

DEMOCRACY

IN

AMERICA.

DEMOCRACY IN AMERICA.

BY

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AVOCAT À LA COUR ROYALE DE PARIS,

ETC., ETC.

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DEMOCRACY IN AMERICA.

I HAVE hitherto examined the institutions of the United States ; I have passed their legislation in review, and I have depicted the present characteristics of political society in that country. But, a sovereign power exists above these institutions and beyond these characteristic features which may destroy or modify them at its pleasure: I mean that of the people. It remains to be shown in what manner this power, which regulates the laws, acts: its propensities and its passions remain to be pointed out, as well as the secret springs which retard, accelerate, or direct its irresistible course, and the effects of its unbounded authority, with the destiny which is probably reserved for it.

CHAPTER I

WHY THE PEOPLE MAY STRICTLY BE SAID TO GOVERN
IN THE UNITED STATES.

IN America the people appoints the legislative and the executive power, and furnishes the jurors who

punish all offences, against the laws. The American institutions are democratic, not only in their principle but in all their consequences; and the people elects its representatives *directly*, and for the most part, *annually*, in order to insure their dependence. The people is therefore the real directing power; and although the form of government is representative, it is evident that the opinions, the prejudices, the interests, and even the passions of the community are hindered by no durable obstacles from exercising a perpetual influence on society. In the United States the majority governs in the name of the people, as is the case in all the countries in which the people is supreme. This majority is principally composed of peaceable citizens, who, either by inclination or by interest, are sincerely desirous of the welfare of their country. But they are surrounded by the incessant agitation of parties, which attempt to gain their cooperation and to avail themselves of their support.

CHAPTER II.

PARTIES IN THE UNITED STATES.

Great division to be made between parties.—Parties which are to each other as rival nations.—Parties properly so called.—Difference between great and small parties.—Epochs which produce them.—Their characteristics.—America has had great parties.—They are extinct.—Federalists.—Republicans.—Defeat of the Federalists.—Difficulty of creating parties in the United States.—What is done with this intention.—Aristocratic or democratic character to be met with in all parties.—Struggle of General Jackson against the Bank.

A GREAT division must be made between parties. Some countries are so large that the different populations which inhabit them have contradictory interests, although they are the subjects of the same Government; and they may thence be in a perpetual state of opposition. In this case the different fractions of the people may more properly be considered as distinct nations than as mere parties; and if a civil war breaks out, the struggle is carried on by rival peoples rather than by factions in the State.

But when the citizens entertain different opinions upon subjects which affect the whole country alike, such, for instance, as the principles upon which the government is to be conducted, then distinctions arise which may correctly be styled parties. Par-

ties are a necessary evil in free governments ; but they have not at all times the same character and the same propensities.

At certain periods a nation may be oppressed by such insupportable evils as to conceive the design of effecting a total change in its political constitution ; at other times the mischief lies still deeper, and the existence of society itself is endangered. Such are the times of great revolutions and of great parties. But between these epochs of misery and of confusion there are periods during which human society seems to rest, and mankind to make a pause. This pause is, indeed, only apparent ; for time does not stop its course for nations any more than for men ; they are all advancing towards a goal with which they are unacquainted ; and we only imagine them to be stationary when their progress escapes our observation ; as men who are going at a foot-pace seem to be standing still to those who run.

But however this may be, there are certain epochs at which the changes that take place in the social and political constitution of nations are so slow and so insensible, that men imagine their present condition to be a final state ; and the human mind, believing itself to be firmly based upon certain foundations, does not extend its researches beyond the horizon which it descries. These are the times of small parties and of intrigue.

The political parties which I style great are those

which cling to principles more than to their consequences ; to general, and not to especial cases ; to ideas, and not to men. These parties are usually distinguished by a nobler character, by more generous passions, more genuine convictions, and a more bold and open conduct, than the others. In them, private interest, which always plays the chief part in political passions, is more studiously veiled under the pretext of the public good ; and it may even be sometimes concealed from the eyes of the very person whom it excites and impels.

Minor parties are, on the other hand, generally deficient in political faith. As they are not sustained or dignified by a lofty purpose, they ostensibly display the egotism of their character in their actions. They glow with a factitious zeal ; their language is vehement ; but their conduct is timid and irresolute. The means they employ are as wretched as the end at which they aim. Hence it arises that when a calm state of things succeeds a violent revolution, the leaders of society seem suddenly to disappear, and the powers of the human mind to lie concealed. Society is convulsed by great parties, by minor ones, it is agitated ; it is torn by the former, by the latter it is degraded ; and if these sometimes save it by a salutary perturbation, those invariably disturb it to no good end.

. America has already lost the great parties which once divided the nation ; and if her happiness is considerably increased, her morality has suffered

by their extinction. When the War of Independence was terminated, and the foundations of the new Government were to be laid down, the nation was divided between two opinions,—two opinions which are as old as the world, and which are perpetually to be met with under all the forms and all the names which have ever obtained in free communities,—the one tending to limit, the other to extend indefinitely, the power of the people. The conflict of these two opinions never assumed that degree of violence in America which it has frequently displayed elsewhere. Both parties of the Americans were in fact agreed upon the most essential points; and neither of them had to destroy a traditional constitution, or to overthrow the structure of society, in order to ensure its own triumph. In neither of them, consequently, were a great number of private interests affected by success or by defeat: but moral principles of a high order, such as the love of equality and of independence, were concerned in the struggle, and they sufficed to kindle violent passions.

The party which desired to limit the power of the people, endeavoured to apply its doctrines more especially to the Constitution of the Union, whence it derived its name of *Federal*. The other party, which affected to be more exclusively attached to the cause of liberty, took that of *Republican*. America is the land of democracy, and the Federalists were always in a minority; but they reckoned on

their side almost all the great men who had been called forth by the War of Independence, and their moral influence was very considerable. Their cause was, moreover, favoured by circumstances. The ruin of the Confederation had impressed the people with a dread of anarchy, and the Federalists did not fail to profit by this transient disposition of the multitude. For ten or twelve years they were at the head of affairs, and they were able to apply some, though not all, of their principles; for the hostile current was becoming from day to day too violent to be checked or stemmed. In 1801 the Republicans got possession of the Government: Thomas Jefferson was named President; and he increased the influence of their party by the weight of his celebrity, the greatness of his talents, and the immense extent of his popularity.

The means by which the Federalists had maintained their position were artificial, and their resources were temporary: it was by the virtues of the talents of their leaders that they had risen to power. When the Republicans attained to that lofty station, their opponents were overwhelmed by utter defeat. An immense majority declared itself against the retiring party, and the Federalists found themselves in so small a minority, that they at once despaired of their future success. From that moment the Republican or Democratic party has proceeded from conquest to conquest, until it has acquired absolute supremacy in the country.

The Federalists, perceiving that they were vanquished without resource, and isolated in the midst of the nation, fell into two divisions, of which one joined the victorious Republicans, and the other abandoned its rallying-point and its name. Many years have already elapsed since they ceased to exist as a party.

The accession of the Federalists to power was, in my opinion, one of the most fortunate incidents which accompanied the formation of the great American Union: they resisted the inevitable propensities of their age and of the country. But whether their theories were good or bad, they had the defect of being inapplicable, as a system, to the society which they professed to govern; and that which occurred under the auspices of Jefferson, must therefore have taken place sooner or later. But their Government gave the new republic time to acquire a certain stability, and afterwards to support the rapid growth of the very doctrines which they had combated. A considerable number of their principles were in point of fact embodied in the political creed of their opponents; and the Federal Constitution, which subsists at the present day, is a lasting monument of their patriotism and their wisdom.

Great political parties are not, then, to be met with in the United States at the present time. Parties, indeed, may be found which threaten the future tranquillity of the Union; but there are none

which seem to contest the present form of Government, or the present course of society. The parties by which the Union is menaced do not rest upon abstract principles, but upon temporal interests. These interests, disseminated in the provinces of so vast an empire, may be said to constitute rival nations rather than parties. Thus, upon a recent occasion, the North contended for the system of commercial prohibition, and the South took up arms in favour of free trade, simply because the North is a manufacturing, and the South an agricultural, district; and that the restrictive system which was profitable to the one, was prejudicial to the other.

In the absence of great parties, the United States abound with lesser controversies; and public opinion is divided into a thousand minute shades of difference upon questions of very little moment. The pains which are taken to create parties are inconceivable, and at the present day it is no easy task. In the United States there is no religious animosity, because all religion is respected, and no sect is predominant; there is no jealousy of rank, because the people is everything, and none can contest its authority; lastly, there is no public misery to serve as a means of agitation, because the physical position of the country opens so wide a field to industry, that man is able to accomplish the most surprising undertakings with his own native resources. Nevertheless, ambitious men are inter-

ested in the creation of parties, since it is difficult to eject a person from authority upon the mere ground that his place is coveted by others. The skill of the actors in the political world lies therefore in the art of creating parties. A political aspirant in the United States begins by discriminating his own interest, and by calculating upon those interests which may be collected around, and amalgamated with it: he then contrives to discover some doctrine or some principle which may suit the purposes of this new association, and which he adopts in order to bring forward his party and to secure its popularity: just as the *imprimatur* of a King was in former days incorporated with the volume which it authorized, but to which it nowise belonged. When these preliminaries are terminated, the new party is ushered into the political world.

All the domestic controversies of the Americans at first appear to a stranger to be so incomprehensible and so puerile, that he is at a loss whether to pity a people which takes such arrant trifles in good earnest, or to envy that happiness which enables it to discuss them. But when he comes to study the secret propensities which govern the factions of America, he easily perceives that the greater part of them are more or less connected with one or the other of those two divisions which have always existed in free communities. The deeper we penetrate into the working of these parties, the more do we perceive that the object of the one is to limit,

and that of the other to extend, the popular authority. I do not assert that the ostensible end, or even that the secret aim of American parties is to promote the rule of aristocracy or democracy in the country; but I affirm that aristocratic or democratic passions may easily be detected at the bottom of all parties, and that although they escape a superficial observation, they are the main point and the very soul of every faction in the United States.

To quote a recent example; when the President attacked the Bank, the country was excited, and parties were formed; the well-informed classes rallied round the Bank, the common people round the President. But it must not be imagined that the people had formed a rational opinion upon a question which offers so many difficulties to the most experienced statesmen. The Bank is a great establishment which enjoys an independent existence, and the people, accustomed to make and unmake whatsoever it pleases, is startled to meet with this obstacle to its authority. In the midst of the perpetual fluctuation of society, the community is irritated by so permanent an institution, and is led to attack it, in order to see whether it can be shaken and controlled like all the other institutions of the country.

REMAINS OF THE ARISTOCRATIC PARTY IN THE UNITED STATES.

Secret opposition of wealthy individuals to democracy.—Their retirement.—Their taste for exclusive pleasures and for luxury at home.—Their simplicitv abroad.—Their affected condescension towards the people.

It sometimes happens in a people amongst which various opinions prevail, that the balance of the several parties is lost, and one of them obtains an irresistible preponderance, overpowers all obstacles, harasses its opponents, and appropriates all the resources of society to its own purposes. The vanquished citizens despair of success, and they conceal their dissatisfaction in silence, and in a general apathy. The nation seems to be governed by a single principle, and the prevailing party assumes the credit of having restored peace and unanimity to the country. But this apparent unanimity is merely a cloak to alarming dissensions and perpetual opposition.

This is precisely what occurred in America; when the democratic party got the upper hand, it took exclusive possession of the conduct of affairs, and from that time the laws and the customs of society have been adapted to its caprices. At the present day the more affluent classes of society are so entirely removed from the direction of political affairs in the United States, that wealth, far from conferring a right to the exercise of power, is rather an

obstacle than a means of attaining to it. The wealthy members of the community abandon the lists, through unwillingness to contend, and frequently to contend in vain, against the poorest classes of their fellow-citizens. They concentrate all their enjoyments in the privacy of their homes, where they occupy a rank which cannot be assumed in public; and they constitute a private society in the State, which has its own tastes and its own pleasures. They submit to this state of things as an irremediable evil, but they are careful not to show that they are galled by its continuance; it is even not uncommon to hear them laud the delights of a republican government, and the advantages of democratic institutions when they are in public. Next to hating their enemies, men are most inclined to flatter them.

Mark, for instance, that opulent citizen, who is as anxious as a Jew of the middle ages to conceal his wealth. His dress is plain, his demeanour unassuming; but the interior of his dwelling glitters with luxury, and none but a few chosen guests whom he haughtily styles his equals are allowed to penetrate into this sanctuary. No European noble is more exclusive in his pleasures, or more jealous of the smallest advantages which his privileged station confers upon him. But the very same individual crosses the city to reach a dark counting-house in the centre of traffic, where every one may accost him who pleases. If he meets his cobbler upon the

way, they stop and converse ; the two citizens discuss the affairs of the State in which they have an equal interest, and they shake hands before they part.

But beneath this artificial enthusiasm, and these obsequious attentions to the preponderating power, it is easy to perceive that the wealthy members of the community entertain a hearty distaste to the democratic institutions of their country. The populace is at once the object of their scorn and of their fears. If the maladministration of the democracy ever brings about a revolutionary crisis, and if monarchical institutions ever become practicable in the United States, the truth of what I advance will become obvious.

The two chief weapons which parties use in order to ensure success, are the *public press*, and the formation of *associations*.

CHAPTER III.

LIBERTY OF THE PRESS IN THE UNITED STATES.

Difficulty of restraining the liberty of the press.—Particular reasons which some nations have to cherish this liberty.—The liberty of the press a necessary consequence of the sovereignty of the people as it is understood in America.—Violent language of the periodical press in the United States.—Propensities of the periodical press.—Illustrated by the United States.—Opinion of the Americans upon the repression of the abuse of the liberty of the press by judicial prosecutions.—Reasons for which the press is less powerful in America than in France.

THE influence of the liberty of the press does not affect political opinions alone, but it extends to all the opinions of men, and it modifies customs as well as laws. In another part of this work I shall attempt to determine the degree of influence which the liberty of the press has exercised upon civil society in the United States, and to point out the direction which it has given to the ideas, as well as the tone which it has imparted to the character and the feelings, of the Anglo-Americans, but at present I purpose simply to examine the effects produced by the liberty of the press in the political world.

I confess that I do not entertain that firm and complete attachment to the liberty of the press, which things that are supremely good in their very nature are wont to excite in the mind; and I ap-

prove of it more from a recollection of the evils it prevents, than from a consideration of the advantages it ensures.

If any one could point out an intermediate, and yet a tenable position, between the complete independence and the entire subjection of the public expression of opinion, I should perhaps be inclined to adopt it; but the difficulty is to discover this position. If it is your intention to correct the abuses of unlicensed printing and to restore the use of orderly language, you may in the first instance try the offender by a jury; but if the jury acquits him, the opinion which was that of a single individual becomes the opinion of the country at large. Too much and too little has therefore hitherto been done: if you proceed, you must bring the delinquent before permanent magistrates; but even here the cause must be heard before it can be decided; and the very principles which no book would have ventured to avow are blazoned forth in the pleadings, and what was obscurely hinted at in a single composition is then repeated in a multitude of other publications. The language in which a thought is embodied is the mere carcass of the thought, and not the idea itself; tribunals may condemn the form, but the sense and spirit of the work is too subtle for their authority: too much has still been done to recede, too little to attain your end; you must therefore proceed. If you establish a censorship of the press, the tongue of the public speaker will still

make itself heard, and you have only increased the mischief. The powers of thought do not rely, like the powers of physical strength, upon the number of their mechanical agents, nor can a host of authors be reckoned like the troops which compose an army; on the contrary, the authority of a principle is often increased by the smallness of the number of men by whom it is expressed. The words of a strong-minded man, which penetrate amidst the passions of a listening assembly, have more power than the vociferations of a thousand orators; and if it be allowed to speak freely in any public place, the consequence is the same as if free speaking was allowed in every village. The liberty of discourse must therefore be destroyed as well as the liberty of the press; this is the necessary term of your efforts; but if your object was to repress the abuses of liberty, they have brought you to the feet of a despot. You have been led from the extreme of independence to the extreme of subjection, without meeting with a single tenable position for shelter or repose.

There are certain nations which have peculiar reasons for cherishing the liberty of the press, independently of the general motives which I have just pointed out. For in certain countries which profess to enjoy the privileges of freedom, every individual agent of the Government may violate the laws with impunity, since those whom he oppresses cannot prosecute him before the courts of justice.

In this case the liberty of the press is not merely a guarantee, but it is the only guarantee of their liberty and their security which the citizens possess. If the rulers of these nations, proposed to abolish the independence of the press, the people would be justified in saying: Give us the right of prosecuting your offences before the ordinary tribunals, and perhaps we may then waive our right of appeal to the tribunal of public opinion.

But in the countries in which the doctrine of the sovereignty of the people ostensibly prevails, the censorship of the press is not only dangerous, but it is absurd. When the right of every citizen to cooperate in the government of society is acknowledged, every citizen must be presumed to possess the power of discriminating between the different opinions of his cotemporaries, and of appreciating the different facts from which inferences may be drawn. The sovereignty of the people and the liberty of the press may therefore be looked upon as correlative institutions; just as the censorship of the press and universal suffrage are two things which are irreconcilably opposed, and which cannot long be retained among the institutions of the same people. Not a single individual of the twelve millions who inhabit the territory of the United States has as yet dared to propose any restrictions to the liberty of the press. The first newspaper over which I cast my eyes, upon my arrival in America, contained the following article:

“In all this affair, the language of Jackson has been that of a heartless despot, solely occupied with the preservation of his own authority. Ambition is his crime, and it will be his punishment too: intrigue is his native element, and intrigue will confound his tricks, and will deprive him of his power: he governs by means of corruption, and his immoral practices will redound to his shame and confusion. His conduct in the political arena has been that of a shameless and lawless gamester. He succeeded at the time, but the hour of retribution approaches, and he will be obliged to disgorge his winnings, to throw aside his false dice, and to end his days in some retirement, where he may curse his madness at his leisure; for repentance is a virtue with which his heart is likely to remain for ever unacquainted.”

It is not uncommonly imagined in France, that the virulence of the press originates in the uncertain social condition, in the political excitement, and the general sense of consequent evil which prevail in that country; and it is therefore supposed that as soon as society has resumed a certain degree of composure, the press will abandon its present vehemence. I am inclined to think that the above causes explain the reason of the extraordinary ascendancy it has acquired over the nation, but that they do not exercise much influence upon the tone of its language. The periodical press appears to me to be actuated by passions and propensities independent of the circumstances in which it is placed; and the present position of America corroborates this opinion.

America is perhaps, at this moment, the country of the whole world which contains the fewer germs of revolution; but the press is not less destructive in its principles than in France, and it displays the

same violence without the same reasons for indignation. In America, as in France, it constitutes a singular power, so strangely composed of mingled good and evil, that it is at the same time indispensable to the existence of freedom, and nearly incompatible with the maintenance of public order. Its power is certainly much greater in France than in the United States; though nothing is more rare in the latter country than to hear of a prosecution having been instituted against it. The reason of this is perfectly simple: the Americans having once admitted the doctrine of the sovereignty of the people, apply it with perfect consistency. It was never their intention to found a permanent state of things with elements which undergo daily modifications; and there is consequently nothing criminal in an attack upon the existing laws, provided it be not attended with a violent infraction of them. They are moreover of opinion that Courts of Justice are unable to check the abuses of the press; and that as the subtilty of human language perpetually eludes the severity of judicial analysis, offences of this nature are apt to escape the hand which attempts to apprehend them. They hold that to act with efficacy upon the press, it would be necessary to find a tribunal, not only devoted to the existing order of things, but capable of surmounting the influence of public opinion; a tribunal which should conduct its proceedings without publicity, which should pronounce its decrees without assigning its

motives, and punish the intentions even more than the language of an author. Whosoever should have the power of creating and maintaining a tribunal of this kind, would waste his time in prosecuting the liberty of the press; for he would be the supreme master of the whole community, and he would be as free to rid himself of the authors as of their writings. In this question, therefore, there is no medium between servitude and extreme licence; in order to enjoy the inestimable benefits which the liberty of the press ensures, it is necessary to submit to the inevitable evils which it engenders. To expect to acquire the former, and to escape the latter, is to cherish one of those illusions which commonly mislead nations in their times of sickness, when, tired with faction and exhausted by effort, they attempt to combine hostile opinions and contrary principles upon the same soil.

The small influence of the American journals is attributable to several reasons, amongst which are the following:

The liberty of writing, like all other liberty, is most formidable when it is a novelty; for a people which has never been accustomed to cooperate in the conduct of State affairs, places implicit confidence in the first tribune who arouses its attention. The Anglo-Americans have enjoyed this liberty ever since the foundation of the settlements; moreover, the press cannot create human passions by its own power, however skilfully it may kindle them

where they exist. In America politics are discussed with animation and a varied activity, but they rarely touch those deep passions which are excited whenever the positive interest of a-part of the community is impaired : but in the United States the interests of the community are in a most prosperous condition. A single glance upon a French and an American newspaper is sufficient to show the difference which exists between the two nations on this head. In France the space allotted to commercial advertisements is very limited, and the intelligence is not considerable, but the most essential part of the journal is that which contains the discussion of the politics of the day. In America three quarters of the enormous sheet which is set before the reader are filled with advertisements, and the remainder is frequently occupied by political intelligence or trivial anecdotes : it is only from time to time that one finds a corner devoted to passionate discussions like those with which the journalists of France are wont to indulge their readers.

It has been demonstrated by observation, and discovered by the innate sagacity of the pettiest as well as the greatest of despots, that the influence of a power is increased in proportion as its direction is rendered more central. In France the press combines a twofold centralization ; almost all its power is centred in the same spot, and vested in the same hands, for its organs are far from numerous. The influence of a public press thus constituted, upon

a sceptical nation, must be unbounded. It is an enemy with which a Government may sign an occasional truce, but which it is difficult to resist for any length of time.

Neither of these kinds of centralization exists in America. The United States have no metropolis; the intelligence as well as the power of the country are dispersed abroad, and instead of radiating from a point, they cross each other in every direction; the Americans have established no central control over the expression of opinion, any more than over the conduct of business. These are circumstances which do not depend on human foresight; but it is owing to the laws of the Union that there are no licences to be granted to printers, no securities demanded from editors as in France, and no stamp duty as in France and England. The consequence of this is that nothing is easier than to set up a newspaper, and a small number of readers suffices to defray the expenses of the editor.

The number of periodical and occasional publications which appear in the United States actually surpasses belief. The most enlightened Americans attribute the subordinate influence of the press to this excessive dissemination; and it is adopted as an axiom of political science in that country, that the only way to neutralize the effect of public journals is to multiply them indefinitely. I cannot conceive that a truth which is so self-evident should not already have been more generally admitted in

Europe; it is comprehensible that the persons who hope to bring about revolutions, by means of the press, should be desirous of confining its action to a few powerful organs; but it is perfectly incredible that the partisans of the existing state of things, and the natural supporters of the laws, should attempt to diminish the influence of the press by concentrating its authority. The Governments of Europe seem to treat the press with the courtesy of the knights of old; they are anxious to furnish it with the same central power which they have found to be so trusty a weapon, in order to enhance the glory of their resistance to its attacks.

In America there is scarcely a hamlet which has not its own newspaper. It may readily be imagined that neither discipline nor unity of design can be communicated to so multifarious a host, and each one is consequently led to fight under his own standard. All the political journals of the United States are indeed arrayed on the side of the administration or against it; but they attack and defend it in a thousand different ways. They cannot succeed in forming those great currents of opinion which overwhelm the most solid obstacles. This division of the influence of the press produces a variety of other consequences which are scarcely less remarkable. The facility with which journals can be established induces a multitude of individuals to take a part in them; but as the extent of competition precludes the possibility of consider-

able profit, the most distinguished classes of society are rarely led to engage in these undertakings. But such is the number of the public prints, that even if they were a source of wealth, writers of ability could not be found to direct them all. The journalists of the United States are usually placed in a very humble position, with a scanty education and a vulgar turn of mind. The will of the majority is the most general of laws, and it establishes certain habits which form the characteristics of each peculiar class of society; thus it dictates the etiquette practised at courts and the etiquette of the bar. The characteristics of the French journalist consist in a violent, but frequently an eloquent and lofty, manner of discussing the politics of the day; and the exceptions to this habitual practice are only occasional. The characteristics of the American journalist consist in an open and coarse appeal to the passions of the populace; and he habitually abandons the principles of political science to assail the characters of individuals, to track them into private life, and disclose all their weaknesses and errors.

Nothing can be more deplorable than this abuse of the powers of thought; I shall have occasion to point out hereafter the influence of the newspapers upon the taste and the morality of the American people, but my present subject exclusively concerns the political world. It cannot be denied that the effects of this extreme licence of the press tend indirectly

to the maintenance of public order. The individuals who are already in the possession of a high station in the esteem of their fellow-citizens, are afraid to write in the newspapers, and they are thus deprived of the most powerful instrument which they can use to excite the passions of the multitude to their own advantage¹.

The personal opinions of the editors have no kind of weight in the eyes of the public: the only use of a journal is, that it imparts the knowledge of certain facts; and it is only by altering or distorting those facts, that a journalist can contribute to the support of his own views.

