian of the first years of the New England settlements, makes the following comment:~~

~~"I have for some length of time," he says, "looking upon it as duty incumbent, especially upon the immediate successors of those that have had so large experience of those many memorable and signal demonstrations of God's goodness, viz. the first beginners of this plantation in New England, to commit to writing his gracious dispensations on that behalf; so that, what we have seen, and what our fathers have told us, we may not hide from our children, showing to the generations to come the praises of the Lord (Psalms 78: 3, 4). That especially the seed of Abraham, his servant, and the children of Jacob his chosen, may remember his marvellous works (Psalms 105: 5, 6) how that God brought a vine into this wilderness; that he cast out the~~

6. *New England's Memorial*, p. 14, Boston 1826. See also Hutchinson's *History*, vol. 2, p. 440.

However, in America the poor create the law and it is their custom to reserve the greatest social advantages for themselves.

The explanation for this state of affairs is to be found in England, for the laws I speak of are English.⁴³ The Americans have not changed them, even though they offend the main body of their legislation and their ideas.

The thing a nation alters least in its practices is civil legislation. Civil laws are familiar territory only for legal experts who have a direct interest in maintaining them as they are, whether good laws or bad, simply because they know them well. The majority of the nation hardly knows them at all. It sees their implementation only in individual cases, has only a slight grasp of their drift and obeys them without much reflection.

I could have quoted many more than this one example. The picture of American society is, if I may put it this way, overlaid with a democratic patina beneath which we see from time to time the former colors of the aristocracy showing through.

CHAPTER 3 THE SOCIAL CONDITION OF THE ANGLO-AMERICANS

The condition of society is normally the result of circumstances, sometimes of laws, more often than not a combination of these two causes; but, once it is established, we can consider it as the fundamental source of most of the laws, customs, and ideas which regulate the conduct of nations; whatever it does not produce, it modifies.

In order to become acquainted with the legislation and manners of a nation we must, therefore, start by studying the social condition.

43. See Blackstone and Delolme, bk 1, ch. 10.

THAT THE SALIENT FEATURE OF THE SOCIAL CONDITION OF THE ANGLO-AMERICANS IS ITS ESSENTIAL DEMOCRACY

The first immigrants of New England—The equality that existed between them—The aristocratic laws introduced into the South—Period of Revolution—Change in the laws of inheritance—Effects produced by this change—Equality pushed to its utmost limits in the new states of the West—Equality of minds.

We could offer several important observations on the social condition of the Anglo-Americans but there is one which dominates all the rest. The social condition of the Americans is eminently democratic—a characteristic it has possessed from the birth of the colonies and which it possesses even more today.

I started in the preceding chapter that great equality was widely spread among the immigrants who settled upon the shores of New England. The seeds of aristocracy were never planted in that part of the Union. The only influence which obtained there was that of the intellect. The people became accustomed to revere certain names as emblems of wisdom and virtue. The voice of a few citizens acquired a power over the others which might rightly have been called aristocratic, if it had been transferable permanently from father to son.

This is what came to pass east of the Hudson; to the south-west of that river, and down as far as the Floridas, the case was different.

In the majority of the states to the south-west of the Hudson, some great English landowners had settled and had imported with them aristocratic principles together with English laws of succession. I have argued the reasons why the institution of a powerful aristocracy in America was impossible. These reasons, existing as they did south-west of the Hudson, had nonetheless less force than to the east of that river. In the South, one single man, with the help of slaves, could cultivate a large tract of land. Therefore in this part of the continent it was common to see wealthy landed proprietors. Yet, their influence was not

altogether aristocratic, as the term is understood in Europe, since they possessed no privileges and slave labor denied them tenant farmers and thus they had no patronage. However, the greater landowners to the south of the Hudson constituted a superior class, having ideas and tastes of its own and, in general, encompassing all political action in its center. It was a sort of aristocracy hardly distinguishable from the mass of the people whose enthusiasms and interests it readily embraced, arousing neither love nor hatred: to sum up, a class which was weak and lacking in vigor. This was the class which headed the revolt in the South and which gave to the American revolution¹ its greatest men.

During that period, society was shaken to its core: the people in whose name the battle had been fought became powerful enough to wish to act independently. Democratic inclinations were awakened; having thrown off the yoke of the mother country, it coveted every kind of independent action. Individual influences gradually ceased to have effect; habits and laws advanced in harmony toward the same goals.

But it was the law of inheritance which was the last step on the way to equality.