But although the press is limited to these resources, its influence in America is immense. It is the power which impels the circulation of political life through all the districts of that vast territory. Its eye is constantly open to detect the secret springs of political designs, and to summon the leaders of all parties to the bar of public opinion. It rallies the interests of the community round certain principles, and it draws up the creed which factions adopt; for it affords a means of intercourse between parties which hear, and which address each other, without ever having been in immediate contact. When a great number of the organs of the

¹ They only write in the papers when they choose to address the people in their own name; as, for instance, when they are called upon to repel calumnious imputations, and to correct a mis-statement of facts.

press adopt the same line of conduct, their influence becomes irresistible ; and public opinion, when it is perpetually assailed from the same side, eventually yields to the attack. In the United States each separate journal exercises but little authority : but the power of the periodical press is only second to that of the people¹.

The opinions which are established in the United States under the empire of the liberty of the press, are frequently more firmly rooted than those which are formed elsewhere under the sanction of a censor.

IN the United States the democracy perpetually raises fresh individuals to the conduct of public affairs ; and the measures of the administration are consequently seldom regulated by the strict rules of consistency or of order. But the general principles of the Government are more stable, and the opinions most prevalent in society are generally more durable than in many other countries. When once the Americans have taken up an idea, whether it be well or ill founded, nothing is more difficult than to eradicate it from their minds. The same tenacity of opinion has been observed in England, where, for the last century, greater freedom of conscience and more invincible prejudices have existed than in all the other countries of Europe. I

¹ See Appendix, A.

attribute this consequence to a cause which may at first sight appear to have a very opposite tendency, namely, to the liberty of the press. The factions amongst which this liberty exists are as apt to cling to their opinions from pride as from conviction. They cherish them because they hold them to be just, and because they exercised their own free will in choosing them; and they maintain them, not only because they are true, but because they are their own. Several other reasons conduce to the same end.

It was remarked by a man of genius, that 'ignorance lies at the two ends of knowledge'. Perhaps it would have been more correct to have said, that absolute convictions are to be met with at the two extremities, and that doubt lies in the middle; for the human intellect may be considered in three distinct states, which frequently succeed one another. A man believes implicitly, because he adopts a proposition without inquiry. He doubts as soon as he is assailed by the objections which his inquiries may have aroused. But he frequently succeeds in satisfying these doubts, and then he begins to believe afresh: he no longer lays hold on a truth in its most shadowy and uncertain form, but he sees it clearly before him, and he advances onwards by the light it gives him!.

It may, however, be doubted whether this rational and self-guiding conviction arouses as much fervour or enthusiastic devotedness in men as their first dogmatical belief.

When the liberty of the press acts upon men who are in the first of these three states, it does not immediately disturb their habit of believing implicitly without investigation, but it constantly modifies the objects of their intuitive convictions. The human mind continues to discern but one point upon the whole intellectual horizon, and that point is in continual motion. Such are the symptoms of sudden revolutions, and of the misfortunes which are sure to befall those generations which abruptly adopt the unconditional freedom of the press.

The circle of novel ideas is, however, soon terminated; the touch of experience is upon them, and the doubt and mistrust which their uncertainty produces become universal. We may rest assured that the majority of mankind will either believe they know not wherefore, or will not know what to believe. Few are the beings who can ever hope to attain to that state of rational and independent conviction, which true knowledge can beget, in defiance of the attacks of doubt.

It has been remarked that in times of great religious fervour men sometimes change their religious opinions; whereas in times of general scepticism every one clings to his own persuasion. The same thing takes place in politics under the liberty of the press. In countries where all the theories of social science have been contested in their turn, the citizens who have adopted one of them, stick to it, not so much because they are assured of its excel-

lence, as because they are not convinced of the superiority of any other. In the present age men are not very ready to die in defence of their opinions, but they are rarely inclined to change them; and there are fewer martyrs as well as fewer apostates.

• Another still more valid reason may yet be adduced: when no abstract opinions are looked upon as certain, men cling to the mere propensities and external interests of their position, which are naturally more tangible and more permanent than any opinions in the world. •

It is not a question of easy solution whether the aristocracy or the democracy is most fit to govern a country. But it is certain that democracy annoys one part of the community, and that aristocracy oppresses another part. When the question is reduced to the simple expression of the struggle between poverty and wealth, the tendency of each side of the dispute, becomes perfectly evident without further controversy.

CHAPTER IV.

POLITICAL ASSOCIATIONS IN THE UNITED STATES.

Daily use which the Anglo-Americans make of the right of association.—Three kinds of political associations.—In what manner the Americans apply the representative system to associations.—Dangers resulting to the State.—Great Convention of 1831 relative to the Tariff.—Legislative character of this Convention.—Why the unlimited exercise of the right of association is less dangerous in the United States than elsewhere.—Why it may be looked upon as necessary.—Utility of associations in a democratic people.

IN no country in the world has the principle of association been more successfully used, or more unsparingly applied to a multitude of different objects, than in America. Besides the permanent associations which are established by law under the names of townships, cities, and counties, a vast number of others are formed and maintained by the agency of private individuals.

The citizen of the United States is taught from his earliest infancy to rely upon his own exertions, in order to resist the evils and the difficulties of life; he looks upon the social authority with an eye of mistrust and anxiety, and he only claims its assistance when he is quite unable to shift without it. This habit may even be traced in the schools of the rising generation, where the children in their games

are wont to submit to rules which they have themselves established, and to punish misdemeanours which they have themselves defined. The same spirit pervades every act of social life. If a stoppage occurs in a thoroughfare, and the circulation of the public is hindered, the neighbours immediately constitute a deliberative body; and this extemporaneous assembly gives rise to an executive power, which remedies the inconvenience, before anybody has thought of recurring to an authority superior to that of the persons immediately concerned. If the public pleasures are concerned, an association is formed to provide for the splendour and the regularity of the entertainment. Societies are formed to resist enemies which are exclusively of a moral nature, and to diminish the vice of intemperance: in the United States associations are established to promote public order, commerce, industry, morality, and religion; for there is no end which the human will, seconded by the collective exertions of individuals, despairs of attaining.

I shall hereafter have occasion to show the effects of association upon the course of society, and I must confine myself for the present to the political world. When once the right of association is recognised, the citizens may employ it in several different ways.

An association consists simply in the public assent which a number of individuals give to certain doctrines; and in the engagement which they con-

tract to promote the spread of those doctrines by their exertions. The right of associating with these views is very analogous to the liberty of unlicensed writing; but societies thus formed possess more authority than the press. When an opinion is represented by a society, it necessarily assumes a more exact and explicit form. It numbers its partisans, and compromises their welfare in its cause: they, on the other hand, become acquainted with each other, and their zeal is increased by their number. An association unites the efforts of minds which have a tendency to diverge, in one single channel, and urges them vigorously towards one single end which it points out.

The second degree in the right of association is the power of meeting. When an association is allowed to establish centres of action at certain important points in the country, its activity is increased, and its influence extended. Men have the opportunity of seeing each other; means of execution are more readily combined; and opinions are maintained with a degree of warmth and energy which written language cannot approach.

Lastly, in the exercise of the right of political association, there is a third degree: the partisans of an opinion may unite in electoral bodies, and choose delegates to represent them in a central assembly. This is, properly speaking, the application of the representative system to a party.

Thus, in the first instance, a society is formed

between individuals professing the same opinion, and the tie which keeps it together is of a purely intellectual nature: in the second case, small assemblies are formed which only represent a fraction of the party. Lastly, in the third case, they constitute a separate nation in the midst of the nation, a *government within the Government*. Their delegates, like the real delegates of the majority, represent the entire collective force of their party; and they enjoy a certain degree of that national dignity and great influence which belong to the chosen representatives of the people. It is true that they have not the right of making the laws; but they have the power of attacking those which are in being, and of drawing up beforehand those which they may afterwards cause to be adopted.

If, in a people which is imperfectly accustomed to the exercise of freedom, or which is exposed to violent political passions, a deliberating minority, which confines itself to the contemplation of future laws, be placed in juxtaposition to the legislative majority, I cannot but believe that public tranquillity incurs very great risks in that nation. There is doubtless a very wide difference between proving that one law is in itself better than another, and proving that the former ought to be substituted for the latter. But the imagination of the populace is very apt to overlook this difference, which is so apparent to the minds of thinking men. It sometimes happens that a nation is divided into

two nearly equal parties, each of which affects to represent the majority. If, in immediate contiguity to the directing power, another power be established, which exercises almost as much moral authority as the former, it is not to be believed that it will long be content to speak without acting; or that it will always be restrained by the abstract consideration of the nature of associations, which are meant to direct but not to enforce opinions, to suggest but not to make the laws.

The more we consider the independence of the press in its principal consequences, the more are we convinced that it is the chief, and, so to speak, the constitutive element of freedom in the modern world. A nation which is determined to remain free, is therefore right in demanding the unrestrained exercise of this independence. But the *unrestrained* liberty of political association cannot be entirely assimilated to the liberty of the press. The one is at the same time less necessary and more dangerous than the other. A nation may confine it within certain limits without forfeiting any part of its self-control; and it may sometimes be obliged to do so in order to maintain its own authority.

In America the liberty of association for political purposes is unbounded. An example will show in the clearest light to what an extent this privilege is tolerated.

The question of the Tariff, or of free trade, produced a great manifestation of party-feeling in

America: the Tariff was not only a subject of debate as a matter of opinion, but it exercised a favourable or a prejudicial influence upon several very powerful interests of the States. The North attributed a great portion of its prosperity, and the South all its sufferings, to this system. In so much that for a long time the Tariff, was the sole source of the political animosities which agitated the Union.

In 1831 when the dispute was raging with the utmost virulence, a private citizen of Massachusetts proposed to all the enemies of the Tariff, by means of the public prints, to send delegates to Philadelphia in order to consult together upon the means which were most fitted to promote the freedom of trade. This proposal circulated in a few days from Maine to New Orleans by the power of the printing press: the opponents of the Tariff adopted it with enthusiasm; meetings were formed on all sides, and delegates were named. The majority of these individuals were well known, and some of them had earned a considerable degree of celebrity. South Carolina alone, which afterwards took up arms in the same cause, sent sixty-three delegates. On the 1st October 1831, this assembly, which according to the American custom had taken the name of a Convention, met at Philadelphia; it consisted of more than two hundred members. Its debates were public, and they at once assumed a legislative character; the extent of the powers of Congress, the theories of free trade, and the different clauses of

the Tariff, were discussed in turn. At the end of ten days' deliberation the Convention broke up, after having published an address to the American people, in which it declared :

I. That Congress had not the right of making a Tariff, and that the existing Tariff was unconstitutional ;

II. That the prohibition of free trade was prejudicial to the interests of all nations, and to that of the American people in particular.

It must be acknowledged that the unrestrained liberty of political association has not hitherto produced, in the United States, those fatal consequences which might perhaps be expected from it elsewhere. The right of association was imported from England, and it has always existed in America ; so that the exercise of this privilege is now amalgamated with the manners and customs of the people. At the present time, the liberty of association is become a necessary guarantee against the tyranny of the majority. In the United States, as soon as a party is become preponderant, all the public authority passes under its control : its private supporters occupy all the places, and have all the force of the administration at their disposal. As the most distinguished partisans of the other side of the question are unable to surmount the obstacles which exclude them from power, they require some means of establishing themselves upon their own basis, and of opposing the moral authority of the

minority to the physical power which domineers over it. Thus a dangerous expedient is used to obviate a still more formidable danger.

The omnipotence of the majority appears to me to present such extreme perils to the American Republics, that the dangerous measure which is used to repress it seems to be more advantageous than prejudicial. And here I am about to advance a proposition which may remind the reader of what I said before in speaking of municipal freedom: There are no countries in which associations are more needed, to prevent the despotism of faction or the arbitrary power of a prince, than those which are democratically constituted. In aristocratic nations, the body of the nobles and the more opulent part of the community are in themselves natural associations, which act as checks upon the abuses of power. In countries in which these associations do not exist, if private individuals are unable to create an artificial and a temporary substitute for them, I can imagine no permanent protection against the most galling tyranny; and a great people may be oppressed by a small faction, or by a single individual, with impunity.

The meeting of a great political Convention (for there are Conventions of all kinds) which may frequently become a necessary measure, is always a serious occurrence, even in America, and one which is never looked forward to, by the judicious friends of the country, without alarm. This was very

perceptible in the Convention of 1831, at which the exertions of all the most distinguished members of the assembly tended to moderate its language, and to restrain the subjects which it treated within certain limits. It is probable, in fact, that the Convention of 1831 exercised a very great influence upon the minds of the malcontents, and prepared them for the open revolt against the commercial laws of the Union, which took place in 1832.

It cannot be denied that the unrestrained liberty of association for political purposes is the privilege which a people is longest in learning how to exercise. If it does not throw the nation into anarchy, it perpetually augments the chances of that calamity. On one point, however, this perilous liberty offers a security against dangers of another kind; in countries where associations are free, secret societies are unknown. In America there are numerous factions, but no conspiracies.

Different ways in which the right of association is understood in Europe and in the United States.—Different use which is made of it.

THE most natural privilege of man, next to the right of acting for himself, is that of combining his exertions with those of his fellow-creatures, and of acting in common with them. I am therefore led to

conclude that the right of association is almost as inalienable as the right of personal liberty. No legislator can attack it without impairing the very foundations of society. Nevertheless, if the liberty of association is a fruitful source of advantages and prosperity to some nations, it may be perverted or carried to excess by others, and the element of life may be changed into an element of destruction. A comparison of the different methods which associations pursue, in those countries in which they are managed with discretion, as well as in those where liberty degenerates into license, may perhaps be thought useful both to governments and to parties.

The greater part of Europeans look upon an association as a weapon which is to be hastily fashioned, and immediately tried in the conflict. A society is formed for discussion, but the idea of impending action prevails in the minds of those who constitute it: it is, in fact, an army; and the time given to parley serves to reckon up the strength and to animate the courage of the host, after which they direct their march against the enemy. Resources which lie within the bounds of the law may suggest themselves, to the persons who compose it, as means, but never as the only means, of success.

Such, however, is not the manner in which the right of association is understood in the United States. In America the citizens who form the minority associate, in order, in the first place, to

show their numerical strength, and so to diminish the moral authority of the majority ; and, in the second place, to stimulate competition, and to discover those arguments which are most fitted to act upon the majority : for they always entertain hopes of drawing over their opponents to their own side, and of afterwards disposing of the supreme power in their name. Political associations in the United States are therefore peaceable in their intentions, and strictly legal in the means which they employ ; and they assert with perfect truth, that they only aim at success by lawful expedients.

The difference which exists between the Americans and ourselves depends on several causes. In Europe there are numerous parties so diametrically opposed to the majority, that they can never hope to acquire its support, and at the same time they think that they are sufficiently strong in themselves to struggle and to defend their cause. When a party of this kind forms an association, its object is, not to conquer, but to fight. In America, the individuals who hold opinions very much opposed to those of the majority, are no sort of impediment to its power ; and all other parties hope to win it over to their own principles in the end. The exercise of the right of association becomes dangerous in proportion to the impossibility which excludes great parties from acquiring the majority. In a country like the United States, in which the differences of opinion are merely differences of hue, the right of

association may remain unrestrained without evil consequences. The inexperience of many of the European nations in the enjoyment of liberty, leads them only to look upon the liberty of association as a right of attacking the Government. The first notion which presents itself to a party, as well as to an individual, when it has acquired a consciousness of its own strength, is that of violence: the notion of persuasion arises at a later period, and is only derived from experience. The English, who are divided into parties which differ most essentially from each other, rarely abuse the right of association, because they have long been accustomed to exercise it. In France, the passion for war is so intense, that there is no undertaking so mad, or so injurious to the welfare of the State, that a man does not consider himself honoured in defending it, at the risk of his life.

• But perhaps the most powerful of the causes which tend to mitigate the excesses of political association in the United States is Universal Suffrage. In countries in which universal suffrage exists, the majority is never doubtful, because neither party can pretend to represent that portion of the community which has not voted. The associations which are formed are aware, as well as the nation at large, that they do not represent the majority: this is, indeed, a condition inseparable from their existence; for if they did represent the preponderating power, they would change the

law instead of soliciting its reform. The consequence of this is that the moral influence of the Government which they attack is very much increased, and their own power is very much enfeebled.

In Europe there are few associations which do not affect to represent the majority, or which do not believe that they represent it. This conviction or this pretension tends to augment their force amazingly, and contributes no less to legalize their measures. Violence may seem to be excusable in defence of the cause of oppressed right. Thus it is, in the vast labyrinth of human laws, that extreme liberty sometimes corrects the abuses of licence, and that extreme democracy obviates the dangers of democratic government. In Europe, associations consider themselves, in some degree, as the legislative and executive councils of the people, which is unable to speak for itself. In America, where they only represent a minority of the nation, they argue and they petition.

The means which the associations of Europe employ, are in accordance with the end which they propose to obtain. As the principal aim of these bodies is to act, and not to debate, to fight rather than to persuade, they are naturally led to adopt a form of organization which differs from the ordinary customs of civil bodies, and which assumes the habits and the maxims of military life. They centralize the direction of their resources as much as possible,

and they entrust the power of the whole party to a very small number of leaders.

The members of these associations reply to a watchword, like soldiers on duty ; they profess the doctrine of passive obedience ; say rather, that in uniting together they at once abjure the exercise of their own judgement and free will : and the tyrannical control, which these societies exercise, is often far more insupportable than the authority possessed over society by the Government which they attack. Their moral force is much diminished by these excesses, and they lose the powerful interest which is always excited by a struggle between oppressors and the oppressed. The man who in given cases consents to obey his fellows with servility, and who submits his activity, and even his opinions, to their control, can have no claim to rank as a free citizen.

The Americans have also established certain forms of government which are applied to their associations, but these are invariably borrowed from the forms of the civil administration. The independence of each individual is formally recognised ; the tendency of the members of the association points, as it does in the body of the community, towards the same end, but they are not obliged to follow the same track. No one abjures the exercise of his reason and his free will ; but every one exerts that reason and that will for the benefit of a common undertaking.

CHAPTER V.

GOVERNMENT OF THE DEMOCRACY IN AMERICA.

I AM well aware of the difficulties which attend this part of my subject ; but although every expression which I am about to make use of may clash, upon some one point, with the feelings of the different parties which divide my country, I shall speak my opinion with the most perfect openness.

In Europe we are at a loss how to judge the true character and the more permanent propensities of democracy, because in Europe two conflicting principles exist, and we do not know what to attribute to the principles themselves, and what to refer to the passions which they bring into collision. Such, however, is not the case in America ; there the people reigns without any obstacle, and it has no perils to dread, and no injuries to avenge. In America, democracy is swayed by its own free propensities ; its course is natural, and its activity is unrestrained ; the United States consequently afford the most favourable opportunity of studying its real character. And to no people can this inquiry be more vitally interesting than to the French nation ; which is blindly driven onwards by a daily and irresistible impulse, towards a state of things which

may prove either despotic or republican, but which will assuredly be democratic,

UNIVERSAL SUFFRAGE.

I HAVE already observed that Universal Suffrage has been adopted in all the States of the Union: it consequently occurs amongst different populations which occupy very different positions in the scale of society. I have had opportunities of observing its effects in different localities, and amongst races of men who are nearly strangers to each other by their language, their religion, and their manner of life; in Louisiana as well as in New England, in Georgia and in Canada. I have remarked that Universal Suffrage is far from producing in America either all the good or all the evil consequences which are assigned to it in Europe, and that its effects differ very widely from those which are usually attributed to it.

CHOICE OF THE PEOPLE, AND INSTINCTIVE PREFERENCES OF THE AMERICAN DEMOCRACY.

In the United States the most talented individuals are rarely placed at the head of affairs.—Reason of this peculiarity.—The envy which prevails in the lower orders of France against the higher classes, is not a French, but a purely democratic sentiment.—

For what reason the most distinguished men in America frequently seclude themselves from public affairs.

MANY people in Europe are apt to believe without saying it, or to say without believing it, that one of the great advantages of universal suffrage is, that it entrusts the direction of public affairs to men who are worthy of the public confidence. They admit that the people is unable to govern for itself, but they aver that it is always sincerely disposed to promote the welfare of the State, and that it instinctively designates those persons who are animated by the same good wishes, and who are the most fit to wield the supreme authority. I confess that the observations I made in America by no means coincide with these opinions. On my arrival in the United States I was surprised to find so much distinguished talent among the subjects, and so little among the heads of the Government. It is a well-authenticated fact, that at the present day the most talented men in the United States are very rarely placed at the head of affairs; and it must be acknowledged that such has been the result, in proportion as democracy has outstepped all its former limits. The race of American statesmen has evidently dwindled most remarkably in the course of the last fifty years.

Several causes may be assigned to this phenomenon. It is impossible, notwithstanding the most strenuous exertions, to raise the intelligence of the people above a certain level. Whatever may be the

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facilities of acquiring information, whatever may be the profusion of easy methods and of cheap science, the human mind can never be instructed and educated without devoting a considerable space of time to those objects.

The greater or the lesser possibility of subsisting without labour is therefore the necessary boundary of intellectual improvement. This boundary is more *remote in some countries*, and more restricted in others; but it must exist somewhere as long as the people is constrained to work in order to procure the means of physical subsistence, that is to say, as long as it retains its popular character. It is therefore quite as difficult to imagine a State in which all the citizens should be very well-informed, as a State in which they should all be wealthy; these two difficulties may be looked upon as correlative. It may very readily be admitted that the mass of the citizens are sincerely disposed to promote the welfare of their country; nay more, it may even be allowed that the lower classes are less apt to be swayed by considerations of personal interest than the higher orders; but it is always more or less impossible for them to discern the best means of attaining the end, which they desire with sincerity. Long and patient observation, joined to a multitude of different notions, is required to form a just estimate of the character of a single individual; and can it be supposed that the vulgar have the power of succeeding in an inquiry which misleads the pene-

tration of genius itself? The people has neither the time nor the means which are essential to the prosecution of an investigation of this kind: its conclusions are hastily formed from a superficial inspection of the more prominent features of a question. Hence it often assents to the clamour of a mountebank, who knows the secret of stimulating its tastes; whilst its truest friends frequently fail in their exertions.

Moreover, the democracy is not only deficient in that soundness of judgement which is necessary to select men really deserving of its confidence, but it has neither the desire nor the inclination to find them out. It cannot be denied that democratic institutions have a very strong tendency to promote the feeling of envy in the human heart; not so much because they afford to every one the means of rising to the level of any of his fellow-citizens, as because those means perpetually disappoint the persons who employ them. Democratic institutions awaken and foster a passion for equality which they can never entirely satisfy. This complete equality eludes the grasp of the people at the very moment at which it thinks to hold it fast, and "flies," as Pascal says, "with eternal flight"; the people is excited in the pursuit of an advantage, which is the more precious because it is not sufficiently remote to be unknown, or sufficiently near to be enjoyed. The lower orders are agitated by the chance of success, they are irritated by its uncertainty; and they pass from the

enthusiasm of pursuit to the exhaustion of ill-success, and lastly to the acrimony of disappointment. Whatever transcends their own limits appears to be an obstacle to their desires, and there is no kind of superiority, however legitimate it may be, which is not irksome in their sight.

It has been supposed that the secret instinct, which leads the lower orders to remove their superiors as much as possible from the direction of public affairs, is peculiar to France. This, however, is an error; the propensity to which I allude is not inherent in any particular nation, but in democratic institutions in general; and although it may have been heightened by peculiar political circumstances, it owes its origin to a higher cause.

In the United States; the people is not disposed to hate the superior classes of society; but it is not very favourably inclined towards them, and it carefully excludes them from the exercise of authority. It does not entertain any dread of distinguished talents, but it is rarely captivated by them; and it awards its approbation very sparingly to such as have risen without the popular support.

Whilst the natural propensities of democracy induce the people to reject the most distinguished citizens as its rulers, these individuals are no less apt to retire from a political career, in which it is almost impossible to retain their independence, or to advance without degrading themselves. This opinion has been very candidly set forth by Chan-

cellor Kent, who says, in speaking with great eulogiums of that part of the Constitution which empowers the executive to nominate the judges: "It is indeed probable that the men who are best fitted to discharge the duties of this high office would have too much reserve in their manners, and too much austerity in their principles, for them to be returned by the majority at an election where universal suffrage is adopted." Such were the opinions which were printed without contradiction in America in the year 1830!

I hold it to be sufficiently demonstrated, that universal suffrage is by no means a guarantee of the wisdom of the popular choice; and that whatever its advantages may be, this is not one of them.

CAUSES WHICH MAY PARTLY CORRECT THESE TENDENCIES OF THE DEMOCRACY.

Contrary effects produced on peoples as well as on individuals by great dangers.—Why so many distinguished men stood at the head of affairs in America fifty years ago.—Influence which the intelligence and the manners of the people exercise upon its choice.—Example of New England.—States of the Southwest.—Influence of certain laws upon the choice of the people.—Election by an elected body.—Its effects upon the composition of the Senate.

WHEN a State is threatened by serious dangers, the people frequently succeeds in selecting the citizens who are the most able to save it. It has been ob-

served that man rarely retains his customary level in presence of very critical circumstances; he rises above, or he sinks below his usual condition, and the same thing occurs in nations at large. Extreme perils sometimes quench the energy of a people instead of stimulating it; they excite, without directing its passions; and instead of clearing, they confuse its powers of perception. The Jews deluged the smoking ruins of their temple with the carnage of the remnant of their host. But it is more common, both in the case of nations and in that of individuals, to find extraordinary virtues arising from the very imminence of the danger. Great characters are then thrown into relief, as the edifices which are concealed by the gloom of night, are illuminated by the glare of a conflagration. At those dangerous times genius no longer abstains from presenting itself in the arena; and the people, alarmed by the perils of its situation, buries its envious passions in a short oblivion. Great names may then be drawn from the urn of election.

I have already observed that the American statesmen of the present day are very inferior to those who stood at the head of affairs fifty years ago. This is as much a consequence of the circumstances, as of the laws of the country. When America was struggling in the high cause of independence to throw off the yoke of another country, and when it was about to usher a new nation into the world, the spirits of its inhabitants were roused to the height

which their great efforts required. In this general excitement, the most distinguished men were ready to forestall the wants of the community, and the people clung to them for support, and placed them at its head. But events of this magnitude are rare; and it is from an inspection of the ordinary course of affairs that our judgement must be formed.

If passing occurrences sometimes act as checks upon the passions of democracy, the intelligence and the manners of the community exercise an influence which is not less powerful, and far more permanent. This is extremely perceptible in the United States.

In New England the education and the liberties of the communities were engendered by the moral and religious principles of their founders. Where society has acquired a sufficient degree of stability to enable it to hold certain maxims and to retain fixed habits, the lower orders are accustomed to respect intellectual superiority, and to submit to it without complaint, although they set at nought all those privileges which wealth and birth have introduced among mankind. The democracy in New England consequently makes a more judicious choice than it does elsewhere.

But as we descend towards the South, to those States in which the constitution of society is more modern and less strong, where instruction is less general, and where the principles of morality, of religion, and of liberty are less happily combined,

we perceive that the talents and the virtues of those who are in authority become more and more rare.

Lastly, when we arrive at the new South-western States, in which the constitution of society dates but from yesterday, and presents an agglomeration of adventurers and speculators, we are amazed at the persons who are invested with public authority, and we are led to ask by what force, independent of the legislation and of the men who direct it, the State can be protected, and society be made to flourish.

There are certain laws of a democratic nature which contribute, nevertheless, to correct, in some measure, the dangerous tendencies of democracy. On entering the House of Representatives of Washington, one is struck by the vulgar demeanour of that great assembly. The eye frequently does not discover a man of celebrity within its walls. Its members are almost all obscure individuals whose names present no associations to the mind: they are mostly village-lawyers, men in trade, or even persons belonging to the lower classes of society. In a country in which education is very general, it is said that the representatives of the people do not always know how to write correctly.

At a few yards' distance from this spot is the door of the Senate, which contains within a small space a large proportion of the celebrated men of America. Scarcely an individual is to be perceived in it who does not recall the idea of an active and illustrious career: the Senate is composed of eloquent advo-

cates, distinguished generals, wise magistrates, and statesmen of note, whose language would at all times do honour to the most remarkable parliamentary debates of Europe.

What then is the cause of this strange contrast, and why are the most able citizens to be found in one assembly rather than in the other? Why is the former body remarkable for its vulgarity and its poverty of talent, whilst the latter seems to enjoy a monopoly of intelligence and of sound judgment? Both of these assemblies emanate from the people; both of them are chosen by universal suffrage; and no voice has hitherto been heard to assert, in America, that the Senate is hostile to the interests of the people. From what cause, then, does so startling a difference arise? The only reason which appears to me adequately to account for it is, that the House of Representatives is elected by the populace directly, and that the Senate is elected by elected bodies. The whole body of the citizens names the legislature of each State, and the Federal Constitution converts these legislatures into so many electoral bodies, which return the members of the Senate. The senators are elected by an indirect application of universal suffrage; for the legislatures which name them are not aristocratic or privileged bodies which exercise the electoral franchise in their own right; but they are chosen by the totality of the citizens; they are generally elected every year, and new members may constantly be

chosen who will employ their electoral rights in conformity with the wishes of the public. But this transmission of the popular authority through an assembly of chosen men, operates an important change in it, by refining its discretion and improving the forms which it adopts. Men who are chosen in this manner accurately represent the majority of the nation which governs them ; but they represent the elevated thoughts which are current in the community, the generous propensities which prompt its nobler actions, rather than the petty passions which disturb, or the vices which disgrace it.

The time may be already anticipated at which the American Republics will be obliged to introduce the plan of election by an elected body more frequently into their system of representation, or they will incur no small risk of perishing miserably amongst the shoals of democracy.

And here I have no scruple in confessing that I look upon this peculiar system of election as the only means of bringing the exercise of political power to the level of all classes of the people. Those thinkers who regard this institution as the exclusive weapon of a party, and those who fear, on the other hand, to make use of it, seem to me to fall into as great an error in the one case as in the other.

**INFLUENCE WHICH THE AMERICAN DEMOCRACY HAS
EXERCISED ON THE LAWS RELATING TO ELECTIONS.**

When elections are rare, they expose the State to a violent crisis.

—When they are frequent, they keep up a degree of feverish excitement.—The Americans have preferred the second of these two evils.—Mutability of the laws.—Opinions of Hamilton and Jefferson on this subject.

WHEN elections recur at long intervals, the State is exposed to violent agitation every time they take place. Parties exert themselves to the utmost in order to gain a prize which is so rarely within their reach; and as the evil is almost irremediable for the candidates who fail, the consequences of their disappointed ambition may prove most disastrous: if, on the other hand, the legal struggle can be repeated within a short space of time, the defeated parties take patience.

When elections occur frequently, their recurrence keeps society in a perpetual state of feverish excitement, and imparts a continual instability to public affairs.

Thus, on the one hand the State is exposed to the perils of a revolution, on the other to perpetual mutability; the former system threatens the very existence of the government, the latter is an obstacle to all steady and consistent policy. The Americans have preferred the second of these evils to the first; but they were led to this conclusion by their instinct much more than by their reason;

for a taste for variety is one of the characteristic passions of democracy. An extraordinary mutability has, by this means, been introduced into their legislation.

Many of the Americans consider the instability of their laws as a necessary consequence of a system whose general results are beneficial. But no one in the United States affects to deny the fact of this instability, or to contend that it is not a great evil.

Hamilton, after having demonstrated the utility of a power which might prevent, or which might at least 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 to 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." (Federalist, No. 73.)

And again in No. 62 of the same work, he observes: "The facility and excess of lawmaking seem to be the diseases to which our governments are most liable. . . . The mischievous effects of the mutability in the public councils arising from a rapid succession of new members, would fill a volume: every new election in the States is found to change one half of the representatives. From this change of men must proceed a change of opinions and of

measures, which forfeits the respect and confidence of other nations, poisons the blessings of liberty itself, and diminishes the attachment and reverence of the people towards a political system which betrays so many marks of infirmity."

Jefferson himself, the greatest democrat, whom the democracy of America has as yet produced, pointed out the same evils.

"The instability of our laws," said he in a letter to Madison, "is really a very serious inconvenience. I think that we ought to have obviated it by deciding that a whole year should always be allowed to elapse between the bringing in of a bill and the final passing of it. It should afterwards be discussed and put to the vote without the possibility of making any alteration in it; and if the circumstances of the case required a more speedy decision, the question should not be decided by a simple majority, but by a majority of at least two thirds of both houses."

PUBLIC OFFICERS UNDER THE CONTROL OF THE
DEMOCRACY IN AMERICA.

Simple exterior of the American public officers.—No official costume.—All public officers are remunerated.—Political consequences of this system.—No public career exists in America.—Result of this.

Public officers in the United States are commingled with the crowd of citizens; they have neither

palaces, nor guards, nor ceremonial costumes. This simple exterior of the persons in authority is connected, not only with the peculiarities of the American character, but with the fundamental principles of that society. In the estimation of the democracy, a government is not a benefit, but a necessary evil. A certain degree of power must be granted to public officers, for they would be of no use without it. But the ostensible semblance of authority is by no means indispensable to the conduct of affairs; and it is needlessly offensive to the susceptibility of the public. The public officers themselves are well aware that they only enjoy the superiority over their fellow-citizens which they derive from their authority, upon condition of putting themselves on a level with the whole community by their manners. A public officer in the United States is uniformly civil, accessible to all the world, attentive to all requests, and obliging in his replies. I was pleased by these characteristics of a democratic government; and I was struck by the manly independence of the citizens, who respect the office more than the officer, and who are less attached to the emblems of authority than to the man who bears them.

I am inclined to believe that the influence which costumes really exercise, in an age like that in which we live, has been a good deal exaggerated. I never perceived that a public officer in America was the less respected whilst he was in the dis-

charge of his duties because his own merit was set off by no adventitious signs. On the other hand, it is very doubtful whether a peculiar dress contributes to the respect which public characters ought to have for their own position, at least when they are not otherwise inclined to respect it. When a magistrate (and in France such instances are not rare,) indulges his trivial wit at the expense of the prisoner, or derides the predicament in which a culprit is placed, it would be well to deprive him of his robes of office, to see whether he would recall some portion of the natural dignity of mankind when he is reduced to the apparel of a private citizen.

A democracy may, however, allow a certain show of magisterial pomp, and clothe its officers in silks and gold, without seriously compromising its principles. Privileges of this kind are transitory; they belong to the place, and are distinct from the individual: but if public officers are not uniformly remunerated by the State, the public charges must be entrusted to men of opulence and independence, who constitute the basis of an aristocracy; and if the people still retains its right of election, that election can only be made from a certain class of citizens.

When a democratic republic renders offices which had formerly been remunerated, gratuitous, it may safely be believed that that State is advancing to monarchical institutions; and when a monarchy be-

gins to remunerate such officers as had hitherto been unpaid, it is a sure sign that it is approaching towards a despotic or a republican form of government. The substitution of paid for unpaid functionaries is of itself, in my opinion, sufficient to constitute a serious revolution.

I look upon the entire absence of gratuitous functionaries in America as one of the most prominent signs of the absolute dominion which democracy exercises in that country. All public services, of whatsoever nature they may be, are paid; so that every one has not merely a right, but also the means of performing them. Although, in democratic States, all the citizens are qualified to occupy stations in the Government, all are not tempted to try for them. The number and the capacities of the candidates are more apt to restrict the choice of electors than the conditions of the candidateship.

In nations in which the principle of election extends to every place in the State, no political career can, properly speaking, be said to exist. Men are promoted as if by chance to the rank which they enjoy, and they are by no means sure of retaining it. The consequence is that in tranquil times public functions offer but few lures to ambition. In the United States the persons who engage in the perplexities of political life are individuals of very moderate pretensions. The pursuit of wealth generally diverts men of great talents and of great

passions from the pursuit of power : and it very frequently happens that a man does not undertake to direct the fortune of the State until he has discovered his incompetence to conduct his own affairs. The vast number of very ordinary men who occupy public stations is quite as attributable to these causes as to the bad choice of the democracy. In the United States, I am not sure that the people would return the men of superior abilities who might solicit its support, but it is certain that men of this description do not come forward.

ARBITRARY POWER OF MAGISTRATES¹ UNDER THE RULE OF THE AMERICAN DEMOCRACY.

For what reason the arbitrary power of Magistrates is greater in absolute monarchies and in democratic republics than it is in limited monarchies.—Arbitrary power of the Magistrates in New England.

In two different kinds of government the magistrates exercise a considerable degree of arbitrary power ; namely, under the absolute government of a single individual, and under that of a democracy.

This identical result proceeds from causes which are nearly analogous.

¹ I here used the word *Magistrates* in the widest sense in which it can be taken ; I apply it to all the officers to whom the execution of the laws is entrusted.

In despotic States the fortune of no citizen is secure; and public officers are not more safe than private individuals. The sovereign, who has under his control the lives, the property, and sometimes the honour of the men whom he employs, does not scruple to allow them a great latitude of action, because he is convinced that they will not use it to his prejudice. In despotic States the sovereign is so attached to the exercise of his power, that he dislikes the constraint even of his own regulations; and he is well pleased that his agents should follow a somewhat fortuitous line of conduct, provided he be certain that their actions will never counteract his desires.

In democracies, as the majority has every year the right of depriving the officers whom it has appointed of their power, it has no reason to fear any abuse of their authority. As the people is always able to signify its wishes to those who conduct the Government, it prefers leaving them to make their own exertions, to prescribing an invariable rule of conduct which would at once fetter their activity and the popular authority.

It may even be observed, on attentive consideration, that under the rule of a democracy the arbitrary power of the Magistrate must be still greater than in despotic States. In the latter, the sovereign has the power of punishing all the faults with which he becomes acquainted, but it would be vain for him to hope to become acquainted with all those which

are committed. In the former the sovereign power is not only supreme, but it is universally present. The American functionaries are, in point of fact, much more independent in the sphere of action which the law traces out for them than any public officer in Europe. Very frequently the object which they are to accomplish is simply pointed out to them, and the choice of the means is left to their own discretion.

In New England, for instance, the selectmen of each township are bound to draw up the list of persons who are to serve on the Jury; the only rule which is laid down to guide them in their choice is that they are to select citizens possessing the elective franchise and enjoying a fair reputation¹. In France the lives and liberties of the subjects would be thought to be in danger, if a public officer of any kind was entrusted with so formidable a right. In New England the same magistrates are empowered to post the names of habitual drunkards in public-houses, and to prohibit the inhabitants of a town from supplying them with liquor². A censorial power of this excessive kind would be revolting to the population of the most absolute monarchies; here, however, it is submitted to without difficulty.

¹ See the Act of 27th February 1813. General Collection of the Laws of Massachusetts, vol. ii. p. 331. It should be added that the jurors are afterwards drawn from these lists by lot.

² See Act of 28th February 1787. General Collection of the Laws of Massachusetts, vol. i. p. 302.

Nowhere has so much been left by the law to the arbitrary determination of the magistrate as in democratic republics, because this arbitrary power is unattended by any alarming consequences. It may even be asserted that the freedom of the magistrate increases as the elective franchise is extended, and as the duration of the time of office is shortened. Hence arises the great difficulty which attends the conversion of a democratic republic into a monarchy. The magistrate ceases to be elective, but he retains the rights and the habits of an elected officer, which lead directly to despotism.

It is only in limited monarchies that the law, which prescribes the sphere in which public officers are to act, superintends all their measures. The cause of this may be easily detected. In limited monarchies the power is divided between the king and the people, both of whom are interested in the stability of the magistrate. The king does not venture to place the public officers under the control of the people, lest they should be tempted to betray his interests; on the other hand, the people fears lest the magistrates should serve to oppress the liberties of the country, if they were entirely dependent upon the Crown: they cannot therefore be said to depend on either the one or the other. The same cause which induces the king and the people to render public officers independent, suggests the necessity of such securities as may prevent their independence from encroaching upon

the authority of the former and the liberties of the latter. They consequently agree as to the necessity of restricting the functionary to a line of conduct laid down beforehand, and they are interested in confining him by certain regulations which he cannot evade.

INSTABILITY OF THE ADMINISTRATION IN° THE UNITED STATES.

In America the public acts of a community frequently leave fewer traces than the occurrences of a family.—Newspapers the only historical remains.—Instability of the administration prejudicial to the art of government.

THE authority which public men possess in America is so brief, and they are so soon commingled with the ever-changing population of the country, that the acts of a community frequently leave fewer traces than the occurrences of a private family. The public administration is, so to speak, oral and traditionary. But little is committed to writing, and that little is wafted away for ever, like the leaves of the Sibyl, by the smallest breeze.

The only historical remains in the United States are the newspapers; but if a number be wanting, the chain of time is broken, and the present is severed from the past. I am convinced that in fifty years it will be more difficult to collect authentic documents concerning the social condition of the

Americans at the present day, than it is to find remains of the administration of France during the Middle Ages; and if the United States were ever invaded by barbarians, it would be necessary to have recourse to the history of other nations, in order to learn anything of the people which now inhabits them.

The instability of the administration has penetrated into the habits of the people: it even appears to suit the general taste, and no one cares for what occurred *before his time*. No methodical system is pursued; no archives are formed; and no documents are brought together when it would be very easy to do so. Where they exist little store is set upon them; and I have amongst my papers several original public documents which were given to me in answer to some of my inquiries. In America society seems to live from hand to mouth, like an army in the field. Nevertheless, the art of administration may undoubtedly be ranked as a science, and no sciences can be improved, if the discoveries and observations of successive generations are not connected together, in the order in which they occur. One man, in the short space of his life, remarks a fact; another conceives an idea; the former invents a means of execution, the latter reduces a truth to a fixed proposition; and mankind gathers the fruits of individual experience upon its way, and gradually forms the sciences. But the persons who conduct the administration

in America can seldom afford any instruction to each other ; and when they assume the direction of society, they simply possess those attainments which are most widely disseminated in the community, and no experience peculiar to themselves. Democracy, carried to its furthest limits, is therefore prejudicial to the art of government ; and for this reason it is better adapted to a people already versed in the conduct of an administration, than to a nation which is uninitiated in public affairs.

This remark, indeed, is not exclusively applicable to the science of administration. Although a democratic government is founded upon a very simple and natural principle, it always presupposes the existence of a high degree of culture and enlightenment in society¹. At the first glance it may be imagined to belong to the earliest ages of the world ; but maturer observation will convince us that it could only come last in the succession of human history.

¹ It is needless to observe, that I speak here of the democratic form of government as applied to a people, not merely to a tribe.

**CHARGES LEVIED BY THE STATE UNDER THE RULE
OF THE AMERICAN DEMOCRACY.**

In all communities citizens divisible into three classes.—Habits of each of these classes in the direction of public finances.—Why public expenditure must tend to increase when the people governs.—What renders the extravagance of a democracy less to be feared in America.—Public expenditure under a democracy.

BEFORE we can affirm whether a democratic form of government is economical or not, we must establish a suitable standard of comparison. The question would be one of easy solution, if we were to attempt to draw a parallel between a democratic republic and an absolute monarchy. The public expenditure would be found to be more considerable under the former than under the latter; such is the case with all free states compared to those which are not so. It is certain that despotism ruins individuals by preventing them from producing wealth, much more than by depriving them of the wealth they have produced: it dries up the source of riches, whilst it usually respects acquired property. Freedom, on the contrary, engenders far more benefits than it destroys; and the nations which are favoured by free institutions, invariably find that their resources increase even more rapidly than their taxes.

My present object is to compare free nations to

each other ; and to point out the influence of democracy upon the finances of a State.

Communities, as well as organic bodies, are subject to certain fixed rules in their formation which they cannot evade. They are composed of certain elements which are common to them at all times and under all circumstances. The people may always be mentally divided into three distinct classes. The first of these classes consists of the wealthy ; the second, of those who are in easy circumstances ; and the third is composed of those who have little or no property, and who subsist more especially by the work which they perform for the two superior orders. The proportion of the individuals who are included in these three divisions may vary according to the condition of society ; but the divisions themselves can never be obliterated.

It is evident that each of these classes will exercise an influence, peculiar to its own propensities, upon the administration of the finances of the State. If the first of the three exclusively possesses the legislative power, it is probable that it will not be sparing of the public funds, because the taxes which are levied on a large fortune only tend to diminish the sum of superfluous enjoyment, and are, in point of fact, but little felt. If the second class has the power of making the laws, it will certainly not be lavish of taxes, because nothing is so onerous as a large impost which is levied upon a small income. The government of the middle classes appears to

me to be the most economical, though perhaps not the most enlightened, and certainly not the most generous, of free governments.

But let us now suppose that the legislative authority is vested in the lowest orders : there are two striking reasons which show that the tendency of the expenditure will be to increase, not to diminish.

As the great majority of those who create the laws are possessed of no property upon which taxes can be imposed, all the money which is spent for the community appears to be spent to their advantage, at no cost of their own ; and those who are possessed of some little property readily find means of regulating the taxes so that they are burdensome to the wealthy and profitable to the poor,¹ although the rich are unable to take the same advantage when they are in possession of the government.

In countries in which the poor¹ should be exclusively invested with the power of making the laws, no great economy of public expenditure ought to be expected : that expenditure will always be considerable ; either because the taxes do not weigh upon those who levy them, or because they are levied in such a manner as not to weigh upon those classes. In other words, the government

¹ The word *poor* is used here, and throughout the remainder of this chapter, in a relative, not in an absolute sense. Poor men in America would often appear rich in comparison with the poor of Europe ; but they may with propriety be styled poor in comparison with their more affluent countrymen.

of the democracy is the only one under which the power which lays on taxes escapes the payment of them.

It may be objected (but the argument has no real weight) that the true interest of the people is indissolubly connected with that of the wealthier portion of the community, since it cannot but suffer by the severe measures to which it resorts. But is it not the true interest of kings to render their subjects happy; and the true interest of nobles to admit recruits into their order on suitable grounds? If remote advantages had power to prevail over the passions and the exigencies of the moment, no such thing as a tyrannical sovereign or an exclusive aristocracy could ever exist.

Again, it may be objected that the poor are never invested with the sole power of making the laws; but I reply, that wherever universal suffrage has been established, the majority of the community unquestionably exercises the legislative authority; and if it be proved that the poor always constitute the majority, it may be added, with perfect truth, that in the countries in which they possess the elective franchise, they possess the sole power of making laws. But it is certain that in all the nations of the world the greater number has always consisted of those persons who hold no property, or of those whose property is insufficient to exempt them from the necessity of working in order to procure an easy subsistence. Universal suffrage does

therefore in point of fact invest the poor with the government of society.

The disastrous influence which popular authority may sometimes exercise upon the finances of a State, was very clearly seen in some of the democratic republics of antiquity, in which the public treasure was exhausted in order to relieve indigent citizens, or to supply the games and theatrical amusements of the populace. It is true that the representative system was then very imperfectly known, and that, at the present time, the influence of popular passions is less felt in the conduct of public affairs; but it may be believed that the delegate will in the end conform to the principles of his constituents, and favour their propensities as much as their interests.

The extravagance of democracy is, however, less to be dreaded in proportion as the people acquires a share of property, because on the one hand the contributions of the rich are then less needed, and on the other, it is more difficult to lay on taxes which do not affect the interests of the lower classes. On this account universal suffrage would be less dangerous in France than in England, because in the latter country the property on which taxes may be levied is vested in fewer hands. America, where the great majority of the citizens is possessed of some fortune, is in a still more favourable position than France.

There are still further causes which may increase the sum of public expenditure in democratic coun-

tries. When the aristocracy governs, the individuals who conduct the affairs of State are exempted, by their own station in society, from every kind of privation: they are contented with their position; power and renown are the objects for which they strive; and, as they are placed far above the obscurer throng of citizens, they do not always distinctly perceive how the well-being of the mass of the people ought to rebound to their own honour. They are not indeed callous to the sufferings of the poor, but they cannot feel those miseries as acutely as if they were themselves partakers of them. Provided that the people appear to submit to its lot the rulers are satisfied, and they demand nothing further from the Government. An aristocracy is more intent upon the means of maintaining its influence, than upon the means of improving its condition.

When, on the contrary, the people is invested with the supreme authority, the perpetual sense of their own miseries impels the rulers of society to seek for perpetual ameliorations. A thousand different objects are subjected to improvement; the most trivial details are sought out as susceptible of amendment; and those changes which are accompanied with considerable expense are more especially advocated, since the object is to render the condition of the poor more tolerable, who cannot pay for themselves.

Moreover, all democratic communities are agitated by an ill-defined excitement, and by a kind of feverish

impatience, that engenders a multitude of innovations, almost all of which are attended with expense.

In monarchies and aristocracies the natural taste which the rulers have for power and for renown is stimulated by the promptings of ambition, and they are frequently incited by these temptations to very costly undertakings. In democracies, where the rulers labour under privations, they can only be courted by such means as improve their well-being, and these improvements cannot take place without a sacrifice of money. When a people begins to reflect upon its situation, it discovers a multitude of wants to which it had not before been subject, and to satisfy these exigencies recourse must be had to the coffers of the State. Hence it arises that the public charges increase in proportion as civilization spreads, and that imposts are augmented as knowledge pervades the community.

The last cause which frequently renders a democratic government dearer than any other is, that a democracy does not always succeed in moderating its expenditure, because it does not understand the art of being economical. As the designs which it entertains are frequently changed, and the agents of those designs are still more frequently removed, its undertakings are often ill conducted or left unfinished: in the former case the State spends sums out of all proportion to the end which it proposes to accomplish; in the second, the expense itself is unprofitable.

TENDENCIES OF THE AMERICAN DEMOCRACY AS
REGARDS THE SALARIES OF PUBLIC OFFICERS.

In democracies those who establish high salaries have no chance of profiting by them.—Tendency of the American democracy to increase the salaries of subordinate officers, and to lower those of the more important functionaries.—Reason of this.—Comparative statement of the salaries of public officers in the United States and in France.