I am astonished that commentators old and new have not attributed to the laws of inheritance a greater influence on the progress of human affairs.¹ These laws do belong, true enough, to the civil code but they ought to take their place at the head of every political institution since they have an unbelievable effect upon the social conditions of people, while political laws only mirror what the state actually is. They have, moreover, a reliable and consistent method of operating on society since they take a hold to some degree on all future generations yet unborn. Through the impact of these laws, man exerts an almost

1. I understand by the law of inheritance all the laws whose principal object is to regulate the distribution of property after the death of its owner. The law of entail is thus; it does indeed prevent the owner from disposing of his goods before his death but only with the view of preserving them intact for his heir. The main aim of the law of entail, therefore, is to regulate the final destiny of property after the death of the owner. The rest of it is the means which it employs to accomplish this.

godlike power over the future of his fellow men. The legislator can remain inactive for centuries once he has settled the inheritance laws. Once his work has been set in motion, he can withdraw his hand, for the machine acts under its own steam, moving as if self-directed toward a prescribed goal. When framed in a certain way, this law unites, draws together, and gathers property and, soon, real power into the hands of an individual. It causes the aristocracy, so to speak, to spring out of the ground. If directed, however, by opposite principles and launched along other paths, its effect is even more rapid; it divides, shares out, and disperses both property and power. Sometimes it can happen that people are scared by the speed of its progress so that they at least try, out of desperation at being unable to stem its action, to place difficulties and obstacles in its way. They vainly seek to offset its motion by efforts in the opposite direction. The law crushes and shatters all impediments as it moves forward. It ceaselessly rises and falls upon the ground until all you see is a fine and shifting dust which is the foundation of democracy.

When the law of inheritance allows and even more so when it decrees the equal division of the father's property between all his children, its effects are twofold; we must carefully distinguish these although they tend toward the same end.

By virtue of the law of inheritance, the death of each landowner entails a revolution in property ownership; not only do possessions change hands, but also, so to speak, their very nature changes. There is a fragmentation into ever decreasing parcels.

That is the direct and, to some degree, the physical effect of this law. In countries where legislation institutes equality of inheritance, possessions and landed wealth in particular have a permanent tendency to diminish. However, if the law was allowed to follow its own course, it would take some time for the effects of this legislation to be felt. For supposing that the family consists of not more than two children (and the average in a country like France is only three), these children, on sharing the wealth of both their parents, will not be poorer than their father or mother taken separately.

But the law of equal division exercises its influence not merely

upon property itself, it also affects the minds of the owners, calling their emotions into play. Huge fortunes and above all huge estates are destroyed rapidly by the indirect effects of this law.

Among nations where the law of inheritance is based upon the rights of the eldest child, landed estates mostly pass from generation to generation without division. The result is that family feeling takes its strength from the land. The family represents the land, the land the family, perpetuating its name, history, glory, power, and virtues. It stands as an imperishable witness to the past, a priceless guarantee of its future.

When the law of inheritance institutes equal division, it destroys the close relationship between family feeling and the preservation of the land which ceases to represent the family. For the land must gradually diminish and ends up by disappearing entirely since it cannot avoid being parceled up after one or two generations. The sons of a wealthy landowner, provided they are few in number and fortune favors them, may entertain the hope of being no less wealthy than their father but not possessing the same property that he did. Their wealth will of necessity derive from sources different from his.

The instant you remove from a landowner that interest in the preservation of his land which is fueled by his family feeling, memories, pride, ambition, you can take it as certain that sooner or later he will sell up. He has a great incentive to sell up, for movable assets produce greater returns than other assets and more readily satisfy the passions of the moment.

Once shared out, great estates never come together again; for the small landowner earns proportionately a better return from his land than the large landowner does from his and sells it for a higher sum.² Thus the financial calculations which persuaded the wealthy owner to sell huge estates will even more so prevent his buying small estates in order to unite them into a large one.

This so-called family feeling is often based upon an illusion of selfishness when a man seeks to perpetuate and immortalize

2. I don't mean that the small landowner is the better farmer but that he farms with more enthusiasm and care and thus, by his hard work, makes up for any skill which he might lack.

himself as it were in his great-grandchildren. Where family feeling ends, self-centeredness directs a man's true inclinations. As the family becomes a vague, featureless, doubtful mental concept, each man focusses on the convenience of the present moment and, to the exclusion of all else besides, thinks only of the prosperity of the succeeding generation and no more. He does not aim to perpetuate his family or, at least, seeks to perpetuate it by other means than that of a landed estate.