THERE is a powerful reason which usually induces democracies to economize upon the salaries of public officers. As the number of citizens who dispense the remuneration is extremely large in democratic countries, so the number of persons who can hope to be benefited by the receipt of it is comparatively small. In aristocratic countries, on the contrary, the individuals who appoint high salaries have almost always a vague hope of profiting by them. These appointments may be looked upon as a capital which they create for their own use, or at least as a resource for their children.

It must however be allowed that a democratic State is most parsimonious towards its principal agents. In America the secondary officers are much better paid, and the dignitaries of the administration much worse, than they are elsewhere.

These opposite effects result from the same cause: the people fixes the salaries of the public officers in both cases; and the scale of remuneration is determined by the consideration of its own wants. It is held to be fair that the servants of the public should

be placed in the same easy circumstances as the public itself¹; but when the question turns upon the salaries of the great officers of State, this rule fails, and chance alone can guide the popular decision. The poor have no adequate conception of the wants which the higher classes of society may feel. The sum which is scanty to the rich, appears enormous to the poor man, whose wants do not extend beyond the necessaries of life; and in his estimation the Governor of a State with his two or three hundred a year, is a very fortunate and enviable being². If you undertake to convince him that the representative of a great people ought to be able to maintain some show of splendour in the eyes of foreign nations, he will perhaps assent to your meaning; but when he reflects on his own humble dwelling, and on the hard-earned produce of his wearisome toil, he remembers all that he could do with a salary which you say is insufficient, and he is startled or almost frightened at the sight of such uncommon wealth. Besides, the secondary public officer is almost on a level with the people, whilst

¹ The easy circumstances in which secondary functionaries are placed in the United States, result also from another cause, which is independent of the general tendencies of democracy: every kind of private business is very lucrative, and the State would not be served at all if it did not pay its servants. The country is in the position of a commercial undertaking, which is obliged to sustain an expensive competition, notwithstanding its taste for economy.

² The State of Ohio, which contains a million of inhabitants, gives its Governor a salary of only 1200 dollars (260*l.*) a year.

the others are raised above it. The former may therefore excite his interest, but the latter begins to arouse his envy.

This is very clearly seen in the United States, where the salaries seem to decrease as the authority of those who receive them augments¹.

Under the rule of an aristocracy it frequently happens, on the contrary, that whilst the high officers are receiving munificent salaries, the inferior ones have not more than enough to procure the necessities of life. The reason of this fact is easily discoverable from causes very analogous to those to

¹ To render this assertion perfectly evident, it will suffice to examine the scale of salaries of the agents of the Federal Government. I have added the salaries attached to the corresponding officers in France, to complete the comparison.

UNITED STATES.	FRANCE.
<i>Treasury Department.</i>	<i>Ministère des Finances.</i>
Messenger 700\$. (150 <i>l.</i>)	Huissier 1500 fr. (60 <i>l.</i>)
Clerk with lowest salary 1000\$. (217 <i>l.</i>)	Clerk with lowest salary .. 1000 to 1800 fr. (40 <i>l.</i> to 72 <i>l.</i>)
Clerk with highest salary 1600\$. (347 <i>l.</i>)	Clerk with highest salary 3200 to 3600 fr. (128 <i>l.</i> to 144 <i>l.</i>)
Chief Clerk 2000\$. (434 <i>l.</i>)	Sécrétaire-général ... 20,000 fr. (800 <i>l.</i>)
Secretary of State ... 6000\$. (1300 <i>l.</i>)	The Minister..... 80,000 fr. (3200 <i>l.</i>)
The President..... 25,000\$. (5400 <i>l.</i>)	The King... 12,000,000 fr. (480,000 <i>l.</i>)

I have perhaps done wrong in selecting France as my standard of comparison. In France the democratic tendencies of the nation exercise an ever-increasing influence upon the Government, and the Chambers show a disposition to raise the low salaries and to lower the principal ones. Thus the Minister of Finance, who received 160,000 fr. under the Empire, receives 80,000 fr. in 1835: the Directeurs-Généraux of Finance, who then received 50,000 fr., now receive only 20,000 fr.

which I have just alluded. If a democracy is unable to conceive the pleasures of the rich, or to witness them without envy, an aristocracy is slow to understand, or, to speak more correctly, is unacquainted with the privations of the poor. The poor man is not (if we use the term aright) the fellow of the rich one; but he is a being of another species. An aristocracy is therefore apt to care but little for the fate of its subordinate agents; and their salaries are only raised when they refuse to perform their service for too scanty a remuneration.

It is the parsimonious conduct of democracy towards its principal officers, which has countenanced a supposition of far more æconomical propensities than any which it really possesses. It is true that it scarcely allows the means of honorable subsistence to the individuals who conduct its affairs; but enormous sums are lavished to meet the exigencies or to facilitate the enjoyments of the people¹. The money raised by taxation may be better employed, but it is not saved. In general, democracy gives largely to the community, and very sparingly to those who govern it. The reverse is the case in

¹ See the American Budgets for the cost of indigent citizens and gratuitous instruction. In 1831, 50,000*l.* were spent in the State of New York for the maintenance of the poor: and at least 200,000*l.* were devoted to gratuitous instruction. (Williams's New York Annual Register, 1832, pp. 205 and 243.) The State of New York contained only 1,900,000 inhabitants in the year 1830; which is not more than double the amount of population in the Département du Nord in France.

aristocratic countries, where the money of the State is expended to the profit of the persons who are at the head of affairs.

DIFFICULTY OF DISTINGUISHING THE CAUSES WHICH
CONTRIBUTE TO THE ECONOMY OF THE AMERICAN
GOVERNMENT.

WE are liable to frequent errors in the research of those facts which exercise a serious influence upon the fate of mankind, since nothing is more difficult than to appreciate their real value. One people is naturally inconsistent and enthusiastic; another is sober and calculating: and these characteristics originate in their physical constitution, or in remote causes with which we are unacquainted.

There are nations which are fond of parade and the bustle of festivity, and which do not regret the costly gaieties of an hour. Others, on the contrary, are attached to more retiring pleasures, and seem almost ashamed of appearing to be pleased. In some countries the highest value is set upon the beauty of public edifices; in others the productions of art are treated with indifference, and everything which is unproductive is looked down upon with contempt. In some renown, in others money, is the ruling passion.

Independently of the laws, all these causes concur to exercise a very powerful influence upon the

conduct of the finances of the State. If the Americans never spend the money of the people in galas, it is not only because the imposition of taxes is under the control of the people, but because the people takes no delight in public rejoicings. If they repudiate all ornament from their architecture, and set no store on any but the more practical and homely advantages, it is not only because they live under democratic institutions, but because they are a commercial nation. The habits of private life are continued in public; and we ought carefully to distinguish that œconomy which depends upon their institutions, from that which is the natural result of their manners and customs.

WHETHER THE EXPENDITURE OF THE UNITED STATES
 CAN BE COMPARED TO THAT OF FRANCE.

Two points to be established in order to estimate the extent of the public charges, viz. the national wealth, and the rate of taxation.—The wealth and the charges of France not accurately known.—Why the wealth and charges of the Union cannot be accurately known.—Researches of the author with a view to discover the amount of taxation in Pennsylvania.—General symptoms which may serve to indicate the amount of the public charges in a given nation.—Result of this investigation for the Union.

MANY attempts have recently been made in France to compare the public expenditure of that country with the expenditure of the United States; all these

attempts have, however, been unattended by success ; and a few words will suffice to show that they could not have had a satisfactory result.

In order to estimate the amount of the public charges of a people, two preliminaries are indispensable ; it is necessary, in the first place, to know the wealth of that people ; and in the second, to learn what portion of that wealth is devoted to the expenditure of the State. To show the amount of taxation without showing the resources which are destined to meet the demand, is to undertake a futile labour ; for it is not the expenditure, but the relation of the expenditure to the revenue, which it is desirable to know.

The same rate of taxation which may easily be supported by a wealthy contributor, will reduce a poor one to extreme misery. The wealth of nations is composed of several distinct elements, of which population is the first, real property the second, and personal property the third. The first of these three elements may be discovered without difficulty. Amongst civilized nations it is easy to obtain an accurate census of the inhabitants ; but the two others cannot be determined with so much facility. It is difficult to take an exact account of all the lands in a country which are under cultivation, with their natural or their acquired value ; and it is still more impossible to estimate the entire personal property which is at the disposal of a nation, and which eludes the strictest analysis by the di-

versity and the number of shapes under which it may occur. And, indeed, we find that the most ancient civilized nations of Europe, including even those in which the administration is most central, have not succeeded, as yet, in determining the exact condition of their wealth.

In America the attempt has never been made ; for how would such an investigation be possible in a country where society has not yet settled into habits of regularity and tranquillity ; where the national Government is not assisted by a multitude of agents whose exertions it can command, and direct to one sole end ; and where statistics are not studied, because no one is able to collect the necessary documents, or to find time to peruse them ? Thus the primary elements of the calculations which have been made in France, cannot be obtained in the Union ; the relative wealth of the two countries is unknown : the property of the former is not accurately determined, and no means exist of computing that of the latter.

I consent therefore, for the sake of the discussion, to abandon this necessary term of the comparison, and I confine myself to a computation of the actual amount of taxation, without investigating the relation which subsists between the taxation and the revenue. But the reader will perceive that my task has not been facilitated by the limits which I here lay down for my researches.

It cannot be doubted that the central admini-

stration of France, assisted by all the public officers who are at its disposal, might determine with exactitude the amount of the direct and indirect taxes levied upon the citizens. But this investigation, which no private individual can undertake, has not hitherto been completed by the French Government, or, at least, its results have not been made public. We are acquainted with the sum total of the charges of the State; we know the amount of the departmental expenditure; but the expenses of the communal divisions have not been computed, and the amount of the public expenses of France is consequently unknown.

If we now turn to America, we shall perceive that the difficulties are multiplied and enhanced. The Union publishes an exact return of the amount of its expenditure; the budgets of the four-and-twenty States furnish similar returns of their revenues; but the expenses incident to the affairs of the counties and the townships are unknown¹.

¹ The Americans, as we have seen, have four separate budgets; the Union, the States, the Counties, and the Townships having each severally their own. During my stay in America I made every endeavour to discover the amount of the public expenditure in the townships and counties of the principal States of the Union, and I readily obtained the budget of the larger townships, but I found it quite impossible to procure that of the smaller ones. I possess, however, some documents relating to county expenses which, although incomplete, are still curious. I have to thank Mr. Richards, Mayor of Philadelphia, for the budgets of thirteen of the counties of Pennsylvania, viz. Lebanon, Centre, Franklin, Fayette, Montgomery, Luzerne, Dauphin, Butler, Alleghany, Co-

The authority of the Federal Government cannot oblige the provincial Governments to throw any light upon this point; and even if these Governments were inclined to afford their simultaneous cooperation, it may be doubted whether they possess the means of procuring a satisfactory answer. Independently of the natural difficulties of the task, the political organization of the country would act as a hindrance to the success of their efforts. The county and town magistrates are not appointed by the authorities of the State, and they are not subjected to their control. It is therefore very allowable to suppose, that if the State was desirous of obtaining the returns which we require, its design would be counteracted by the neglect of those subordinate officers whom it would be obliged to em-

lumbia, Northampton, Northumberland, and Philadelphia, for the year 1830. Their population at that time consisted of 495,207 inhabitants. On looking at the map of Pennsylvania, it will be seen that these thirteen counties are scattered in every direction, and so generally affected by the causes which usually influence the condition of a country, that they may easily be supposed to furnish a correct average of the financial state of the counties of Pennsylvania in general: and thus, upon reckoning that the expenses of these counties amounted in the year 1830 to about 72,330*l.*, or nearly 3*s.* for each inhabitant, and calculating that each of them contributed in the same year about 10*s.* 2*d.* toward the Union, and about 3*s.* to the State of Pennsylvania, it appears that they each contributed as their share of all the public expenses, (except those of the townships,) the sum of 16*s.* 2*d.* This calculation is doubly incomplete, as it applies only to a single year and to one part of the public charges; but it has at least the merit of not being conjectural.

ploy'. It is, in point of fact, useless to inquire what the Americans might do to forward this inquiry, since it is certain that they have hitherto done nothing at all. There does not exist a single individual at the present day, in America or in Europe, who can inform us what each citizen of the

Those who have attempted to draw a comparison between the expenses of France and America, have at once perceived that no such comparison could be drawn between the total expenditure of the two countries; but they have endeavoured to contrast detached portions of this expenditure. It may readily be shown that this second system is not at all less defective than the first.

If I attempt to compare the French budget with the budget of the Union, it must be remembered that the latter embraces much fewer objects than the central Government of the former country, and that the expenditure must consequently be much smaller. If I contrast the budgets of the Departments to those of the States which constitute the Union, it must be observed, that as the power and control exercised by the States is much greater than that which is exercised by the Departments, their expenditure is also more considerable. As for the budgets of the counties, nothing of the kind occurs in the French system of finances; and it is, again, doubtful whether the corresponding expenses should be referred to the budget of the State or to those of the municipal divisions.

Municipal expenses exist in both countries, but they are not always analogous. In America the townships discharge a variety of offices which are reserved in France to the Departments or to the State. It may, moreover, be asked, what is to be understood by the municipal expenses of America. The organization of the municipal bodies or townships differs in the several States: Are we to be guided by what occurs in New England or in Georgia, in Pennsylvania or in the State of Illinois?

A kind of analogy may very readily be perceived between certain budgets in the two countries; but as the elements of which they are composed always differ more or less, no fair comparison can be instituted between them.

Union annually contributes to the public charges of the nation¹.

Hence we must conclude, that it is no less diffi-

¹ Even if we knew the exact pecuniary contribution of every French and American citizen to the coffers of the State, we should only come at a portion of the truth. Governments do not only demand supplies of money, but they call for personal services, which may be looked upon as equivalent to a given sum. When a State raises an army, besides the pay of the troops which is furnished by the entire nation, each soldier must give up his time, the value of which depends on the use he might make of it if he were not in the service. The same remark applies to the militia: the citizen who is in the militia devotes a certain portion of valuable time to the maintenance of the public peace, and he does in reality surrender to the State those earnings which he is prevented from gaining. Many other instances might be cited in addition to these. The Governments of France and of America both levy taxes of this kind, which weigh upon the citizens; but who can estimate with accuracy their relative amount in the two countries?

This, however, is not the last of the difficulties which prevent us from comparing the expenditure of the Union with that of France. The French Government contracts certain obligations which do not exist in America, and *vice versa*. The French Government pays the clergy; in America the voluntary principle prevails. In America there is a legal provision for the poor; in France they are abandoned to the charity of the public. The French public officers are paid by a fixed salary; in America they are allowed certain perquisites. In France contributions in kind take place on very few roads; in America upon almost all the thoroughfares: in the former country the roads are free to all travellers; in the latter turnpikes abound. All these differences in the manner in which contributions are levied in the two countries, enhance the difficulty of comparing their expenditure; for there are certain expenses which the citizens would not be subjected to, or which would at any rate be much less considerable, if the State did not take upon itself to act in the name of the public.

cult to compare the social expenditure; than it is to estimate the relative wealth of France and of America. I will even add, that it would be dangerous to attempt this comparison; for when statistics are not based upon computations which are strictly accurate, they mislead instead of guiding aright. The mind is easily imposed upon by the false affectation of exactitude, which prevails even in the mis-statements of the science, and it adopts with confidence the errors which are apparelled in the forms of mathematical truth.

We abandon, therefore, our numerical investigation, with the hope of meeting with data of another kind. In the absence of positive documents, we may form an opinion as to the proportion which the taxation of a people bears to its real prosperity, by observing whether its external appearance is flourishing; whether, after having discharged the calls of the State, the poor man retains the means of subsistence, and the rich the means of enjoyment; and whether both classes are contented with their position, seeking however to ameliorate it by perpetual exertions, so that industry is never in want of capital, nor capital unemployed by industry. The observer who draws his inferences from these signs will, undoubtedly, be led to the conclusion, that the American of the United States contributes a much smaller portion of his income to the State than the citizen of France. Nor, indeed, can the result be otherwise.

A portion of the French debt is the consequence of two successive invasions; and the Union has no similar calamity to fear. A nation placed upon the continent of Europe is obliged to maintain a large standing army; the isolated position of the Union enables it to have only 6000 soldiers. The French have a fleet of 300 sail; the Americans have 52 vessels'. How, then, can the inhabitant of the Union be called upon to contribute as largely as the inhabitant of France? No parallel can be drawn between the finances of two countries so differently situated.

It is by examining what actually takes place in the Union, and not by comparing the Union with France, that we may discover whether the American Government is really economical. On casting my eyes over the different republics which form the confederation, I perceive that their Governments lack perseverance in their undertakings, and that they exercise no steady control over the men whom they employ. Whence I naturally infer, that they must often spend the money of the people to no purpose, or consume more of it than is really necessary to their undertakings. Great efforts are made, in accordance with the democratic origin of society, to satisfy the exigencies of the lower orders, to open the career of power to their endeavours, and to diffuse knowledge and comfort amongst

¹ See the details in the Budget of the French Minister of Marine; and for America, the National Calendar of 1833, p. 228.

them. The poor are maintained, immense sums are annually devoted to public instruction, all services whatsoever are remunerated, and the most subordinate agents are liberally paid. If this kind of government appears to me to be useful and rational, I am nevertheless constrained to admit that it is expensive.

Wherever the poor direct public affairs and dispose of the national resources, it appears certain, that as they profit by the expenditure of the State, they are apt to augment that expenditure.

I conclude therefore, without having recourse to inaccurate computations, and without hazarding a comparison which might prove incorrect, that the democratic government of the Americans is not a cheap government, as is sometimes asserted; and I have no hesitation in predicting, that if the people of the United States is ever involved in serious difficulties, its taxation will speedily be increased to the rate of that which prevails in the greater part of the aristocracies and the monarchies of Europe.

CORRUPTION AND VICES OF THE RULERS IN A DEMOCRACY, AND CONSEQUENT EFFECTS UPON PUBLIC MORALITY.

In aristocracies rulers sometimes endeavour to corrupt the people.—In democracies rulers frequently show themselves to be corrupt.—In the former their vices are directly prejudicial to the morality of the people.—In the latter their indirect influence is still more pernicious.

A DISTINCTION must be made, when the aristocratic and the democratic principles mutually inveigh against each other, as tending to facilitate corruption. In aristocratic governments the individuals who are placed at the head of affairs are rich men, who are solely desirous of power. In democracies statesmen are poor, and they have their fortunes to make. The consequence is, that in aristocratic States the rulers are rarely accessible to corruption, and have very little craving for money; whilst the reverse is the case in democratic nations.

But in aristocracies, as those who are desirous of arriving at the head of affairs are possessed of considerable wealth, and as the number of persons by whose assistance they may rise is comparatively small, the government is, if I may use the expression, put up to a sort of auction. In democracies, on the contrary, those who are covetous of power are very seldom wealthy, and the number of citizens who confer that power is extremely great. Perhaps in democracies the number of men who might be

bought is by no means smaller, but buyers are rarely to be met with; and, besides, it would be necessary to buy so many persons at once, that the attempt is rendered nugatory.

Many of the men who have been in the administration in France during the last forty years, have been accused of making their fortunes at the expense of the State or of its allies; a reproach which was rarely addressed to the public characters of the ancient monarchy. But in France the practice of bribing electors is almost unknown, whilst it is notoriously and publicly carried on in England. In the United States I never heard a man accused of spending his wealth in corrupting the populace; but I have often heard the probity of public officers questioned; still more frequently have I heard their success attributed to low intrigues and immoral practices.

If, then, the men who conduct the government of an aristocracy sometimes endeavour to corrupt the people, the heads of a democracy are themselves corrupt. In the former case the morality of the people is directly assailed; in the latter, an indirect influence is exercised upon the people which is still more to be dreaded.

As the rulers of democratic nations are almost always exposed to the suspicion of dishonourable conduct, they in some measure lend the authority of the Government to the base practices of which they are accused. They thus afford an example which must prove discouraging to the struggles

of virtuous independence, and must foster the secret calculations of a vicious ambition. If it be asserted that evil passions are displayed in all ranks of society; that they ascend the throne by hereditary right; and that despicable characters are to be met with at the head of aristocratic nations as well as in the sphere of a democracy; this objection has but little weight in my estimation. The corruption of men who have casually risen to power has a coarse and vulgar infection in it, which renders it contagious to the multitude. On the contrary, there is a kind of aristocratic refinement, and an air of grandeur in the depravity of the great, which frequently prevents it from spreading abroad.

The people can never penetrate into the perplexing labyrinth of court intrigue, and it will always have difficulty in detecting the turpitude which lurks under elegant manners, refined tastes, and graceful language. But to pillage the public purse, and to vend the favours of the State, are arts which the meanest villain may comprehend, and hope to practise in his turn.

In reality it is far less prejudicial to witness the immorality of the great, than to witness that immorality which leads to greatness. In a democracy, private citizens see a man of their own rank in life, who rises from that obscure position, and who becomes possessed of riches and of power in a few years: the spectacle excites their surprise and their envy; and they are led to inquire how the person

who was yesterday their equal is today their ruler. To attribute his rise to his talents or his virtues is unpleasant; for it is tacitly to acknowledge that they are themselves less virtuous and less talented than he was. They are therefore led (and not unfrequently their conjecture is a correct one,) to impute his success mainly to some one of his defects; and an odious mixture is thus formed of the ideas of turpitude and power, unworthiness and success, utility and dishonour.

EFFORTS OF WHICH A DEMOCRACY IS CAPABLE.

The Union has only had one struggle hitherto for its existence.—Enthusiasm at the commencement of the war.—Indifference towards its close.—Difficulty of establishing military conscription or impressment of seamen in America.—Why a democratic people is less capable of sustained effort than another.

I HERE warn the reader that I speak of a government which implicitly follows the real desires of the people, and not of a government which simply commands in its name. Nothing is so irresistible as a tyrannical power commanding in the name of the people, because, whilst it exercises that moral influence which belongs to the decisions of the majority, it acts at the same time with the promptitude and the tenacity of a single man.

It is difficult to say what degree of exertion a democratic government may be capable of making, at a crisis in the history of the nation. But no

great democratic republic has hitherto existed in the world. To style the oligarchy which ruled over France in 1793, by that name, would be to offer an insult to the republican form of government. The United States afford the first example of the kind.

The American Union has now subsisted for half a century, in the course of which time its existence has only once been attacked, namely, during the War of Independence. At the commencement of that long war, various occurrences took place which betokened an extraordinary zeal for the service of the country¹. But as the contest was prolonged, symptoms of private egotism began to show themselves. No money was poured into the public treasury; few recruits could be raised to join the army; the people wished to acquire independence, but was very ill disposed to undergo the privations by which alone it could be obtained. "Tax laws," says Hamilton in the Federalist (No. 12), "have in vain been multiplied; new methods to enforce the collection have in vain been tried; the public expectation has been uniformly disappointed; and the treasuries of the States have remained empty. The popular system of administration inherent in the nature of popular government, coinciding with the

¹ One of the most singular of these occurrences was the resolution which the Americans took of temporarily abandoning the use of tea. Those who know that men usually cling more to their habits than to their life, will doubtless admire this great and obscure sacrifice which was made by a whole people.

real scarcity of money incident to a languid and mutilated state of trade, has hitherto defeated every experiment for extensive collections, and has at length taught the different legislatures the folly of attempting them."

The United States have not had any serious war to carry on ever since that period. In order, therefore, to appreciate the sacrifices which democratic nations may impose upon themselves, we must wait until the American people is obliged to put half its entire income at the disposal of the Government, as was done by the English; or until it sends forth a twentieth part of its population to the field of battle, as was done by France.

In America the use of conscription is unknown, and men are induced to enlist by bounties. The notions and habits of the people of the United States are so opposed to compulsory enlistment, that I do not imagine it can ever be sanctioned by the laws. What is termed the conscription in France is assuredly the heaviest tax upon the population of that country; yet how could a great continental war be carried on without it? The Americans have not adopted the British impressment of seamen, and they have nothing which corresponds to the French system of maritime conscription; the navy, as well as the merchant service, is supplied by voluntary service. But it is not easy to conceive how a people can sustain a great maritime war, without having recourse to one or the other of these

two systems. Indeed, the Union, which has fought with some honour upon the seas, has never possessed a very numerous fleet, and the equipment of the small number of American vessels has always been excessively expensive.

I have heard American statesmen confess that the Union will have great difficulty in maintaining its rank on the seas, without adopting the system of impressment or of maritime conscription; but the difficulty is to induce the people, which exercises the supreme authority, to submit to impressment or any compulsory system.

It is incontestible that in times of danger a free people displays far more energy than one which is not so. But I incline to believe that this is more especially the case in those free nations in which the democratic element preponderates. Democracy appears to me to be much better adapted for the peaceful conduct of society, or for an occasional effort of remarkable vigour, than for the hardy and prolonged endurance of the storms which beset the political existence of nations. The reason is very evident; it is enthusiasm which prompts men to expose themselves to dangers and privations; but they will not support them long without reflection. There is more calculation, even in the impulses of bravery, than is generally attributed to them; and although the first efforts are suggested by passion, perseverance is maintained by a distinct regard of the purpose in view. A portion of

what we value is exposed, in order to save the remainder.