Thus, not only does the law of inheritance cause difficulties for families to keep their estates intact but it also removes the incentive to bother and, to some degree, it compels them to cooperate with the law in their own ruin.

The law of equal division proceeds along two paths: by acting upon things, it acts upon persons; by acting upon persons, it affects things. In these two ways, it manages to strike at the root of landed property, achieving the rapid dispersal of both families and fortunes.³

It is not for us, Frenchmen of the nineteenth century, who witness daily the political and social changes produced by the law of inheritance, to doubt its power. Each day we see it visiting our lands again and again, overturning the walls of our dwellings as it advances and destroying the boundaries of our fields. But if the law of inheritance has achieved much already in French society, much remains to be done. Our memories, opinions, and customs place powerful obstacles in its path.

3. Land being the most stable kind of property, from time to time we come across rich men who are prepared to make great sacrifices to acquire it and who will willingly forfeit a considerable amount of their income to secure what is left. But those are isolated cases. The love of real estate is, generally, no longer found other than amongst the poor. The small landowner who has less understanding, less imagination, and fewer cravings than the large landowner, is, in general, preoccupied only with the desire to increase his property and it often happens that by inheritance, marriage, or business opportunities he is gradually able to accomplish this. Thus to balance the tendency which leads men to divide up the land, there exists another which urges them to add to it. This tendency, which is sufficient to prevent estates from being continually divided up, is not strong enough to create great territorial wealth and is certainly not strong enough to keep estates in the same family.

Its work of destruction is almost over in the United States where we can best study its results.

The English laws concerning the inheritance of property were abolished in almost all the states at the time of the Revolution. The law of entail was modified in such a way as to leave virtually unaffected the free circulation of possessions. (See Appendix G, p. 840.)

The first generation passed away; the estates began to be parceled up. This process increased in speed as time went by. Nowadays, after a lapse of little more than sixty years, society has already quite an altered appearance: the families of the great landowners have been swallowed up by the masses. In the state of New York, which had a goodly number of these, only two remain, swimming on the brink of the abyss which is poised to engulf them. The sons of these opulent citizens are merchants, lawyers, or doctors. The majority have fallen into complete obscurity. The last traces of hereditary rank and distinction have gone; the law of inheritance has reduced all men to one level.

There are just as many wealthy people in the United States as elsewhere; I am not even aware of a country where the love of money has a larger place in men's hearts or where they express a deeper scorn for the theory of a permanent equality of possessions. But wealth circulates with an astonishing speed and experience shows that rarely do two succeeding generations benefit from its favors.

This portrait, however biased you think it might be, still gives only half an idea of what is taking place in the new states of the West and Southwest.

At the end of the last century, bold pioneers began to penetrate the valleys of the Mississippi, which was akin to a new discovery of America. Soon the bulk of emigrants moved there and unknown societies rose from the desert. States whose names had not even existed a few years before lined up with the states of the American Union and, in the West, democracy reached the extremes of its development.

In these states, founded in a makeshift fashion, the inhabitants occupied the land as of yesterday, hardly knowing each other,

unaware of the background of their neighbors. In this part of the American continent, the population is, therefore, free of the influence of great names and great wealth as well as that natural aristocracy of knowledge and virtue. No one there wields that respectable power which men grant to the memory of a person whose life was spent entirely doing the good deeds which come his way. The new states of the West already have inhabitants but society has no existence among them.

However, not only are fortunes equal in America, equality extends to some degree to intelligence itself.

I do not think that there is a single country in the world where, in proportion to the population, there are so few ignorant and, at the same time, so few educated individuals as in America.

Primary education is available to all; secondary is within the reach of no one, which can be explained quite easily as the inevitable result, so to speak, of my arguments above.

Almost all Americans enjoy a life of comfort and can, therefore, obtain the first elements of human knowledge.

In America there are few rich people; therefore, all Americans have to learn the skills of a profession which demands a period of apprenticeship. Thus America can devote to general learning only the early years of life. At fifteen, they begin a career; their education ends most often when ours begins. If education is pursued beyond that point, it is directed only toward specialist subjects with a profitable return in mind. Science is studied as if it were a job and only those branches are taken up which have a recognized and immediate usefulness.

In America, most wealthy people started from poverty; almost all those who now enjoy leisure were busy in their youth, the consequence of which is that when the taste for study might have existed, time was short, and when they had the time to devote to it, the taste had gone.

There is no class, then, in America which passes to its descendants the love of intellectual pleasures along with its wealth or which holds the labors of the intellect in high esteem.