But it is this distinct perception of the future, founded upon a sound judgement and an enlightened experience, which is most frequently wanting in democracies. The populace is more apt to feel than to reason; and if its present sufferings are great, it is to be feared that the still greater sufferings attendant upon defeat will be forgotten.

Another cause tends to render the efforts of a democratic government less persevering than those of an aristocracy. Not only are the lower classes less awakened than the higher orders to the good or evil chances of the future, but they are liable to suffer far more acutely from present privations. The noble exposes his life, indeed, but the chance of glory is equal to the chance of harm. If he sacrifices a large portion of his income to the State, he deprives himself for a time of the pleasures of affluence; but to the poor man death is embellished by no pomp or renown; and the imposts which are irksome to the rich are fatal to him.

This relative impotence of democratic republics is, perhaps, the greatest obstacle to the foundation of a republic of this kind in Europe. In order that such a state should subsist in one country of the Old World, it would be necessary that similar institutions should be introduced into all the other nations.

I am of opinion that a democratic government tends in the end to increase the real strength of

society ; but it can never combine, upon a single point and at a given time, so much power as an aristocracy or a monarchy. If a democratic country remained during a whole century subject to a republican government, it would probably, at the end of that period be more populous, and more prosperous than the neighbouring despotic States. But it would have incurred the risk of being conquered much oftener than they would, in that lapse of years.

SELF-CONTROL OF THE AMERICAN DEMOCRACY.

The American people acquiesces slowly, or frequently does not acquiesce, in what is beneficial to its interests.—The faults of the American democracy are for the most part reparable.

THE difficulty which a democracy has in conquering the passions, and in subduing the exigencies of the moment, with a view to the future, is conspicuous in the most trivial occurrences of the United States. The people which is surrounded by flatterers has great difficulty in surmounting its inclinations ; and whenever it is solicited to undergo a privation or any kind of inconvenience, even to attain an end which is sanctioned by its own rational conviction, it almost always refuses to comply at first. The deference of the Americans to the laws has been very justly applauded ; but it must be added that in America the legisla-

tion is made by the people and for the people: Consequently, in the United States, the law favours those classes which are most interested in evading it elsewhere. It may therefore be supposed, that an offensive law, which should not be acknowledged to be one of immediate utility, would either not be enacted or would not be obeyed. — .

In America there is no law against fraudulent bankruptcies; not because they are few, but because there are a great number of bankruptcies. The dread of being prosecuted as a bankrupt acts with more intensity upon the mind of the majority of the people, than the fear of being involved in losses or ruin by the failure of other parties; and a sort of guilty tolerance is extended by the public conscience, to an offence which every one condemns in his individual capacity. In the New States of the South-West, the citizens generally take justice into their own hands, and murders are of very frequent occurrence. This arises from the rude manners and the ignorance of the inhabitants of those deserts, who do not perceive the utility of investing the law with adequate force, and who prefer duels to prosecutions. •

Some one observed to me one day, in Philadelphia, that almost all crimes in America are caused by the abuse of intoxicating liquors, which the lower classes can procure in great abundance, from their excessive cheapness. "How comes it," said I, "that you do not put a duty upon brandy?"

“Our legislators,” rejoined my informant, “have frequently thought of this expedient; but the task of putting it in operation is a difficult one: a revolt might be apprehended; and the members who should vote for a law of this kind would be sure of losing their seats.” “Whence I am to infer,” replied I, “that the drinking population constitutes the majority in your country, and that temperance is somewhat unpopular.”

When these things are pointed out to the American statesmen, they content themselves with assuring you that time will operate the necessary change, and that the experience of evil will teach the people its true interests. This is frequently true: although a democracy is more liable to error than a monarch or a body of nobles, the chances of its regaining the right path, when, once it has acknowledged its mistake, are greater also; because it is rarely embarrassed by internal interests, which conflict with those of the majority, and resist the authority of reason. But a democracy can only obtain truth as the result of experience; and many nations may forfeit their existence, whilst they are awaiting the consequences of their errors.

The great privilege of the Americans does not simply consist in their being more enlightened than other nations, but in their being able to repair the faults they may commit. To which it must be added, that a democracy cannot derive substantial benefit from past experience, unless it be arrived

at a certain pitch of knowledge and civilization. There are tribes and peoples whose education has been so vicious, and whose character presents so strange a mixture of passion, of ignorance, and of erroneous notions upon all subjects, that they are unable to discern the causes of their own wretchedness, and they fall a sacrifice to ills with which they are unacquainted.

I have crossed vast tracts of country that were formerly inhabited by powerful Indian nations which are now extinct ; I have myself passed some time in the midst of mutilated tribes, which witness the daily decline of their numerical strength, and of the glory of their independence ; and I have heard these Indians themselves anticipate the impending doom of their race. Every European can perceive means which would rescue these unfortunate beings from inevitable destruction. They alone are insensible to the expedient ; they feel the woe which year after year heaps upon their heads, but they will perish to a man without accepting the remedy. It would be necessary to employ force to induce them to submit to the protection and the constraint of civilization.

The incessant revolutions which have convulsed the South American provinces for the last quarter of a century have frequently been adverted to with astonishment, and expectations have been expressed that those nations would speedily return to their *natural state*. But can it be affirmed that

the turmoil of revolution is **not** actually the most natural state of the South American Spaniards at the present time? In that country society is plunged into difficulties from which all its efforts are insufficient to rescue it. The inhabitants of that fair portion of the Western Hemisphere seem obstinately bent on pursuing the work of inward havoc. If they fall into a momentary repose from the effects of exhaustion, that repose prepares them for a fresh state of frenzy. When I consider their condition, which alternates between misery and crime, I should be inclined to believe that despotism itself would be a benefit to them, if it were possible that the words despotism and benefit could ever be united in my mind.

CONDUCT OF FOREIGN AFFAIRS BY THE AMERICAN DEMOCRACY.

Direction given to the foreign policy of the United States by Washington and Jefferson.—Almost all the defects inherent in democratic institutions are brought to light in the conduct of foreign affairs.—Their advantages are less perceptible.

WE have seen that the Federal Constitution entrusts the permanent direction of the external interests of the nation to the President and the Senate¹;

¹ "The President," says the Constitution, Art. II., sect. 2, §. 2, "shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the senators

which tends in some degree to detach the general foreign policy of the Union from the control of the people. It cannot therefore be asserted, with truth, that the external affairs of state are conducted by the democracy.

The policy of America owes its rise to Washington, and after him to Jefferson, who established those principles which it observes at the present day. Washington said in the admirable letter which he addressed to his fellow-citizens, and which may be looked upon as his political bequest to the country :

“ The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little *political* connexion as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

“ Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

present concur.” The reader is reminded that the senators are returned for a term of six years, and that they are chosen by the legislature of each State.

“ Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance ; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected ; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation ; when we may choose peace or war, as our interest, guided by justice, shall counsel.

“ Why forgo the advantages of so peculiar a situation ? Why quit our own to stand upon foreign ground ? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humour, or caprice ?

“ It is our true policy to steer clear of permanent alliances with any portion of the foreign world ; so far, I mean, as we are now at liberty to do it ; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense ; but in my opinion it is unnecessary, and would be unwise, to extend them.

“ Taking care always to keep ourselves, by suit-

able establishments, in a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies."

In a previous part of the same letter, Washington makes the following admirable and just remark : "The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest."

The political conduct of Washington was always guided by these maxims. He succeeded in maintaining his country in a state of peace, whilst all the other nations of the globe were at war ; and he laid it down as a fundamental doctrine, that the true interest of the Americans consisted in a perfect neutrality with regard to the internal dissensions of the European powers.

Jefferson went still further, and he introduced a maxim into the policy of the Union, which affirms, that "the Americans ought never to solicit any privileges from foreign nations, in order not to be obliged to grant similar privileges themselves."

These two principles, which were so plain and so just as to be adapted to the capacity of the populace, have greatly simplified the foreign policy of the United States. As the Union takes no part in the affairs of Europe, it has, properly speaking, no foreign interests to discuss, since it has at present no powerful neighbours on the American continent.

The country is as much removed from the passions of the Old World by its position, as by the line of policy which it has chosen; and it is neither called upon to repudiate nor to espouse the conflicting interests of Europe; whilst the dissensions of the New World are still concealed within the bosom of the future.

The Union is free from all pre-existing obligations; and it is consequently enabled to profit by the experience of the old nations of Europe, without being obliged, as they are, to make the best of the past, and to adapt it to their present circumstances; or to accept that immense inheritance which they derive from their forefathers,—an inheritance of glory mingled with calamities, and of alliances conflicting with national antipathies. The foreign policy of the United States is reduced by its very nature to await the chances of the future history of the nation; and for the present it consists more in abstaining from interference than in exerting its activity.

It is therefore very difficult to ascertain, at present, what degree of sagacity the American democracy will display in the conduct of the foreign policy of the country; and upon this point its adversaries, as well as its advocates, must suspend their judgement. As for myself, I have no hesitation in avowing my conviction, that it is most especially in the conduct of foreign relations, that democratic governments appear to me to be deci-

dedly inferior to governments carried on upon different principles. Experience, instruction, and habit may almost always succeed in creating a species of practical discretion in democracies, and that science of the daily occurrences of life which is called good sense. Good sense may suffice to direct the ordinary course of society; and amongst a people whose education has been provided for, the advantages of democratic liberty in the internal affairs of the country may more than compensate for the evils inherent in a democratic government. But such is not always the case in the mutual relations of foreign nations.

Foreign politics demand scarcely any of those qualities which a democracy possesses; and they require, on the contrary, the perfect use of almost all those faculties in which it is deficient. Democracy is favourable to the increase of the internal resources of a State; it tends to diffuse a moderate independence; it promotes the growth of public spirit, and fortifies the respect which is entertained for law in all classes of society: and these are advantages which only exercise an indirect influence over the relations which one people bears to another. But a democracy is unable to regulate the details of an important undertaking, to persevere in a design, and to work out its execution in the presence of serious obstacles. It cannot combine its measures with secrecy, and it will not await their consequences with patience. These are qualities

which more especially belong to an individual or to an aristocracy ; and they are precisely the means by which an individual people attain to a predominant position.

If, on the contrary, we observe the natural defects of aristocracy, we shall find that their influence is comparatively innoxious in the direction of the external affairs of a State. The capital fault of which aristocratic bodies may be accused, is that they are more apt to contrive their own advantage than that of the mass of the people. In foreign politics it is rare for the interest of the aristocracy to be in any way distinct from that of the people.

The propensity which democracies have to obey the impulse of passion rather than the suggestions of prudence, and to abandon a mature design for the gratification of a momentary caprice, was very clearly seen in America on the breaking out of the French Revolution. It was then as evident to the simplest capacity as it is at the present time, that the interest of the Americans forbade them to take any part in the contest which was about to deluge Europe with blood, but which could by no means injure the welfare of their own country. Nevertheless, the sympathies of the people declared themselves with so much violence in behalf of France, that nothing but the inflexible character of Washington, and the immense popularity which he enjoyed, could have prevented the Americans from declaring war against England. And even

then, the exertions, which the austere reason of that great man made to repress the generous but imprudent passions of his fellow-citizens, very nearly deprived him of the sole recompense which he had ever claimed,—that of his country's love. The majority then reprobated the line of policy which he adopted, and which has since been unanimously approved by the nation¹.

If the Constitution and the favour of the public had not entrusted the direction of the foreign affairs of the country to Washington, it is certain that the American nation would at that time have taken the very measures which it now condemns.

Almost all the nations which have ever exercised a powerful influence upon the destinies of the world,

¹ See the fifth volume of Marshall's *Life of Washington*. "In a government constituted like that of the United States," he says, "it is impossible for the chief magistrate, however firm he may be, to oppose for any length of time the torrent of popular opinion; and the prevalent opinion of that day seemed to incline to war. In fact, in the session of Congress held at the time, it was frequently seen that Washington had lost the majority in the House of Representatives." The violence of the language used against him in public was extreme, and in a political meeting they did not scruple to compare him indirectly to the treacherous Arnold. "By the opposition," says Marshall, "the friends of the administration were declared to be an aristocratic and corrupt faction, who, from a desire to introduce monarchy, were hostile to France, and under the influence of Britain; that they were a paper nobility, whose extreme sensibility at every measure which threatened the funds, induced a tame submission to injuries and insults, which the interests and honour of the nation required them to resist."

by conceiving, following up, and executing vast designs—from the Romans to the English—have been governed by aristocratic institutions.* Nor will this be a subject of wonder when we recollect that nothing in the world has so absolute a fixity of purpose as an aristocracy. The mass of the people may be led astray by ignorance or passion; the mind of a king may be biassed, and his perseverance in his designs may be shaken,—besides which a king is not immortal—; but an aristocratic body is too numerous to be led astray by the blandishments of intrigue; and yet not numerous enough to yield readily to the intoxicating influence of unreflecting passion: it has the energy of a firm and enlightened individual, added to the power which it derives from its perpetuity.

CHAPTER VI.

WHAT THE REAL ADVANTAGES ARE WHICH AMERICAN SOCIETY DERIVES FROM THE GOVERNMENT OF THE DEMOCRACY.

BEFORE I enter upon the subject of the present chapter, I am induced to remind the reader of what I have more than once adverted to in the course of this book. The political institutions of the United States appear to me to be one of the forms of government which a democracy may adopt; but I do not regard the American Constitution as the best, or as the only one which a democratic people may establish. In showing the advantages which the Americans derive from the government of democracy, I am therefore very far from meaning, or from believing, that similar advantages can only be obtained from the same laws.

GENERAL TENDENCY OF THE LAWS UNDER THE RULE OF THE AMERICAN DEMOCRACY, AND HABITS OF THOSE WHO APPLY THEM.

Defects of a democratic government easy to be discovered.—
 Its advantages only to be discerned by long observation.—
 Democracy in America often inexpert, but the general tendency

of the laws advantageous.—In the American democracy public officers have no permanent interests distinct from those of the majority.—Result of this state of things.

THE defects and the weaknesses of a democratic government may very readily be discovered; they are demonstrated by the most flagrant instances, whilst its beneficial influence is less perceptibly exercised. A single glance suffices to detect its evil consequences, but its good qualities can only be discerned by long observation. The laws of the American democracy are frequently defective or incomplete; they sometimes attack vested rights, or give a sanction to others which are dangerous to the community; but even if they were good, the frequent changes which they undergo would be an evil. How comes it, then, that the American republics prosper, and maintain their position?

In the consideration of laws, a distinction must be carefully observed between the end at which they aim, and the means by which they are directed to that end; between their absolute, and their relative excellence. If it be the intention of the legislator to favour the interests of the minority at the expense of the majority, and if the measures he takes are so combined as to accomplish the object he has in view with the least possible expense of time and exertion, the law may be well drawn up, although its purpose be bad; and the more efficacious it is, the greater is the mischief which it causes.

Democratic laws generally tend to promote the

welfare of the greatest possible number; for they emanate from the majority of the citizens, who are subject to error, but who cannot have an interest opposed to their own advantage. The laws of an aristocracy tend, on the contrary, to concentrate wealth and power in the hands of the minority; because an aristocracy, by its very nature, constitutes a minority. It may therefore be asserted, as a general proposition, that the purpose of a democracy in the conduct of its legislation, is useful to a greater number of citizens, than that of an aristocracy. This is, however, the sum total of its advantages.

Aristocracies are infinitely more expert in the science of legislation than democracies ever can be. They are possessed of a self-control which protects them from the errors of temporary excitement; and they form lasting designs which they mature with the assistance of favourable opportunities. Aristocratic government proceeds with the dexterity of art; it understands how to make the collective force of all its laws converge at the same time to a given point. Such is not the case with democracies, whose laws are almost always ineffective or inopportune. The means of democracy are therefore more imperfect than those of aristocracy, and the measures which it unwittingly adopts are frequently opposed to its own cause; but the object it has in view is more useful.

• Let us now imagine a community so organized by nature, or by its constitution, that it can support

the transitory action of bad laws, and that it can await, without destruction, the general tendency of the legislation: we shall then be able to conceive that a democratic government, notwithstanding its defects, will be most fitted to conduce to the prosperity of this community. This is precisely what has occurred in the United States; and I repeat, what I have before remarked, that the great advantage of the Americans consists in their being able to commit faults which they may afterwards repair.

An analogous observation may be made respecting public officers. It is easy to perceive that the American democracy frequently errs in the choice of the individuals to whom it entrusts the power of the administration; but it is more difficult to say why the State prospers under their rule. In the first place it is to be remarked, that if in a democratic State the governors have less honesty and less capacity than elsewhere, the governed on the other hand are more enlightened and more attentive to their interests. As the people in democracies is more incessantly vigilant in its affairs, and more jealous of its rights, it prevents its representatives from abandoning that general line of conduct which its own interest prescribes. In the second place it must be remembered that if the democratic magistrate is more apt to misuse his power, he possesses it for a shorter period of time. But there is yet another reason which is still more general and conclusive. It is no doubt of importance to the wel-

fare of nations that they should be governed by men of talents and virtue ; but it is perhaps still more important, that the interests of those men should not differ from the interests of the community at large ; for if such were the case, virtues of a high order might become useless, and talents might be turned to a bad account. I say that it is important that the interests of the persons in authority should not conflict with or oppose the interests of the community at large ; but I do not insist upon their having the same interests as the *whole* population, because I am not aware that such a state of things ever existed in any country.

No political form has hitherto been discovered, which is equally favourable to the prosperity and the development of all the classes into which society is divided. These classes continue to form, as it were, a certain number of distinct nations in the same nation ; and experience has shown that it is no less dangerous to place the fate of these classes exclusively in the hands of any one of them, than it is to make one people the arbiter of the destiny of another. When the rich alone govern, the interest of the poor is always endangered ; and when the poor make the laws, that of the rich incurs very serious risks. The advantage of democracy does not consist, therefore, as has sometimes been asserted, in favouring the prosperity of all, but simply in contributing to the well-being of the greatest possible number.

The men who are entrusted with the direction of public affairs in the United States, are frequently inferior, both in point of capacity and of morality, to those whom aristocratic institutions would raise to power. But their interest is identified and confounded with that of the majority of their fellow-citizens. They may frequently be faithless, and frequently mistaken; but they will never systematically adopt a line of conduct opposed to the will of the majority; and it is impossible that they should give a dangerous or an exclusive tendency to the government.

The mal-administration of a democratic magistrate is a mere isolated fact, which only occurs during the short period for which he is elected. Corruption and incapacity do not act as common interests, which may connect men permanently with one another. A corrupt or an incapable magistrate will not concert his measures with another magistrate, simply because that individual is as corrupt and as incapable as himself; and these two men will never unite their endeavours to promote the corruption and inaptitude of their remote posterity. The ambition and the manœuvres of the one will serve, on the contrary, to unmask the other. The vices of a magistrate, in democratic states, are usually peculiar to his own person.

But under aristocratic governments public men are swayed by the interest of their order, which, if it is sometimes confounded with the interests of the

majority, is very frequently distinct from them. This interest is the common and lasting bond which unites them together; it induces them to coalesce, and to combine their efforts in order to attain an end which does not always ensure the greatest happiness of the greatest number: and it serves not only to connect the persons in authority, but to unite them to a considerable portion of the community, since a numerous body of citizens belongs to the aristocracy, without being invested with official functions. The aristocratic magistrate is therefore constantly supported by a portion of the community, as well as by the Government of which he is a member.

The common purpose which connects the interest of the magistrates in aristocracies, with that of a portion of their contemporaries, identifies it with that of future generations; their influence belongs to the future as much as to the present. The aristocratic magistrate is urged at the same time, towards the same point, by the passions of the community, by his own, and I may almost add by those of his posterity. Is it, then, wonderful that he does not resist such repeated impulses? And indeed aristocracies are often carried away by the spirit of their order without being corrupted by it; and they unconsciously fashion society to their own ends, and prepare it for their own descendants.

The English aristocracy is perhaps the most liberal which ever existed, and no body of men has ever,

uninterruptedly, furnished so many honourable and **enlightened** individuals to the government of a country. It cannot, however, escape observation, that in the legislation of England the good of the poor has been sacrificed to the advantage of the rich, and the rights of the majority to the privileges of the few. The consequence is, that England, at the present day, combines the extremes of fortune in the bosom of her society; and her perils and calamities are almost equal to her power and her renown.

In the United States, where the public officers have no interests to promote connected with their caste, the general and constant influence of the Government is beneficial, although the individuals who conduct it are frequently unskilful and sometimes contemptible. There is indeed a secret tendency in democratic institutions to render the exertions of the citizens subservient to the prosperity of the community, notwithstanding their private vices and mistakes; whilst in aristocratic institutions there is a secret propensity, which, notwithstanding the talents and the virtues of those who conduct the government, leads them to contribute to the evils which oppress their fellow-creatures. In aristocratic governments public men may frequently do injuries which they do not intend; and in democratic states they produce advantages which they never thought of.

PUBLIC SPIRIT IN THE UNITED STATES.

Patriotism of instinct.—Patriotism of reflection.—Their different characteristics. Nations ought to strive to acquire the second when the first has disappeared.—Efforts of the Americans to acquire it.—Interest of the individual intimately connected with that of the country.

THERE is one sort of patriotic attachment which principally arises from that instinctive, disinterested and undefinable feeling which connects the affections of man with his birthplace. This natural fondness is united to a taste for ancient customs, and to a reverence for ancestral traditions of the past; those who cherish it love their country as they love the mansion of their fathers. They enjoy the tranquillity which it affords them; they cling to the peaceful habits which they have contracted within its bosom; they are attached to the reminiscences which it awakens, and they are even pleased by the state of obedience in which they are placed. This patriotism is sometimes stimulated by religious enthusiasm, and then it is capable of making the most prodigious efforts. It is in itself a kind of religion: it does not reason, but it acts from the impulse of faith and of sentiment. By some nations the monarch has been regarded as a personification of the country; and the fervour of patriotism being converted into the fervour of loyalty, they took a sympathetic pride in his conquests, and gloried in his power. At one

time, under the ancient monarchy, the French felt a sort of satisfaction in the sense of their dependence upon the arbitrary pleasure of their king, and they were wont to say with pride, "We are the subjects of the most powerful king in the world."

But, like all instinctive passions, this kind of patriotism is more apt to prompt transient exertion, than to supply the motives of continuous endeavour. It may save the State in critical circumstances, but it will not unfrequently allow the nation to decline in the midst of peace. Whilst the manners of a people are simple, and its faith unshaken; whilst society is steadily based upon traditional institutions, whose legitimacy has never been contested, this instinctive patriotism is wont to endure.

But there is another species of attachment to a country which is more rational than the one we have been describing. It is perhaps less generous and less ardent, but it is more fruitful and more lasting; it is coeval with the spread of knowledge, it is nurtured by the laws, it grows by the exercise of civil rights, and, in the end, it is confounded with the personal interest of the citizen. A man comprehends the influence which the prosperity of his country has upon his own welfare; he is aware that the laws authorize him to contribute his assistance to that prosperity, and he labours to promote it as a portion of his interest in the first place, and as a portion of his right in the second.

But epochs sometimes occur, in the course of the

existence of a nation, at which the ancient customs of a people are changed, public morality destroyed, religious belief disturbed, and the spell of tradition broken, whilst the diffusion of knowledge is yet imperfect, and the civil rights of the community are ill secured, or confined within very narrow limits. The country then assumes a dim and dubious shape in the eyes of the citizens; they no longer behold it in the soil which they inhabit, for that soil is to them a dull inanimate clod; nor in the usages of their forefathers, which they have been taught to look upon as a debasing yoke; nor in religion, for of that they doubt; nor in the laws, which do not originate in their own authority; nor in the legislator, whom they fear and despise. The country is lost to their senses, they can neither discover it under its own, nor under borrowed features, and they intrench themselves within the dull precincts of a narrow egotism. They are emancipated from prejudice, without having acknowledged the empire of reason; they are neither animated by the instinctive patriotism of monarchical subjects, nor by the thinking patriotism of republican citizens; but they have stopped half-way between the two, in the midst of confusion and of distress.

• In this predicament, to retreat is impossible; for a people cannot restore the vivacity of its earlier times, any more than a man can return to the innocence and the bloom of childhood: such things may be regretted, but they cannot be renewed. The

only thing, then, which remains to be done is to proceed, and to accelerate the union of private with public interests, since the period of disinterested patriotism is gone by for ever.

I am certainly very far from averring, that, in order to obtain this result, the exercise of political rights should be immediately granted to all the members of the community. But I maintain that the most powerful, and perhaps the only means of interesting men in the welfare of their country, which we still possess, is to make them partakers in the Government. At the present time civic zeal seems to me to be inseparable from the exercise of political rights; and I hold that the number of citizens will be found to augment or to decrease in Europe in proportion as those rights are extended.

In the United States, the inhabitants were thrown but as yesterday upon the soil which they now occupy, and they brought neither customs nor traditions with them there; they meet each other for the first time with no previous acquaintance; in short, the instinctive love of their country can scarcely exist in their minds; but every one takes as zealous an interest in the affairs of his township, his county, and of the whole State, as if they were his own, because every one, in his sphere, takes an active part in the government of society.