Therefore, devotion to such work lacks not only the will but also the effort.

There is in America a certain common level of human

knowledge, which all citizens approach, some on their way upwards, some on their way downwards. Therefore a mass of individuals share roughly the same number of ideas in religion, history, science, political economy, legislation, and government. Variations in intellect come directly from God and men cannot prevent this being so.

But it is at least a consequence of what I have just stated that, although the intelligence of men is different, as the Creator has willed it, there is at its disposal an equal means of development.

In present-day America, therefore, the aristocratic element has always been feeble from the beginning and it has been, if not totally destroyed, at least sufficiently weakened for us not to ascribe to it very much influence in the progress of human affairs.

On the other hand, time, events and laws have given the democratic element not only a dominant but also, so to speak, a unique role. We cannot perceive any corporate or family influence; we cannot even discover the lasting influence of any single individual.

Present-day America exhibits, therefore, in its social state, the strangest phenomenon: men enjoy greater equality of fortune and intelligence or, expressed another way, are as equally strong as in any other country in the world or in any other country in the annals of history.

POLITICAL CONSEQUENCES OF THE SOCIAL CONDITION OF THE ANGLO-AMERICANS

The political consequences of such a social condition are easy to work out.

One has to understand that equality ends up by infiltrating the world of politics as it does everywhere else. It would be impossible to imagine men forever unequal in one respect, yet equal in others; they must, in the end, come to be equal in all.

Now, I am aware of only two means of establishing equality in the world of politics: rights have to be granted to every citizen or to none. For nations who have attained the same social conditions as the Anglo-Americans, it is, therefore, very difficult

to discover a mid-point between the supremacy of all and the absolute power of one.

We need not conceal the fact that the social condition I have just described could as easily support one or other of these two consequences.

In fact, a manly and lawful passion for equality arouses in men the desire to be strong and honored; this passion tends to raise the weak to the ranks of the strong. But also, we encounter in the hearts of men a degenerate taste for equality which inspires the weak to bring the strong down to their own level and reduces men to prefer equality in a state of slavery to inequality in a state of freedom. Not that nations with a democratic system have a natural scorn for freedom—rather they have an instinctive taste for it. But freedom is not the chief and constant aim of their desires; it is for equality that they reserve an everlasting love. With swift advances and sudden bursts of effort, they seek freedom; if they miss their aim, they fall back in resignation. But nothing can bring them satisfaction if they lose equality and they would prefer death to the loss of it.

On the other hand, when the citizens of a state are all almost equal, they find it difficult to defend their independence against the onslaughts of power. Since no one among them is strong enough to struggle alone and win, only the combined strength of all can guarantee freedom. Now such a combination is not always to be found.

Nations can, therefore, draw two great political consequences from an identical social condition; these consequences are amazingly different even though they proceed from the same source.

The Anglo-Americans, the first to be subject to this fearful choice which I have just described, have been lucky enough to escape absolute power. Their circumstances, origins, knowledge, and, above all, their customs, have given them the opportunity to establish and maintain the sovereignty of the people.

CHAPTER 4 THE PRINCIPLE OF THE SOVEREIGNTY OF THE PEOPLE IN AMERICA

*It dominates all of American society—Implementation of
this principle by the Americans even before their
Revolution—Development given to it by the Revolution—
Gradual and irresistible diminution of feudal systems.*

If we wish to discuss the political laws of the United States, we must start with the doctrine of the sovereignty of the people.

The principle of the sovereignty of the people which we find more or less at the heart of almost all human institutions, generally stays, as it were, buried deep. It is obeyed without being recognized or, if for a moment it be brought to light, we hastily thrust it back down into the darkness of its sanctuary.

The will of the nation is one of those phrases most widely abused by schemers and tyrants of all ages. Some have seen it appear in votes bought by agents of power, others in the votes of a frightened or self-seeking minority. Some have even discovered it in the silence of a nation and have supposed that, from this apparent submission, they had a right to control.

In America the sovereignty of the people is not, as with certain nations, a hidden or barren notion; it is acknowledged in custom, celebrated by law. It expands with freedom and reaches its final aims without impediment. If there is a single country in the world where the doctrine of the sovereignty of the people can be properly appreciated, where it can be studied as it applies to the affairs of society and its advantages and risks be estimated, that country is undoubtedly America.

I have observed that, from the outset, the principle of the sovereignty of the people had been the driving force of the English colonies in America although its domination over the government of society was far less than it is these days.