The lower orders in the United States are alive to the perception of the influence exercised by the general prosperity upon their own welfare; and

simple as this observation is, it is one which is but too rarely made by the people. But in America the people regards this prosperity as the result of its own exertions; the citizen looks upon the fortune of the public as his private interest, and he cooperates in its success, not so much from a sense of pride or of duty, as from what I shall venture to term, cupidity.

It is unnecessary to study the institutions and the history of the Americans in order to discover the truth of this remark, for their manners render it sufficiently evident. As the American participates in all that is done in his country, he thinks himself obliged to defend whatever may be censured; for it is not only his country which is attacked upon these occasions, but it is himself. The consequence is, that his national pride resorts to a thousand artifices, and to all the petty tricks of individual vanity.

Nothing is more embarrassing in the ordinary intercourse of life, than this irritable patriotism of the Americans. A stranger may be very well inclined to praise many of the institutions of their country, but he begs permission to blame some of the peculiarities which he observes,—a permission which is however inexorably refused. America is therefore a free country, in which, lest anybody should be hurt by your remarks, you are not allowed to speak freely of private individuals or of the State; of the citizens or of the authorities; of

public or of private undertakings, or, in short, of anything at all, except it be of the climate and the soil; and even then Americans will be found ready to defend either the one or the other as if they had been contrived by the inhabitants of the country.

In our times, option must be made between the patriotism of all and the government of a few; for the force and activity which the first confers, are irreconcilable with the guarantees of tranquillity which the second furnishes.

NOTION OF RIGHTS IN THE UNITED STATES.

No great people without a notion of rights.—How the notion of rights can be given to a people.—Respect of rights in the United States.—Whence it arises.

AFTER the idea of virtue, I am acquainted with no higher principle than that of right; or to speak more accurately, these two ideas are commingled in one. The idea of right is simply that of virtue introduced into the political world. It is the idea of right which enabled men to define anarchy and tyranny; and which taught them to remain independent without arrogance, as well as to obey without servility. The man who submits to violence is debased by his compliance; but when he obeys the mandate of one who possesses that right or authority which he acknowledges in a fellow-creature, he rises in some measure above the person who delivers the command. There are no great men with-

out virtue, and there are no great nations,—it may almost be added that there would be no society,—without the notion of rights; for what is the condition of a mass of rational and intelligent beings who are only united together by the bond of force?

I am persuaded that the only means which we possess at the present time of inculcating the notion of rights, and of rendering it, as it were, palpable to the senses, is to invest all the members of the community with the peaceful exercise of certain rights: this is very clearly seen in children, who are men without the strength and the experience of manhood. When a child begins to move in the midst of the objects which surround him, he is instinctively led to turn everything which he can lay his hands upon to his own purposes; he has no notion of the property of others; but as he gradually learns the value of things, and begins to perceive that he may in his turn be deprived of his possessions, he becomes more circumspect, and he observes those rights in others which he wishes to have respected in himself. The principle which the child derives from the possession of his toys, is taught to the man by the objects which he may call his own. In America those complaints against property in general, which are so frequent in Europe, are never heard, because in America there are no paupers; and as every one has property of his own to defend, every one recognises the principle upon which he holds it.

The same thing occurs in the political world. In America the lowest classes have conceived a very high notion of political rights, because they exercise those rights; and they refrain from attacking those of other people, in order to ensure their own from attack. Whilst in Europe the same classes sometimes recalcitrate even against the supreme power, the American submits without a murmur to the authority of the petty magistrate.

This truth is exemplified by the most trivial details of national peculiarities. In France very few pleasures are exclusively reserved for the higher classes; the poor are admitted wherever the rich are received; and they consequently behave with propriety, and respect whatever contributes to the enjoyments in which they themselves participate. In England, where wealth has a monopoly of amusement as well as of power, complaints are made that whenever the poor happen to steal into the inclosures which are reserved for the pleasures of the rich, they commit acts of wanton mischief: can this be wondered at, since care has been taken that they should have nothing to lose?

The government of the democracy brings the notion of political rights to the level of the humblest citizens, just as the dissemination of wealth brings the notion of property within the reach of all the members of the community; and I confess that, to my mind, this is one of its greatest advantages. I do not assert that it is easy to teach men

to exercise political rights; but I maintain that when it is possible, the effects which result from it are highly important: and I add that if there ever was a time at which such an attempt ought to be made, that time is our own. It is clear that the influence of religious belief is shakén, and that the notion of divine rights is declining; it is evident that public morality is vitiated, and the notion of moral rights is also disappearing: these are general symptoms of the substitution of argument for faith, and of calculation for the impulses of sentiment. If, in the midst of this general disruption, you do not succeed in connecting the notion of rights with that of personal interest, which is the only immutable point in the human heart, what means will you have of governing the world except by fear? When I am told that since the laws are weak and the populace is wild, since passions are excited and the authority of virtue is paralysed, no measures must be taken to increase the rights of the democracy; I reply, that it is for these very reasons that some measures of the kind must be taken; and I am persuaded that governments are still more interested in taking them than society at large, because governments are liable to be destroyed, and society cannot perish.

I am not, however, inclined to exaggerate the example which America furnishes. In those States the people was invested with political rights at a time when they could scarcely be abused, for the

citizens were few in number and simple in their manners. As they have increased, the Americans have not augmented the power of the democracy, but they have, if I may use the expression, extended its dominions.

It cannot be doubted that the moment at which political rights are granted to a people that had before been without them, is a very critical, though it be a necessary one. A child may kill before he is aware of the value of life; and he may deprive another person of his property before he is aware that his own may be taken away from him. The lower orders, when first they are invested with political rights, stand in relation to those rights, in the same position as the child does to the whole of nature, and the celebrated adage may then be applied to them, *Homo, puer robustus*. This truth may even be perceived in America. The states in which the citizens have enjoyed their rights longest are those in which they make the best use of them.

It cannot be repeated too often that nothing is more fertile in prodigies than the art of being free; but there is nothing more arduous than the apprenticeship of liberty. Such is not the case with despotic institutions; despotism often promises to make amends for a thousand previous ills; it supports the right, it protects the oppressed, and it maintains public order. The nation is lulled by the temporary prosperity which accrues to it, until it is roused to a sense of its own misery. Liberty, on

the contrary, is generally established in the midst of agitation, it is perfected by civil discord, and its benefits cannot be appreciated until it is already old.

RESPECT FOR THE LAW IN THE UNITED STATES.

Respect of the Americans for the law.—Parental affection which they entertain for it.—Personal interest of every one to increase the authority of the law.

It is not always feasible to consult the whole people, either directly or indirectly, in the formation of the law ; but it cannot be denied that when such a measure is possible, the authority of the law is very much augmented. This popular origin, which impairs the excellence and the wisdom of legislation, contributes prodigiously to increase its power. There is an amazing strength in the expression of the determination of a whole people ; and when it declares itself, the imagination of those who are most inclined to contest it, is overawed by its authority. The truth of this fact is very well known by parties ; and they consequently strive to make out a majority whenever they can. If they have not the greater numbers of voters on their side, they assert that the true majority abstained from voting ; and if they are foiled even there, they have recourse to the body of those persons who had no votes to give.

In the United States, except slaves, servants, and

paupers in the receipt of relief from the townships, there is no class of persons who do not exercise the elective franchise, and who do not indirectly contribute to make the laws. Those who design to attack the laws must consequently either modify the opinion of the nation or trample upon its decision.

A second reason, which is still more weighty, may be further adduced; in the United States every one is personally interested in enforcing the obedience of the whole community to the law; for as the minority may shortly rally the majority to its principles, it is interested in professing that respect for the decrees of the legislator, which it may soon have occasion to claim for its own. However irksome an enactment may be, the citizen of the United States complies with it, not only because it is the work of the majority, but because it originates in his own authority; and he regards it as a contract to which he is himself a party.

In the United States, then, that numerous and turbulent multitude does not exist, which always looks upon the law as its natural enemy, and accordingly surveys it with fear and with distrust. It is impossible, on the other hand, not to perceive that all classes display the utmost reliance upon the legislation of their country, and that they are attached to it by a kind of parental affection.

I am wrong, however, in saying all classes; for as in America the European scale of authority is

inverted, the wealthy are there placed in a position analogous to that of the poor in the Old World, and it is the opulent classes which frequently look upon the law with suspicion. I have already observed that the advantage of democracy is not, as has been sometimes asserted, that it protects the interests of the whole community, but simply that it protects those of the majority. In the United States, where the poor rule, the rich have always some reason to dread the abuses of their power. This natural anxiety of the rich may produce a sullen dissatisfaction, but society is not disturbed by it; for, the same reason which induces the rich to withhold their confidence in the legislative authority, makes them obey its mandates: Their wealth, which prevents them from making the law, prevents them from withstanding it. Amongst civilized nations revolts are rarely excited except by such persons as have nothing to lose by them; and if the laws of a democracy are not always worthy of respect, at least they always obtain it: for those who usually infringe the laws have no excuse for not complying with the enactments they have themselves made, and by which they are themselves benefited, whilst the citizens whose interests might be promoted by the infraction of them, are induced, by their character and their station, to submit to the decisions of the legislature, whatever they may be. Besides which, the people in America obeys the law not only because it emanates from the po-

pular authority, but because that authority may modify it in any points which may prove vexatory ; a law is observed because it is a self-imposed evil in the first place, and an evil of transient duration in the second.

ACTIVITY WHICH PERVADES ALL THE BRANCHES OF THE BODY POLITIC IN THE UNITED STATES ; INFLUENCE WHICH IT EXERCISES UPON SOCIETY.

More difficult to conceive the political activity which pervades the United States, than the freedom and equality which reign there.—The great activity which perpetually agitates the legislative bodies is only an episode to the general activity.—Difficult for an American to confine himself to his own business.—Political agitation extends to all social intercourse.—Commercial activity of the Americans partly attributable to this cause.—Indirect advantages which society derives from a democratic government.

ON passing from a country in which free institutions are established to one where they do not exist, the traveller is struck by the change ; in the former all is bustle and activity, in the latter everything is calm and motionless. In the one, amelioration and progress are the general topics of inquiry ; in the other, it seems as if the community only aspired to repose in the enjoyment of the advantages which it has acquired, Nevertheless, the country which exerts itself so strenuously to promote its welfare is generally more wealthy and more prosperous than that which appears to be so con-

tented with its lot ; and when we compare them together, we can scarcely conceive how so many new wants are daily felt in the former, whilst so few seem to occur in the latter.

If this remark is applicable to those free countries in which monarchical and aristocratic institutions subsist, it is still more striking with regard to democratic republics. In these States it is not only a portion of the people which is busied with the amelioration of its social condition, but the whole community is engaged in the task ; and it is not the exigencies and the convenience of a single class for which a provision is to be made, but the exigencies and the convenience of all ranks of life.

It is not impossible to conceive the surpassing liberty which the Americans enjoy ; some idea may likewise be formed of the extreme equality which subsists amongst them, but the political activity which pervades the United States must be seen in order to be understood. No sooner do you set foot upon the American soil than you are stunned by a kind of tumult ; a confused clamour is heard on every side ; and a thousand simultaneous voices demand the immediate satisfaction of their social wants. Everything is in motion around you ; here, the people of one quarter of a town are met to decide upon the building of a church ; there, the election of a representative is going on ; a little further, the delegates of a district are posting to the town in order to consult upon some local improvements ;

or in another place the labourers of a village quit their ploughs to deliberate upon the project of a road or a public school. Meetings are called for the sole purpose of declaring their disapprobation of the line of conduct pursued by the Government ; whilst in other assemblies the citizens salute the authorities of the day as the fathers of their country. Societies are formed which regard drunkenness as the principal cause of the evils under which the State labours, and which solemnly bind themselves to give a constant example of temperance¹.

The great political agitation of the American legislative bodies, which is the only kind of excitement that attracts the attention of foreign countries, is a mere episode or a sort of continuation of that universal movement which originates in the lowest classes of the people and extends successively to all the ranks of society. It is impossible to spend more efforts in the pursuit of enjoyment.

The cares of political life engross a most prominent place in the occupation of a citizen in the United States ; and almost the only pleasure of which an American has any idea, is to take a part in the Government, and to discuss the part he has

¹ At the time of my stay in the United States the Temperance Societies already consisted of more than 270,000 members ; and their effect had been to diminish the consumption of fermented liquors by 500,000 gallons per annum in the State of Pennsylvania alone.

taken. This feeling pervades the most trifling habits of life; even the women frequently attend public meetings, and listen to political harangues as a recreation after their household labours. Debating clubs are to a certain extent a substitute for theatrical entertainments: an American cannot converse, but he can discuss; and when he attempts to talk he falls into a dissertation. He speaks to you as if he was addressing a meeting; and if he should chance to warm in the course of the discussion, he will infallibly say 'Gentlemen,' to the person with whom he is conversing.

In some countries the inhabitants display a certain repugnance to avail themselves of the political privileges with which the law invests them; it would seem that they set too high a value upon their time to spend it on the interests of the community; and they prefer to withdraw within the exact limits of a wholesome egotism, marked out by four sunk-fences and a quickset hedge. But if an American were condemned to confine his activity to his own affairs, he would be robbed of one half of his existence; he would feel an immense void in the life which he is accustomed to lead, and his wretchedness would be unbearable'. I am persuaded that if ever a despotic government is established in Ame-

¹ The same remark was made at Rome under the first Cæsars. Montesquieu somewhere alludes to the excessive despondency of certain Roman citizens who, after the excitement of political life, were all at once flung back into the stagnation of private life.

rica, it will find it more difficult to surmount the habits which free institutions have engendered, than to conquer the attachment of the citizens to freedom.

This ceaseless agitation which democratic government has introduced into the political world, influences all social intercourse. I am not sure that upon the whole this is not the greatest advantage of democracy ; and I am much less inclined to applaud it for what it does, than for what it causes to be done.

It is incontestable that the people frequently conducts public business very ill ; but it is impossible that the lower orders should take a part in public business without extending the circle of their ideas, and without quitting the ordinary routine of their mental acquirements. The humblest individual who is called upon to cooperate in the government of society, acquires a certain degree of self-respect ; and as he possesses authority, he can command the services of minds much more enlightened than his own. He is canvassed by a multitude of applicants, who seek to deceive him in a thousand different ways, but who instruct him by their deceit. He takes a part in political undertakings which did not originate in his own conception, but which give him a taste for undertakings of the kind. New ameliorations are daily pointed out in the property which he holds in common with others, and this gives him the desire of improving that property

which is more peculiarly his own. He is perhaps neither happier nor better than those who came before him, but he is better informed and more active. I have no doubt that the democratic institutions of the United States, joined to the physical constitution of the country, are the cause (not the direct, as is so often asserted, but the indirect cause,) of the prodigious commercial activity of the inhabitants. It is not engendered by the laws, but the people learns how to promote it by the experience derived from legislation.

When the opponents of democracy assert that a single individual performs the duties which he undertakes, much better than the government of the community, it appears to me that they are perfectly right. The government of an individual, supposing an equality of instruction on either side, is more consistent, more persevering, and more accurate than that of a multitude, and it is much better qualified judiciously to discriminate the characters of the men it employs. If any deny what I advance, they have certainly never seen a democratic government, or have formed their opinion upon very partial evidence. It is true that even when local circumstances and the disposition of the people allow democratic institutions to subsist, they never display a regular and methodical system of government. Democratic liberty is far from accomplishing all the projects it undertakes, with the skill of an adroit despotism. It frequently

abandons them before they have borne their fruits, or risks them when the consequences may prove dangerous; but in the end it produces more than any absolute government, and if it do fewer things well, it does a greater number of things. Under its sway, the transactions of the public administration are not nearly so important as what is done by private exertion. Democracy does not confer the most skilful kind of government upon the people, but it produces that which the most skilful governments are frequently unable to awaken, namely, an all-pervading and restless activity, a superabundant force, and an energy which is inseparable from it, and which may, under favourable circumstances, beget the most amazing benefits. These are the true advantages of democracy.

In the present age, when the destinies of Christendom seem to be in suspense, some hasten to assail democracy as its foe whilst it is yet in its early growth; and others are ready with their vows of adoration for this new deity which is springing forth from chaos: but both parties are very imperfectly acquainted with the object of their hatred or of their desires; they strike in the dark, and distribute their blows by mere chance.

We must first understand what the purport of society and the aim of government is held to be. If it be your intention to confer a certain elevation upon the human mind, and to teach it to regard the things of this world with generous feelings;

to inspire men with a scorn of mere temporal advantage ; to give birth to living convictions, and to keep alive the spirit of honourable devotedness ; if you hold it to be a good thing to refine the habits, to embellish the manners, to cultivate the arts of a nation, and to promote the love of poetry, of beauty, and of renown ; if you would constitute a people not unfitted to act with power upon all other nations ; nor unprepared for those high enterprizes which, whatever be the result of its efforts, will leave a name for ever famous in time,—if you believe such to be the principal object of society, you must avoid the government of democracy, which would be a very uncertain guide to the end you have in view.

But if you hold it to be expedient to divert the moral and intellectual activity of man to the production of comfort, and to the acquirement of the necessaries of life ; if a clear understanding be more profitable to men than genius ; if your object be not to stimulate the virtues of heroism, but to create habits of peace ; if you had rather witness vices than crimes, and are content to meet with fewer noble deeds, provided offences be diminished in the same proportion ; if, instead of living in the midst of a brilliant state of society, you are contented to have prosperity around you ; if, in short, you are of opinion that the principal object of a Government is not to confer the greatest possible share of power and of glory upon the body of the nation, but to

ensure the greatest degree of enjoyment, and the least degree of misery to each of the individuals who compose it,—if such be your desires, you can have no surer means of satisfying them, than by equalizing the conditions of men, and establishing democratic institutions.

But if the time be past at which such a choice was possible, and if some superhuman power impel us towards one or the other of these two governments without consulting our wishes, let us at least endeavour to make the best of that which is allotted to us; and let us so inquire into its good and its evil propensities as to be able to foster the former and repress the latter to the utmost.

CHAPTER VII.

UNLIMITED POWER OF THE MAJORITY IN THE UNITED STATES, AND ITS CONSEQUENCES.

Natural strength of the majority in democracies.—Most of the American Constitutions have increased this strength by artificial means.—How this has been done.—Pledged delegates.—Moral power of the majority.—Opinion as to its infallibility.—Respect for its rights, how augmented in the United States.

THE very essence of democratic government consists in the absolute sovereignty of the majority; for there is nothing in democratic states which is capable of resisting it. Most of the American Constitutions have sought to increase this natural strength of the majority by artificial means¹.

The legislature is, of all political institutions, the one which is most easily swayed by the wishes of the majority. The Americans determined that the members of the legislature should be elected by the people immediately, and for a very brief term, in

¹ We observed in examining the Federal Constitution that the efforts of the legislators of the Union had been diametrically opposed to the present tendency. The consequence has been that the Federal Government is more independent in its sphere than that of the States. But the Federal Government scarcely ever interferes in any but external affairs; and the Governments of the States are, in reality, the authorities which direct society in America.

order to subject them, not only to the general convictions, but even to the daily passions of their constituents. The members of both Houses are taken from the same class in society, and are nominated in the same manner ; so that the modifications of the legislative bodies are almost as rapid and quite as irresistible as those of a single assembly. It is to a legislature thus constituted, that almost all the authority of the Government has been entrusted.

But whilst the law increased the strength of those authorities which of themselves were strong, it enfeebled more and more those which were naturally weak. It deprived the representatives of the executive of all stability and independence ; and by subjecting them completely to the caprices of the legislature, it robbed them of the slender influence which the nature of a democratic government might have allowed them to retain. In several States, the judicial power was also submitted to the elective discretion of the majority ; and in all of them its existence was made to depend on the pleasure of the legislative authority, since the representatives were empowered annually to regulate the stipend of the judges.

Custom, however, has done even more than law. A proceeding which will in the end set all the guarantees of representative government at nought, is becoming more and more general in the United States : it frequently happens that the electors,

who choose a delegate, point out a certain line of conduct to him, and impose upon him a certain number of positive obligations which he is pledged to fulfil. With the exception of the tumult, this comes to the same thing as if the majority of the populace held its deliberations in the market-place.

Several other circumstances concur in rendering the power of the majority in America, not only preponderant, but irresistible. The moral authority of the majority is partly based upon the notion, that there is more intelligence and more wisdom in a great number of men collected together than in a single individual, and that the quantity of legislators is more important than their quality. The theory of equality is in fact applied to the intellect of man; and human pride is thus assailed in its last retreat, by a doctrine which the minority hesitate to admit, and in which they very slowly concur. Like all other powers, and perhaps more than all other powers, the authority of the many requires the sanction of time; at first it enforces obedience by constraint; but its laws are not respected until they have long been maintained.

The right of governing society, which the majority supposes itself to derive from its superior intelligence, was introduced into the United States by the first settlers; and this idea, which would be sufficient of itself to create a free nation, has now been amalgamated with the manners of the

people, and the minor incidents, of social intercourse.

The French, under the old monarchy, held it for a maxim, (which is still a fundamental principle of the English Constitution,) that the King could do no wrong; and if he did do wrong, the blame was imputed to his advisers. This notion was highly favourable to habits of obedience; and it enabled the subject to complain of the law, without ceasing to love and honour the lawgiver. The Americans entertain the same opinion with respect to the majority.

The moral power of the majority is founded upon yet another principle, which is, that the interests of the many are to be preferred to those of the few. It will readily be perceived that the respect here professed for the rights of the majority must naturally increase or diminish according to the state of parties. When a nation is divided into several irreconcilable factions, the privilege of the majority is often overlooked, because it is intolerable to comply with its demands.

If there existed in America a class of citizens whom the legislating majority sought to deprive of exclusive privileges, which they had possessed for ages, and to bring down from an elevated station to the level of the ranks of the multitude, it is probable that the minority would be less ready to comply with its laws. But as the United States were colonized by men holding an equal rank amongst

themselves, there is as yet no natural or permanent source of dissension between the interests of its different inhabitants.

There are certain communities in which the persons who constitute the minority can never hope to draw over the majority to their side, because they must then give up the very point which is at issue between them. Thus, an aristocracy can never become a majority whilst it retains its exclusive privileges, and it cannot cede its privileges without ceasing to be an aristocracy.

In the United States, political questions cannot be taken up in so general and absolute a manner ; and all parties are willing to recognise the rights of the majority, because they all hope to turn those rights to their own advantage at some future time. The majority therefore in that country exercises a prodigious actual authority, and a moral influence which is scarcely less preponderant ; no obstacles exist which can impede, or so much as retard its progress, or which can induce it to heed the complaints of those whom it crushes upon its path. This state of things is fatal in itself and dangerous for the future.

HOW THE UNLIMITED POWER OF THE MAJORITY INCREASES IN AMERICA, THE INSTABILITY OF LEGISLATION AND THE ADMINISTRATION INHERENT IN DEMOCRACY;

The Americans increase the mutability of the laws which is inherent in democracy by changing the legislature every year, and by investing it with unbounded authority.—The same effect is produced upon the administration.—In America social amelioration is conducted more energetically, but less perseveringly than in Europe.

I HAVE already spoken of the natural defects of democratic institutions, and they all of them increase in the exact ratio of the power of the majority. To begin with the most evident of them all; the mutability of the laws is an evil inherent in democratic government, because it is natural to democracies to raise men to power in very rapid succession. But this evil is more or less sensible in proportion to the authority and the means of action which the legislature possesses.

In America the authority exercised by the legislative bodies is supreme; nothing prevents them from accomplishing their wishes with celerity, and with irresistible power, whilst they are supplied by new representatives every year. That is to say, the circumstances which contribute most powerfully to democratic instability, and which admit of the free application of caprice to every object in the State, are here in full operation. In conformity with this

principle, America is, at the present day, the country in the world where laws last the shortest time. Almost all the American constitutions have been amended within the course of thirty years: there is therefore not a single American State which has not modified the principles of its legislation in that lapse of time. As for the laws themselves, a single glance upon the archives of the different States of the Union suffices to convince one, that in America the activity of the legislator never slackens. Not that the American democracy is naturally less stable than any other, but that it is allowed to follow its capricious propensities in the formation of the laws¹.

The omnipotence of the majority, and the rapid as well as absolute manner in which its decisions are executed in the United States, has not only the effect of rendering the law unstable, but it exercises the same influence upon the execution of the law and the conduct of the public administration. As the majority is the only power which it is important to court, all its projects are taken up with the

¹ The legislative acts promulgated by the State of Massachusetts alone, from the year 1780 to the present time, already fill three stout volumes: and it must not be forgotten that the collection to which I allude was published in 1823, when many old laws which had fallen into disuse were omitted. The State of Massachusetts, which is not more populous than a department of France, may be considered as the most stable, the most consistent, and the most sagacious in its undertakings of the whole Union.

greatest ardour ; but no sooner is its attention distracted, than all this ardour ceases ; whilst in the free states of Europe, the administration is at once independent and secure, so that the projects of the legislature are put into execution, although its immediate attention may be directed to other objects.

In America certain ameliorations are undertaken with much more zeal and activity than elsewhere ; in Europe the same ends are promoted by much less social effort, more continuously applied.

Some years ago several pious individuals undertook to ameliorate the condition of the prisons. The public was excited by the statements which they put forward, and the regeneration of criminals became a very popular undertaking. New prisons were built ; and, for the first time, the idea of reforming as well as of punishing the delinquent, formed a part of prison discipline. But this happy alteration, in which the public had taken so hearty an interest, and which the exertions of the citizens had irresistibly accelerated, could not be completed in a moment. Whilst the new penitentiaries were being erected, (and it was the pleasure of the majority that they should be terminated with all possible celerity,) the old prisons existed, which still contained a great number of offenders. These gaols became more unwholesome and more corrupt in proportion as the new establishments were beautified and improved, forming a contrast which may readily be

understood. The majority was so eagerly employed in founding the new prisons, that those which already existed were forgotten; and as the general attention was diverted to a novel object, the care which had hitherto been bestowed upon the others ceased. The salutary regulations of discipline were first relaxed, and afterwards broken; so that in the immediate neighbourhood of a prison which bore witness to the mild and enlightened spirit of our time, dungeons might be met with which reminded the visitor of the barbarity of the Middle Ages.

TYRANNY OF THE MAJORITY.

How the principle of the sovereignty of the people is to be understood.—Impossibility of conceiving a mixed government.—The sovereign power must centre somewhere.—Precautions to be taken to control its action.—These precautions have not been taken in the United States.—Consequences.

I HOLD it to be an impious and an execrable maxim that, politically speaking, a people has a right to do whatsoever it pleases; and yet I have asserted that all authority originates in the will of the majority. Am I, then, in contradiction with myself?

• A general law—which bears the name of Justice—has been made and sanctioned, not only by a majority of this or that people, but by a majority of mankind. The rights of every people are consequently confined within the limits of what is just.

A nation may be considered in the light of a jury which is empowered to represent society at large, and to apply the great and general law of Justice. Ought such a jury, which represents society, to have more power than the society in which the laws it applies originate?

When I refuse to obey an unjust law, I do not contest the right which the majority has of commanding, but I simply appeal from the sovereignty of the people to the sovereignty of mankind. It has been asserted that a people can never entirely outstep the boundaries of justice and of reason in those affairs which are more peculiarly its own; and that consequently full power may fearlessly be given to the majority by which it is represented. But this language is that of a slave.

A majority taken collectively may be regarded as a being whose opinions, and most frequently whose interests, are opposed to those of another being, which is styled a minority. If it be admitted that a man, possessing absolute power, may misuse that power by wronging his adversaries, why should a majority not be liable to the same reproach? Men are not apt to change their characters by agglomeration; nor does their patience in the presence of obstacles increase with the consciousness of their strength¹. And for these reasons I can never

¹ No one will assert that a people cannot forcibly wrong another people: but parties may be looked upon as lesser nations within a greater one, and they are aliens to each other: if there-

willingly invest any number of my fellow-creatures with that unlimited authority which I should refuse to any one of them.

I do not think that it is possible to combine several principles in the same government, so as at the same time to maintain freedom, and really to oppose them to one another. The form of government which is usually termed *mixed* has always appeared to me to be a mere chimera. Accurately speaking there is no such thing as a mixed government, (with the meaning usually given to that word,) because in all communities some one principle of action may be discovered, which preponderates over the others. England in the last century, which has been more especially cited as an example of this form of government, was in point of fact an essentially aristocratic state, although it comprized very powerful elements of democracy: for the laws and customs of the country were such, that the aristocracy could not but preponderate in the end, and subject the direction of public affairs to its own will. The error arose from too much attention being paid to the actual struggle which was going on between the nobles and the people, without considering the probable issue of the contest, which was in reality the important point. When a community really has a mixed government, that is

fore it be admitted that a nation can act tyrannically towards another-nation, it cannot be denied that a party may do the same towards another party.

to say, when it is equally divided between two adverse principles, it must either pass through a revolution, or fall into complete dissolution.

I am therefore of opinion that some one social power must always be made to predominate over the others; but I think that liberty is endangered when this power is checked by no obstacles which may retard its course, and force it to moderate its own vehemence.

Unlimited power is in itself a bad and dangerous thing; human beings are not competent to exercise it with discretion; and God alone can be omnipotent, because his wisdom and his justice are always equal to his power. But no power upon earth is so worthy of honour for itself, or of reverential obedience to the rights which it represents, that I would consent to admit its uncontrolled and all-predominant authority. When I see that the right and the means of absolute command are conferred on a people or upon a king, upon an aristocracy or a democracy, a monarchy or a republic, I recognise the germ of tyranny, and I journey onwards to a land of more hopeful institutions.

In my opinion the main evil of the present democratic institutions of the United States does not arise, as is often asserted in Europe, from their weakness, but from their overpowering strength; and I am not so much alarmed at the excessive liberty which reigns in that country, as at the very inadequate securities which exist against tyranny.

When an individual or a party is wronged in the United States, to whom can he apply for redress? If to public opinion, public opinion constitutes the majority; if to the legislature, it represents the majority, and implicitly obeys its injunctions; if to the executive power, it is appointed by the majority and remains a passive tool in its hands; the public troops consist of the majority under arms; the jury is the majority invested with the right of hearing judicial cases; and in certain States even the judges are elected by the majority. However iniquitous or absurd the evil of which you complain may be, you must submit to it as well as you can'.

If, on the other hand, a legislative power could be so constituted as to represent the majority without necessarily being the slave of its passions; an

¹ A striking instance of the excesses which may be occasioned by the despotism of the majority occurred at Baltimore in the year 1812. At that time the war was very popular in Baltimore. A journal which had taken the other side of the question excited the indignation of the inhabitants by its opposition. The populace assembled, broke the printing-presses, and attacked the houses of the newspaper-editors. The militia was called out, but no one obeyed the call; and the only means of saving the poor wretches who were threatened by the frenzy of the mob, was to throw them into prison as common malefactors. But even this precaution was ineffectual; the mob collected again during the night; the magistrates again made a vain attempt to call out the militia; the prison was forced, one of the newspaper-editors was killed upon the spot, and the others were left for dead: the guilty parties were acquitted by the jury when they were brought to trial.

I said one day to an inhabitant of Pennsylvania, "Be so good as to explain to me how it happens, that in a State founded by

executive, so as to retain a certain degree of uncontrolled authority; and a judiciary, so as to remain independent of the two other powers; a government would be formed which would still be democratic, without incurring any risk of tyrannical abuse.

I do not say that tyrannical abuses frequently occur in America at the present day; but I maintain that no sure barrier is established against them, and that the causes which mitigate the government are to be found in the circumstances and the manners of the country more than in its laws.

Quakers, and celebrated for its toleration, freed Blacks are not allowed to exercise civil rights. They pay the taxes; is it not fair that they should have a vote?"

"You insult us," replied my informant, "if you imagine that our legislators could have committed so gross an act of injustice and intolerance."

"What, then, the Blacks possess the right of voting in this country?"

"Without the smallest doubt."

"How comes it, then, that at the polling-booth this morning I did not perceive a single Negro in the whole meeting?"

"This is not the fault of the law: the Negroes have an undisputed right of voting; but they voluntarily abstain from making their appearance."

"A very pretty piece of modesty on their parts!" rejoined I.

"Why, the truth is that they are not disinclined to vote, but they are afraid of being maltreated; in this country the law is sometimes unable to maintain its authority, without the support of the majority. But in this case the majority entertains very strong prejudices against the Blacks, and the magistrates are unable to protect them in the exercise of their legal privileges."

"What, then, the majority claims the right not only of making the laws, but of breaking the laws it has made?"

EFFECTS OF THE UNLIMITED POWER OF THE MAJORITY UPON THE ARBITRARY AUTHORITY OF THE AMERICAN PUBLIC OFFICERS.

Liberty left by the American laws to public officers within a certain sphere.—Their power.

A DISTINCTION must be drawn between tyranny and arbitrary power. Tyranny may be exercised by means of the law, and in that case it is not arbitrary: arbitrary power may be exercised for the good of the community at large, in which case it is not tyrannical. Tyranny usually employs arbitrary means, but, if necessary, it can rule without them.

In the United States the unbounded power of the majority, which is favourable to the legal despotism of the legislature, is likewise favourable to the arbitrary authority of the magistrate. The majority has an entire control over the law when it is made and when it is executed; and as it possesses an equal authority over those who are in power, and the community at large, it considers public officers as its passive agents, and readily confides the task of serving its designs to their vigilance. The details of their office and the privileges which they are to enjoy are rarely defined beforehand; but the majority treats them, as a master does his servants, when they are always at work in his sight,

and he has the power of directing or reprimanding them at every instant.

In general the American functionaries are far more independent than the French civil officers within the sphere which is prescribed to them. Sometimes; even, they are allowed by the popular authority to exceed those bounds; and as they are protected by the opinion, and backed by the cooperation, of the majority, they venture upon such manifestations of their power as astonish a European. By this means habits are formed in the heart of a free country which may some day prove fatal to its liberties.

POWER EXERCISED BY THE MAJORITY IN AMERICA UPON OPINION.

In America, when the majority has once irrevocably decided a question, all discussion ceases.—Reason of this.—Moral power exercised by the majority upon opinion.—Democratic republics have deprived despotism of its physical instruments.—Their despotism sways the minds of men.

It is in the examination of the display of public opinion in the United States, that we clearly perceive how far the power of the majority surpasses all the powers with which we are acquainted in Europe. Intellectual principles exercise an influence which is so invisible and often so inappreciable, that they baffle the toils of oppression. At the present time the most absolute monarchs in Europe

are unable to prevent certain notions, which are opposed to their authority, from circulating in secret throughout their dominions, and even in their courts. Such is not the case in America; as long as the majority is still undecided, discussion is carried on; but as soon as its decision is irrevocably pronounced, a submissive silence is observed; and the friends, as well as the opponents, of the measure, unite in assenting to its propriety. The reason of this is perfectly clear: no monarch is so absolute as to combine all the powers of society in his own hands, and to conquer all opposition, with the energy of a majority, which is invested with the right of making and of executing the laws.

The authority of a king is purely physical, and it controls the actions of the subject without subduing his private will; but the majority possesses a power which is physical and moral at the same time; it acts upon the will as well as upon the actions of men, and it represses not only all contest, but all controversy.

I know no country in which there is so little true independence of mind and freedom of discussion as in America. In any constitutional state in Europe every sort of religious and political theory may be advocated and propagated abroad; for there is no country in Europe so subdued by any single authority, as not to contain citizens who are ready to protect the man who raises his voice in the cause of truth, from the consequences of his hardihood. If

he is unfortunate enough to live under an absolute government, the people is upon his side ; if he inhabits a free country, he may find a shelter behind the authority of the throne, if he require one. The aristocratic part of society supports him in some countries, and the democracy in others. But in a nation where democratic institutions exist, organized like those of the United States, there is but one sole authority, one single element of strength and of success, with nothing beyond it.

In America, the majority raises very formidable barriers to the liberty of opinion: within these barriers an author may write whatever he pleases, but he will repent it if he ever step beyond them. Not that he is exposed to the terrors of an auto-da-fé, but he is tormented by the slights and persecutions of daily obloquy. His political career is closed for ever, since he has offended the only authority which is able to promote his success. Every sort of compensation, even that of celebrity, is refused to him. Before he published his opinions, he imagined that he held them in common with many others ; but no sooner has he declared them openly, than he is loudly censured by his overbearing opponents, whilst those who think, without having the courage to speak, like him, abandon him in silence. He yields at length, oppressed by the daily efforts he has been making, and he subsides into silence, as if he was tormented by remorse for having spoken the truth.

Fetters and headsmen were the coarse instruments which tyranny formerly employed ; but the civilization of our age has refined the arts of despotism, which seemed however to have been sufficiently perfected before. The excesses of monarchical power had devised a variety of physical means of oppression ; the democratic republics of the present day have rendered it as entirely an affair of the mind, as that will which it is intended to coerce. Under the absolute sway of an individual despot, the body was attacked in order to subdue the soul ; and the soul escaped the blows which were directed against it, and rose superior to the attempt ; but such is not the course adopted by tyranny in democratic republics ; there the body is left free, and the soul is enslaved. The sovereign can no longer say, 'You shall think as I do on pain of death ;' but he says, 'You are free to think differently from me, and to retain your life, your property, and all that you possess ;' but if such be your determination, you are henceforth an alien among your people. You may retain your civil rights, but they will be useless to you, for you will never be chosen by your fellow-citizens if you solicit their suffrages ; and they will affect to scorn you, if you solicit their esteem. You will remain among men, but you will be deprived of the rights of mankind. Your fellow-creatures will shun you like an impure being ; and those who are most

persuaded of your innocence will abandon you too, lest they should be shunned in their turn. Go in peace! I have given you your life, but it is an existence incomparably worse than death.'

Absolute monarchies have thrown an odium upon despotism; let us beware lest democratic republics should restore oppression, and should render it less odious and less degrading in the eyes of the many, by making it still more onerous to the few.

Works have been published in the proudest nations of the Old World, expressly intended to censure the vices and deride the follies of the times: Labruyère inhabited the palace of Louis XIV. when he composed his chapter upon the Great, and Molière criticized the courtiers in the very pieces which were acted before the Court. But the ruling power in the United States is not to be made game of; the smallest reproach irritates its sensibility, and the slightest joke which has any foundation in truth renders it indignant; from the style of its language to the more solid virtues of its character, everything must be made the subject of encomium. No writer, whatever be his eminence, can escape from this tribute of adulation to his fellow-citizens. The majority lives in the perpetual practice of self-applause; and there are certain truths which the Americans can only learn from strangers or from experience.

If great writers have not at present existed in

America, the reason is very simply given in these facts; there can be no literary genius without freedom of opinion, and freedom of opinion does not exist in America. The Inquisition has never been able to prevent a vast number of anti-religious books from circulating in Spain. The empire of the majority succeeds much better in the United States, since it actually removes the wish of publishing them. Unbelievers are to be met with in America, but, to say the truth, there is no public organ of infidelity. Attempts have been made by some governments to protect the morality of nations by prohibiting licentious books. In the United States no one is punished for this sort of works, but no one is induced to write them; not because all the citizens are immaculate in their manners, but because the majority of the community is decent and orderly.

In these cases the advantages derived from the exercise of this power are unquestionable; and I am simply discussing the nature of the power itself. This irresistible authority is a constant fact, and its judicious exercise is an accidental occurrence.

**EFFECTS OF THE TYRANNY OF THE MAJORITY UPON
THE NATIONAL CHARACTER OF THE AMERICANS.**

Effects of the tyranny of the majority more sensibly felt hitherto in the manners than in the conduct of society.—They check the development of leading characters.—Democratic republics, organized like the United States, bring the practice of courting favour within the reach of the many.—Proofs of this spirit in the United States. Why there is more patriotism in the people than in those who govern in its name.

THE tendencies which I have just alluded to are as yet very slightly perceptible in political society ; but they already begin to exercise an unfavourable influence upon the national character of the Americans. I am inclined to attribute the singular paucity of distinguished political characters to the ever-increasing activity of the despotism of the majority in the United States.

When the American Revolution broke out, they arose in great numbers ; for public opinion then served, not to tyrannize over, but to direct the exertions of individuals. Those celebrated men took a full part in the general agitation of mind common at that period, and they attained a high degree of personal fame, which was reflected back upon the nation, but which was by no means borrowed from it.

In absolute governments, the great nobles who are nearest to the throne flatter the passions of the sovereign, and voluntarily truckle to his caprices.

But the mass of the nation does not degrade itself by servitude ; it often submits from weakness, from habit, or from ignorance, and sometimes from loyalty. Some nations have been known to sacrifice their own desires to those of the sovereign with pleasure and with pride ; thus exhibiting a sort of independence in the very act of submission. These peoples are miserable, but they are not degraded. There is a great difference between doing what one does not approve, and feigning to approve what one does ; the one is the necessary case of a weak person, the other befits the temper of a lacquey.

In free countries, where every one is more or less called upon to give his opinion in the affairs of state ; in democratic republics, where public life is incessantly commingled with domestic affairs, where the sovereign authority is accessible on every side, and where its attention can almost always be attracted by vociferation, more persons are to be met with who speculate upon its foibles, and live at the cost of its passions, than in absolute monarchies. Not because men are naturally worse in these States than elsewhere, but the temptation is stronger, and of easier access at the same time. The result is a far more extensive debasement of the characters of citizens.

Democratic republics extend the practice of currying favour with the many, and they introduce it into a greater number of classes at once : this is

one of the most serious reproaches that can be addressed to them. In democratic States organized on the principles of the American republics, this is more especially the case, where the authority of the majority is so absolute and so irresistible, that a man must give up his rights as a citizen, and almost abjure his quality as a human being, if he intends to stray from the track which it lays down.

In that immense crowd which throngs the avenues to power in the United States, I found very few men who displayed any of that manly candour, and that masculine independence of opinion which frequently distinguished the Americans in former times, and which constitutes the leading feature in distinguished characters wheresoever they may be found. It seems, at first sight, as if all the minds of the Americans were formed upon one model, so accurately do they correspond in their manner of judging. A stranger does, indeed, sometimes meet with Americans who dissent from these rigorous formularies; with men who deplore the defects of the laws, the mutability and the ignorance of democracy; who even go so far as to observe the evil tendencies which impair the national character, and to point out such remedies as it might be possible to apply; but no one is there to hear these things besides yourself, and you, to whom these secret reflections are confided, are a stranger and a bird of passage. They are very ready to com-

municate truths which are useless to you, but they continue to hold a different language in public.

If ever these lines are read in America, I am well assured of two things: in the first place, that all who peruse them will raise their voices to condemn me; and in the second place, that very many of them will acquit me at the bottom of their conscience.

I have heard of patriotism in the United States, and it is a virtue which may be found among the people, but never among the leaders of the people. This may be explained by analogy; despotism debases the oppressed much more than the oppressor; in absolute monarchies the king has often great virtues, but the courtiers are invariably servile. It is true that the American courtiers do not say 'Sire,' or 'Your Majesty'—a distinction without a difference. They are for ever talking of the natural intelligence of the populace they serve; they do not debate the question as to which of the virtues of their master is pre-eminently worthy of admiration; for they assure him that he possesses all the virtues under heaven without having acquired them, or without caring to acquire them: they do not give him their daughters and their wives to be raised at his pleasure to the rank of his concubines, but, by sacrificing their opinions, they prostitute themselves. Moralists and philosophers in America are not obliged to conceal their opinions under the veil of allegory; but, before they venture upon a

harsh truth, they say, 'We are aware that the people which we are addressing is too superior to all the weaknesses of human nature to lose the command of its temper for an instant; and we should not hold this language if we were not speaking to men, whom their virtues and their intelligence render more worthy of freedom than all the rest of the world.'

It would have been impossible for the sycophants of Louis XIV. to flatter more dexterously. For my part, I am persuaded that in all governments, whatever their nature may be, servility will cower to force, and adulation will cling to power. The only means of preventing men from degrading themselves, is to invest no one with that unlimited authority which is the surest method of debasing them.

THE GREATEST DANGERS OF THE AMERICAN REPUBLICS PROCEED FROM THE UNLIMITED POWER OF THE MAJORITY.

Democratic republics liable to perish from a misuse of their power, and not by impotence.—The Governments of the American republics are more centralized and more energetic than those of the monarchies of Europe.—Dangers resulting from this.—Opinions of Hamilton and Jefferson upon this point.

GOVERNMENTS usually fall a sacrifice to impotence or to tyranny. In the former case their power escapes from them; it is wrested from their grasp in the latter. Many observers, who have witnessed

the anarchy of democratic States, have imagined that the government of those States was naturally weak and impotent. The truth is, that when once hostilities are begun between parties, the government loses its control over society. But I do not think that a democratic power is naturally without force or without resources : say rather, that it is almost always by the abuse of its force, and the misemployment of its resources that a democratic government fails. Anarchy is almost always produced by its tyranny or its mistakes, but not by its want of strength. •

It is important not to confound stability with force, or the greatness of a thing with its duration. In democratic republics, the power which directs society is not stable ; for it often changes hands and assumes a new direction. But whichever way it turns, its force is almost irresistible. The Governments of the American republics appear to me to be as much centralized as those of the absolute monarchies of Europe, and more energetic than they are. I do not, therefore, imagine that they will perish from weakness

¹ This power may be centred in an assembly, in which case it will be strong without being stable ; or it may be centred in an individual, in which case it will be less strong, but more stable.

² I presume that it is scarcely necessary to remind the reader here, as well as throughout the remainder of this chapter, that I am speaking not of the Federal Government, but of the several Governments of each State which the majority controls at its pleasure.

If ever the free institutions of America are destroyed, that event may be attributed to the unlimited authority of the majority, which may at some future time urge the minorities to desperation, and oblige them to have recourse to physical force. Anarchy will then be the result, but it will have been brought about by despotism. •

Mr. Hamilton expresses the same opinion in the *Federalist*, No. 51. “It is of great importance in a republic not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part. Justice is the end of government. It is the end of civil society. It ever has been, and ever will be pursued until it be obtained, or until liberty be lost in the pursuit. In a society, under the forms of which the stronger faction can readily unite and oppress the weaker, anarchy may as truly be said to reign as in a state of nature, where the weaker individual is not secured against the violence of the stronger: and as in the latter state even the stronger individuals are prompted by the uncertainty of their condition to submit to a government, which may protect the weak as well as themselves, so in the former state will the more powerful factions be gradually induced by a like motive to wish for a government which will protect all parties, the weaker as well as the more powerful. It can be little doubted, that if the State of Rhode Island was separated from the Confederacy and left to it-

self, the insecurity of rights under the popular form of government within such narrow limits, would be displayed by such reiterated oppressions of the factious majorities that some power altogether independent of the people, would soon be called for by the voice of the very factions whose misrule had proved the necessity of it."

Jefferson has also thus expressed himself in a letter to Madison¹: "The executive power in our Government is not the only, perhaps not even, the principal object of my solicitude. The tyranny of the legislature is really the danger most to be feared, and will continue to be so for many years to come. The tyranny of the executive power will come in its turn, but at a more distant period."

I am glad to cite the opinion of Jefferson upon this subject rather than that of another, because I consider him to be the most powerful advocate democracy has ever sent forth.

¹ 15th March, 1789.

CHAPTER VIII.

CAUSES WHICH MITIGATE THE TYRANNY OF THE
MAJORITY IN THE UNITED STATES.

ABSENCE OF CENTRAL ADMINISTRATION.

The national majority does not pretend to conduct all business.
—Is obliged to employ the town and county magistrates to execute its supreme decisions.

I HAVE already pointed out the distinction which is to be made between a centralized government and a centralized administration. The former exists in America, but the latter is nearly unknown there. If the directing power of the American communities had both these instruments of government at its disposal, and united the habit of executing its own commands, to the right of commanding; if, after having established the general principles of government, it descended to the details of public business; and if, having regulated the great interests of the country, it could penetrate into the privacy of individual interests, freedom would soon be banished from the New World.

But in the United States the majority which so frequently displays the tastes and the propensities

of a despot, is still destitute of the more perfect instruments of tyranny.

In the American republics the activity of the central government has never as yet been extended beyond a limited number of objects sufficiently prominent to call forth its attention. The secondary affairs of society have never been regulated by its authority; and nothing has hitherto betrayed its desire of interfering in them. The majority is become more and more absolute, but it has not increased the prerogatives of the central government; those great prerogatives have been confined to a certain sphere; and although the despotism of the majority may be galling upon one point, it cannot be said to extend to all. However the predominant party in the nation may be carried away by its passions; however ardent it may be in the pursuit of its projects, it cannot oblige all the citizens to comply with its desires in the same manner, and at the same time throughout the country. When the central Government which represents that majority has issued a decree, it must entrust the execution of its will to agents, over whom it frequently has no control, and whom it cannot perpetually direct. The townships, municipal bodies, and counties may therefore be looked upon as concealed breakwaters, which check or part the tide of popular excitement. If an oppressive law were passed, the liberties of the people would still be protected by the means by which that law would be put in execution: the majority

cannot descend to the details, and (as I will venture to style them,) the puerilities of administrative tyranny. Nor does the people entertain that full consciousness of its authority, which would prompt it to interfere in these matters; it knows the extent of its natural powers, but it is unacquainted with the increased resources which the art of government might furnish.

This point deserves attention; for if a democratic republic, similar to that of the United States, were ever founded in a country where the power of a single individual had previously subsisted, and the effects of a centralized administration had sunk deep into the habits and the laws of the people, I do not hesitate to assert, that in that country a more insufferable despotism would prevail than any which now exists in the absolute monarchies of Europe; or indeed than any which could be found on this side the confines of Asia.

THE PROFESSION OF THE LAW IN THE UNITED STATES SERVES TO COUNTERPOISE THE DEMOCRACY.