Two impediments, one external, one internal, checked its

pervasive progress. It could not disclose itself openly in the laws of the colonies since they still had to obey the mother country; it had to restrict itself to concealing its influence in the provincial assemblies and especially the townships where it expanded in secret.

American society was not yet prepared to accept it with all its consequences. The educated of New England and the wealthy south of the Hudson exerted for a long time, as I have shown in the last chapter, a kind of aristocratic influence which tended to retain the exercise of social power in the hands of a few.

The officers of state were far from being elected, nor was there universal suffrage. Everywhere the right to vote was restricted within specified limits and was dependent upon a property qualification which was low in the North and higher in the South.

The American Revolution broke out. The doctrine of the sovereignty of the people came out from the townships and took over the government. All classes of society committed themselves to its cause. Battles were fought and victories won in its name until it became the law of laws.

A transformation almost as rapid was completed in the heart of society: the law of inheritance finally broke down all local influences.

At the moment when everyone was beginning to perceive this result of the laws and the Revolution, victory had already pronounced for the democratic cause with no turning back. All power was, in fact, in its hands; no struggle against it was permitted. The upper classes surrendered without uttering a word, without raising a fist to an evil which was henceforth inevitable. What usually happens to fading powers happened to them: self-centeredness gripped their ranks. Since they could not wrench power from the hands of the people and since their hatred of the masses was not enough to derive any pleasure from confronting them, their only thought was to win their favors at any cost. The most obviously democratic laws were therefore supported by those very men whose interests were bruised by them. In this manner, the upper classes did not arouse the animosity of the people but did accelerate the triumph of the new order of things. Thus something very strange happened:

the thrust of democracy proved all the more irresistible in those states where aristocracy had been most deeply rooted.

The state of Maryland, which had been founded by men from the nobility, was the first to declare universal suffrage¹ and introduced the most democratic systems into the whole of its government.

When a nation starts to tamper with electoral qualifications, we can anticipate, sooner or later, their complete abolition. That is one of the most unchanging rules governing society: the further the limits of electoral rights are pushed back, the more we feel the need to push them back. For after each concession, the strength of democracy increases and its demands grow with every new power it gains. The ambition of those left below the level of qualification is frustrated in proportion to the great number of those above it. The exception in the end becomes the rule; concessions follow each other without respite and the process can be stopped only when universal suffrage is achieved.

At the present time, the principle of the sovereignty of the people has taken all the practical steps the imagination can possibly think of. It has released itself from all those fictions which surround it in other countries and it makes its appearance in all shapes and forms according to the demands of the circumstances. Sometimes the people make laws corporately, as in Athens; sometimes deputies, elected by the votes of all, act as the people's representatives under their watchful eye. There are countries where a power which, though to some degree foreign to the body of society, influences it and forces it to advance in a certain direction. There are others where power is divided, being both inside and outside the ranks of society.

Nothing like that can be seen in the United States where society acts independently for its own advantage. All power rests in its hands; almost no one would venture to imagine or, still less, voice the idea of seeking power elsewhere. The people share in the making of its laws through their choice of legislators and in the implementation of those laws by the election of the members of the executive. It may almost be said that the people

1. Amendments made to the constitution of Maryland in 1801 and 1809.

are self-governing in so far as the share left to the administrators is so weak and so restricted and the latter feel such close ties with their popular origin and the power from which it emanates. The people reign in the American political world like God over the universe. It is the cause and aim of all things, everything comes from them and everything is absorbed in them. (See Appendix H, p. 842.)

CHAPTER 5

THE NECESSITY OF EXAMINING WHAT HAPPENS IN INDIVIDUAL STATES BEFORE CONSIDERING THE UNION AS A WHOLE

In the following chapter, I propose to examine the form of government in America which is founded on the principle of the sovereignty of the people, the ways in which it proceeds, the obstacles it meets, and its advantages and risks.

The first difficulty stems from the complexity of the United States' constitution, where two distinct social groups are locked and, as it were, fitted into each other. We observe two completely separate and almost independent governments, one which answers the ordinary daily needs of society without clear limitations, the other which acts in exceptional circumstances to meet certain general concerns with very clear limitations. In a word, there exist twenty-four small sovereign nation states which link together to form the body of the Union.

To examine the Union before the state is to follow a road strewn with obstacles. The federal government in the United States was the last to take shape, being a variation or summary of the political principles of the republic which was widespread in society and had an existence of its own before the federal government came into being. Moreover the federal government, as I have just said, is the exception whereas that of the state is the rule. The writer who would display the whole of such a