Utility of discriminating the natural propensities of the members of the legal profession.—These men called upon to act a prominent part in future society.—In what manner the peculiar pursuits of lawyers give an aristocratic turn to their ideas.—Accidental causes which may check this tendency.—Ease with which the aristocracy coalesces with legal men.—Use of law-

yers to a despot.—The profession of the law constitutes the only aristocratic element with which the natural elements of democracy will combine.—Peculiar causes which tend to give an aristocratic turn of mind to the English and American lawyer.—The aristocracy of America is on the bench and at the bar.—Influence of lawyers upon American society.—Their peculiar magisterial habits affect the legislature, the administration, and even the people.

IN visiting the Americans and in studying their laws, we perceive that the authority they have entrusted to members of the legal profession, and the influence which these individuals exercise in the Government, is the most powerful existing security against the excesses of democracy.

This effect seems me to result from a general cause which it is useful to investigate, since it may produce analogous consequences elsewhere.

The members of the legal profession have taken an important part in all the vicissitudes of political society in Europe, during the last five hundred years. At one time they have been the instruments of those who were invested with political authority, and at another they have succeeded in converting political authorities into their instrument. In the Middle Ages they afforded a powerful support to the Crown; and since that period they have exerted themselves to the utmost to limit the royal prerogative. In England they have contracted a close alliance with the aristocracy; in France they have proved to be the most dangerous enemies of that class. It is my object to inquire, whether, under

all these circumstances, the members of the legal profession have been swayed by sudden and momentary impulses ; or whether they have been impelled by principles which are inherent in their pursuits, and which will always recur in history. I am incited to this investigation by reflecting that this particular class of men will most likely play a prominent part in that order of things to which the events of our time are giving birth.

Men who have more especially devoted themselves to legal pursuits, derive from those occupations certain habits of order, a taste for formalities, and a kind of instinctive regard for the regular connexion of ideas, which naturally render them very hostile to the revolutionary spirit and the unreflecting passions of the multitude.

The special information which lawyers derive from their studies, ensures them a separate station in society ; and they constitute a sort of privileged body in the scale of intelligence. This notion of their superiority perpetually recurs to them in the practice of their profession : they are the masters of a science which is necessary, but which is not very generally known : they serve as arbiters between the citizens ; and the habit of directing the blind passions of parties in litigation to their purpose, inspires them with a certain contempt for the judgement of the multitude. To this it may be added, that they naturally constitute a *body* ; not by any previous understanding, or by an agreement

which directs them to a common end ; but the analogy of their studies and the uniformity of their proceedings connect their minds together, as much as a common interest could combine their endeavours.

A portion of the tastes and of the habits of the aristocracy may consequently be discovered in the characters of men in the profession of the law. They participate in the same instinctive love of order and of formalities ; and they entertain the same repugnance to the actions of the multitude, and the same secret contempt of the government of the people. I do not mean to say that the natural propensities of lawyers are sufficiently strong to sway them irresistibly ; for they, like most other men, are governed by their private interests and the advantages of the moment.

In a state of society in which the members of the legal profession are prevented from holding that rank in the political world which they enjoy in private life, we may rest assured that they will be the foremost agents of revolution. But it must then be inquired whether the cause which induces them to innovate and to destroy is accidental, or whether it belongs to some lasting purpose which they entertain. It is true that lawyers mainly contributed to the overthrow of the French Monarchy in 1789 ; but it remains to be seen whether they acted thus because they had studied the laws, or because they were prohibited from cooperating in the work of legislation.

Five hundred years ago the English nobles headed the people, and spoke in its name; at the present time the aristocracy supports the throne, and defends the royal prerogative. But aristocracy has, notwithstanding this, its peculiar instincts and propensities. We must be careful not to confound isolated members of a body with the body itself. In all free governments, of whatsoever form they may be, members of the legal profession will be found at the head of all parties. The same remark is also applicable to the aristocracy; for almost all the democratic convulsions which have agitated the world have been directed by nobles.

A privileged body can never satisfy the ambition of all its members; it has always more talents and more passions than it can find places to content and to employ; so that a considerable number of individuals are usually to be met with, who are inclined to attack those very privileges, which they find it impossible to turn to their own account.

I do not, then, assert that *all* the members of the legal profession are at *all* times the friends of order, and the opponents of innovation, but merely that *most* of them usually are so. In a community in which lawyers are allowed to occupy, without opposition, that high station which naturally belongs to them, their general spirit will be eminently conservative and anti-democratic. When an aristocracy excludes the leaders of that profession from its ranks, it excites enemies which are the more

formidable to its security as they are independent of the nobility by their industrious pursuits; and they feel themselves to be its equal in point of intelligence, although they enjoy less opulence and less power. But whenever an aristocracy consents to impart some of its privileges to these same individuals, the two classes coalesce very readily, and assume, as it were, the consistency of a single order of family interests.

I am, in like manner, inclined to believe, that a monarch will always be able to convert legal practitioners into the most serviceable instruments of his authority. There is a far greater affinity between this class of individuals and the executive power, than there is between them and the people; just as there is a greater natural affinity between the nobles and the monarch, than between the nobles and the people, although the higher orders of society have occasionally resisted the prerogative of the Crown in concert with the lower classes.

Lawyers are attached to public order beyond every other consideration, and the best security of public order is authority. It must not be forgotten, that if they prize the free institutions of their country much, they nevertheless value the legality of those institutions far more: they are less afraid of tyranny than of arbitrary power; and provided that the legislature take upon itself to deprive men of their independence, they are not dissatisfied.

I am therefore convinced that the prince who, in

presence of an encroaching democracy, should endeavour to impair the judicial authority in his dominions, and to diminish the political influence of lawyers, would commit a great mistake. He would let slip the substance of authority to grasp at the shadow. He would act more wisely in introducing men connected with the law into the government; and if he entrusted them with the conduct of a despotic power, bearing some marks of violence, that power would most likely assume the external features of justice and of legality in their hands.

The government of democracy is favourable to the political power of lawyers; for when the wealthy, the noble, and the prince are excluded from the government, they are sure to occupy the highest stations in their own right, as it were, since they are the only men of information and sagacity, beyond the sphere of the people, who can be the object of the popular choice. If, then, they are led by their tastes to combine with the aristocracy and to support the Crown, they are naturally brought into contact with the people by their interests. They like the government of democracy, without participating in its propensities and without imitating its weaknesses; whence they derive a twofold authority, from it and over it. The people in democratic states does not mistrust the members of the legal profession, because it is well known that they are interested in serving the popular cause; and it listens to them without irritation, because it does

not attribute to them any sinister designs. The object of lawyers is not, indeed, to overthrow the institutions of democracy, but they constantly endeavour to give it an impulse which diverts it from its real tendency; by means which are foreign to its nature. Lawyers belong to the people by birth and interest, to the aristocracy by habit and by taste, and they may be looked upon as the natural bond and connecting link of the two great classes of society.

The profession of the law is the only aristocratic element which can be amalgamated without violence with the natural elements of democracy, and which can be advantageously and permanently combined with them. I am not unacquainted with the defects which are inherent in the character of that body of men; but without this admixture of lawyer-like sobriety with the democratic principle, I question whether democratic institutions could long be maintained; and I cannot believe that a republic could subsist at the present time, if the influence of lawyers in public business did not increase in proportion to the power of the people.

. This aristocratic character, which I hold to be common to the legal profession, is much more distinctly marked in the United States and in England than in any other country. This proceeds not only from the legal studies of the English and American lawyers, but from the nature of the legislation, and the position which those persons occupy, in the two countries. The English and the

Americans have retained the law of precedents ; that is to say, they continue to found their legal opinions and the decisions of their courts upon the opinions and the decisions of their forefathers. In the mind of an English or American lawyer, a taste and a reverence for what is old is almost always united to a love of regular and lawful proceedings.

This predisposition has another effect upon the character of the legal profession and upon the general course of society. The English and American lawyers investigate what has been done ; the French advocate inquires what should have been done : the former produce precedents ; the latter reasons. A French observer is surprised to hear how often an English or an American lawyer quotes the opinions of others, and how little he alludes to his own ; whilst the reverse occurs in France. There, the most trifling litigation is never conducted without the introduction of an entire system of ideas peculiar to the counsel employed ; and the fundamental principles of law are discussed in order to obtain a perch of land by the decision of the court. This abnegation of his own opinion, and this implicit deference to the opinion of his forefathers which are common to the English and American lawyer, this subjection of thought which he is obliged to profess, necessarily give him more timid habits and more sluggish inclinations in England and America than in France.

The French Codes are often difficult of compre-

hension, but they can be read by every one; nothing, on the other hand, can be more impenetrable to the uninitiated than a legislation founded upon precedents. The indispensable want of legal assistance, which is felt in England and in the United States, and the high opinion which is generally entertained of the ability of the legal profession, tend to separate it more and more from the people, and to place it in a distinct class. The French lawyer is simply a man extensively acquainted with the statutes of his country; but the English or American lawyer resembles the hierophants of Egypt, for, like them, he is the sole interpreter of an occult science.

The station which lawyers occupy in England and America, exercises no less an influence upon their habits and their opinions. The English aristocracy, which has taken care to attract to its sphere whatever is at all analogous to itself, has conferred a high degree of importance and of authority upon the members of the legal profession. In English society lawyers do not occupy the first rank, but they are contented with the station assigned to them; they constitute, as it were, the younger branch of the English aristocracy, and they are attached to their elder brothers, although they do not enjoy all their privileges. The English lawyers consequently mingle the taste and the ideas of the aristocratic circles in which they move, with the aristocratic interests of their profession.

And indeed the lawyer-like character which I am endeavouring to depict, is most distinctly to be met with in England: there, laws are esteemed not so much because they are good, as because they are old; and if it be necessary to modify them in any respect, or to adapt them to the changes which time operates in society, recourse is had to the most inconceivable contrivances in order to uphold the traditionary fabric, and to maintain that nothing has been done which does not square with the intentions, and complete the labours, of former generations. The very individuals who conduct these changes disclaim all intention of innovation, and they had rather resort to absurd expedients than plead guilty to so great a crime. This spirit appertains more especially to the English lawyers; they seem indifferent to the real meaning of what they treat, and they direct all their attention to the letter, seeming inclined to infringe the rules of common sense and of humanity, rather than to swerve one tittle from the law. The English legislation may be compared to the stock of an old tree, upon which lawyers have engrafted the most various shoots, with the hope, that although their fruits may differ, their foliage at least will be confounded with the venerable trunk which supports them all.

In America there are no nobles or literary men, and the people is apt to mistrust the wealthy; lawyers consequently form the highest political

class, and the most cultivated circle of society. They have therefore nothing to gain by innovation, which adds a conservative interest to their natural taste for public order. If I were asked where I place the American aristocracy, I should reply without hesitation, that it is not composed of the rich, who are united together by no common tie, but that it occupies the judicial bench and the bar.

The more we reflect upon all that occurs in the United States, the more shall we be persuaded that the lawyers as a body, form the most powerful, if not the only counterpoise to the democratic element. In that country we perceive how eminently the legal profession is qualified by its powers, and even by its defects, to neutralize the vices which are inherent in popular government. When the American people is intoxicated by passion, or carried away by the impetuosity of its ideas, it is checked and stopped by the almost invisible influence of its legal counsellors, who secretly oppose their aristocratic propensities to its democratic instincts, their superstitious attachment to what is antique to its love of novelty, their narrow views to its immense designs, and their habitual procrastination to its ardent impatience.

The courts of justice are the most visible organs by which the legal profession is enabled to control the democracy. The judge is a lawyer, who, independently of the taste for regularity and order which

he has contracted in the study of legislation, derives an additional love of stability from his own inalienable functions. His legal attainments have already raised him to a distinguished rank amongst his fellow-citizens; his political power completes the distinction of his station, and gives him the inclinations natural to privileged classes.

Armed with the power of declaring the laws to be unconstitutional¹, the American magistrate perpetually interferes in political affairs. He cannot force the people to make laws, but at least he can oblige it not to disobey its own enactments, or to act inconsistently with its own principles. I am aware that a secret tendency to diminish the judicial power exists in the United States; and by most of the Constitutions of the several States, the Government can, upon the demand of the two Houses of the legislature, remove the judges from their station. By some other constitutions the members of the tribunals are elected, and they are even subjected to frequent re-elections. I venture to predict that these innovations will sooner or later be attended with fatal consequences; and that it will be found out at some future period, that the attack which is made upon the judicial power has affected the democratic republic itself.

It must not, however, be supposed that the legal spirit of which I have been speaking has been

¹ See Chapter VI., vol. i. p. 138, on the Judicial Power in the United States.

confined, in the United States, to the courts of justice; it extends far beyond them. As the lawyers constitute the only enlightened class which the people does not mistrust, they are naturally called upon to occupy most of the public stations. They fill the legislative assemblies, and they conduct the administration; they consequently exercise a powerful influence upon the formation of the law, and upon its execution. The lawyers are, however, obliged to yield to the current of public opinion, which is too strong for them to resist it; but it is easy to find indications of what their conduct would be, if they were free to act as they chose. The Americans, who have made such copious innovations in their political legislation, have introduced very sparing alterations in their civil laws, and that with great difficulty, although those laws are frequently repugnant to their social condition. The reason of this is, that in matters of civil law the majority is obliged to defer to the authority of the legal profession, and that the American lawyers are disinclined to innovate when they are left to their own choice.

It is curious for a Frenchman, accustomed to a very different state of things, to hear the perpetual complaints which are made in the United States, against the stationary propensities of legal men, and their prejudices in favour of existing institutions:

The influence of the legal habits which are com-

mon in America extends beyond the limits I have just pointed out. Scarcely any question arises in the United States which does not become, sooner or later, a subject of judicial debate; hence all parties are obliged to borrow the ideas, and even the language usual in judicial proceedings, in their daily controversies. As most public men are, or have been legal practitioners, they introduce the customs and technicalities of their profession into the affairs of the country. The jury extends this habitude to all classes. The language of the law thus becomes, in some measure, a vulgar tongue; the spirit of the law, which is produced in the schools and courts of justice, gradually penetrates beyond their walls into the bosom of society, where it descends to the lowest classes, so that the whole people contracts the habits and the tastes of the magistrate. The lawyers of the United States form a party which is but little feared and scarcely perceived, which has no badge peculiar to itself, which adapts itself with great flexibility to the exigencies of the time, and accommodates itself to all the movements of the social body: but this party extends over the whole community, and it penetrates into all classes of society; it acts upon the country imperceptibly, but it finally fashions it to suit its purposes.

TRIAL BY JURY IN THE UNITED STATES CONSIDERED
AS A POLITICAL INSTITUTION.

Trial by Jury, which is one of the instruments of the sovereignty of the people, deserves to be compared with the other laws which establish that sovereignty.—Composition of the jury in the United States.—Effect of trial by jury upon the national character.—It educates the people.—It tends to establish the authority of the magistrates and to extend a knowledge of law among the people.

SINCE I have been led by my subject to recur to the administration of justice in the United States, I will not pass over this point without adverting to the institution of the jury. Trial by jury may be considered in two separate points of view: as a judicial, and as a political institution. If it entered into my present purpose to inquire, how far trial by jury (more especially in civil cases) contributes to ensure the best administration of justice, I admit that its utility might be contested. As the jury was first introduced at a time when society was in an uncivilized state, and when courts of justice were merely called upon to decide on the evidence of facts, it is not an easy task to adapt it to the wants of a highly civilized community, when the mutual relations of men are multiplied to a surprising extent, and have assumed the enlightened and intellectual character of the age¹.

¹ The investigation of trial by jury as a judicial institution, and the appreciation of its effects in the United States, together

My present object is to consider the jury as a political institution; and any other course would divert me from my subject. Of trial by jury, considered as a judicial institution, I shall here say but very few words. When the English adopted trial by jury they were a semi-barbarous people; they are become, in course of time, one of the most enlightened nations of the earth; and their attachment to this institution seems to have increased with their increasing cultivation. They soon spread beyond their insular boundaries to every corner of the habitable globe; some have formed colonies, others independent states; the mother-country has maintained its monarchical constitution; many of its offspring have founded powerful republics; but wherever the English have been, they have boasted of the privilege of trial by jury¹. They^{*} have esta-

with the advantages the Americans have derived from it, would suffice to form a book, and a book upon a very useful and curious subject. The State of Louisiana would in particular afford the curious phænomenon of a French and English legislation, as well as a French and English population, which are gradually combining with each other. See the 'Digeste des Lois de la Louisiane,' in two volumes; and the 'Traité sur les Règles des Actions civiles,' printed in French and English at New Orleans in 1830.

¹ All the English and American jurists are unanimous upon this head. Mr. Story, Judge of the Supreme Court of the United States, speaks, in his Treatise on the Federal Constitution, of the advantages of trial by jury in civil cases: "The inestimable privilege of a trial by jury in civil cases—a privilege scarcely inferior to that in criminal cases, which is counted by all persons to be essential to political and civil liberty...." (Story, book iii. ch. xxxviii.)

blished it, or hastened to re-establish it, in all their settlements. A judicial institution which obtains the suffrages of a great people for so long a series of ages, which is zealously renewed at every epoch of civilization, in all the climates of the earth, and under every form of human government, cannot be contrary to the spirit of justice¹.

¹ If it were our province to point out the utility of the jury as a judicial institution in this place, much might be said, and the following arguments might be brought forward amongst others :

By introducing the jury into the business of the courts you are enabled to diminish the number of judges ; which is a very great advantage. When judges are very numerous, death is perpetually thinning the ranks of the judicial functionaries, and laying places vacant for new comers. The ambition of the magistrates is therefore continually excited, and they are naturally made dependent upon the will of the majority, or the individual who fills up the vacant appointments : the officers of the courts then rise like the officers of an army. This state of things is entirely contrary to the sound administration of justice, and to the intentions of the legislator. The office of a judge is made inalienable in order that he may remain independent ; but of what advantage is it that his independence should be protected, if he be tempted to sacrifice it of his own accord ? When judges are very numerous, many of them must necessarily be incapable of performing their important duties ; for a great magistrate is a man of no common powers : and I am inclined to believe that a half-enlightened tribunal is the worst of all instruments for attaining those objects which it is the purpose of courts of justice to accomplish. For my own part, I had rather submit the decision of a case to ignorant jurors directed by a skilful judge, than to judges, a majority of whom are imperfectly acquainted with jurisprudence and with the laws.

[I venture to remind the reader, lest this note should appear somewhat redundant to an English eye, that the jury is an institution which has only been naturalized in France within the

I turn, however, from this part of the subject. To look upon the jury as a mere judicial institution, is to confine our attention to a very narrow view of it; for, however great its influence may be upon the decisions of the law-courts, that influence is very subordinate to the powerful effects which it produces on the destinies of the community at large. The jury is above all a political institution, and it must be regarded in this light in order to be duly appreciated.

By the jury, I mean a certain number of citizens chosen indiscriminately, and invested with a temporary right of judging. Trial by jury, as applied to the repression of crime, appears to me to introduce an eminently republican element into the Government, upon the following grounds:

The institution of the jury may be aristocratic or democratic, according to the class of society from which the jurors are selected; but it always preserves its republican character, in as much as it places the real direction of society in the hands of the governed, or of a portion of the governed, instead of leaving it under the authority of the Government. Force is never more than a transient

present century; that it is even now exclusively applied to those criminal causes which come before the Courts of Assize, or to the prosecutions of the public press; and that the judges and counsellors of the numerous local tribunals of France—forming a body of many thousand judicial functionaries—try all civil causes, appeals from criminal causes, and minor offences, without the jury.

—*Translator's Note.*]

element of success ; and after force comes the notion of right. A Government which should only be able to crush its enemies upon a field of battle, would very soon be destroyed. The true sanction of political laws is to be found in penal legislation, and if that sanction be wanting, the law will sooner or later lose its cogency. He who punishes infractions of the law, is therefore the real master of society. Now, the institution of the jury raises the people itself, or at least a class of citizens, to the bench of judicial authority. The institution of the jury consequently invests the people, or that class of citizens, with the direction of society¹.

In England the jury is returned from the aristocratic portion of the nation²; the aristocracy makes

¹ An important remark must however be made. Trial by jury does unquestionably invest the people with a general control over the actions of citizens, but it does not furnish means of exercising this control in all cases, or with an absolute authority. When an absolute monarch has the right of trying offences by his representatives, the fate of the prisoner is, as it were, decided beforehand. But even if the people were predisposed to convict, the composition and the non-responsibility of the jury, would still afford some chances favourable to the protection of innocence.

² [In France, the qualification of the jurors is the same as the electoral qualification, namely, the payment of 200 francs per annum in direct taxes: they are chosen by lot. In England, they are returned by the sheriff; the qualifications of jurors were raised to 10*l.* per annum in England, and 6*l.* in Wales, of freehold lands or copyhold, by the statute W. and M., c. 24: leaseholders for a time determinable upon life or lives, of the clear yearly value of 20*l.* per annum over and above the rent reserved, are qualified to serve on juries; and jurors in the courts of West

the laws, applies the laws, and punishes all infractions of the laws; everything is established upon a consistent footing, and England may with truth be said to constitute an aristocratic republic. In the United States the same system is applied to the whole people. Every American citizen is qualified to be an elector, a juror, and is eligible to office'. The system of the jury, as it is understood in America, appears to me to be as direct and as extreme a consequence of the sovereignty of the people, as universal suffrage. These institutions are two instruments of equal power, which contribute to the supremacy of the majority. All the sovereigns who have chosen to govern by their own authority, and to direct society instead of obeying its direction, have destroyed or enfeebled the institution of the jury. The monarchs of the House of Tudor sent to prison jurors who refused to convict, and Napoleon caused them to be returned by his agents.

However clear most of these truths may seem to be, they do not command universal assent, and in France, at least, the institution of trial by jury is still very imperfectly understood. If the question arise as to the proper qualification of jurors, it is confined to a discussion of the intelligence and ^{and} ~~minister~~ and City of London must be householders, and possessed of real and personal estate of the value of 100*l.* The qualifications, however, prescribed in different statutes vary according to the object for which the jury is impanelled. See Blackstone's Commentaries, b. iii. c. 23.—*Translator's Note.*]

¹ See Appendix, B.

knowledge of the citizens who may be returned, as if the jury was merely a judicial institution. This appears to me to be the least part of the subject. The jury is pre-eminently a political institution; it must be regarded as one form of the sovereignty of the people: when that sovereignty is repudiated, it must be rejected; or it must be adapted to the laws by which that sovereignty is established. The jury is that portion of the nation to which the execution of the laws is entrusted, as the Houses of Parliament constitute that part of the nation which makes the laws; and in order that society may be governed with consistency and uniformity, the list of citizens qualified to serve on juries must increase and diminish with the list of electors. This I hold to be the point of view most worthy of the attention of the legislator; and all that remains is merely accessory.

I am so entirely convinced that the jury is pre-eminently a political institution, that I still consider it in this light when it is applied in civil causes. Laws are always unstable unless they are founded upon the manners of a nation: manners are the only durable and resisting power in a people. When the jury is reserved for criminal offences, the people only witnesses its occasional action in certain particular cases; the ordinary course of life goes on without its interference, and it is considered as an instrument, but not as the only instrument, of obtaining justice. This is true *à for-*

tiori when the jury is only applied to certain criminal causes.

When, on the contrary, the influence of the jury is extended to civil causes, its application is constantly palpable; it affects all the interests of the community; every one cooperates in its work: it thus penetrates into all the usages of life, it fashions the human mind to its peculiar forms, and is gradually associated with the idea of justice itself.

The institution of the jury, if confined to criminal causes, is always in danger; but when once it is introduced into civil proceedings, it defies the aggressions of time and of man. If it had been as easy to remove the jury from the manners as from the laws of England, it would have perished under Henry VIII. and Elizabeth; and the civil jury did in reality, at that period, save the liberties of the country. In whatever manner the jury be applied, it cannot fail to exercise a powerful influence upon the national character; but this influence is prodigiously increased when it is introduced into civil causes. The jury, and more especially the civil jury, serves to communicate the spirit of the judges to the minds of all the citizens; and this spirit, with the habits which attend it, is the soundest preparation for free institutions. It imbues all classes with a respect for the thing judged, and with the notion of right. If these two elements be removed, the love of independence is reduced to a mere destructive passion. It teaches men to practise

equity ; every man learns to judge his neighbour as he would himself be judged : and this is especially true of the jury in civil causes ; for, whilst the number of persons who have reason to apprehend a criminal prosecution is small, every one is liable to have a civil action brought against him. The jury teaches every man not to recoil before the responsibility of his own actions, and impresses him with that manly confidence without which political virtue cannot exist. It invests each citizen with a kind of magistracy ; it makes them all feel the duties which they are bound to discharge towards society ; and the part which they take in the Government. By obliging men to turn their attention to affairs which are not exclusively their own, it rubs off that individual egotism which is the rust of society.

The jury contributes most powerfully to form the judgement, and to increase the natural intelligence of a people ; and this is, in my opinion, its greatest advantage. It may be regarded as a gratuitous public school ever open, in which every juror learns to exercise his rights, enters into daily communication with the most learned and enlightened members of the upper classes, and becomes practically acquainted with the laws of his country, which are brought within the reach of his capacity by the efforts of the bar, the advice of the judge, and even by the passions of the parties. I think that the practical intelligence and political good sense

of the Americans are mainly attributable to the long use which they have made of the jury in civil causes.

‘I do not know whether the jury is useful to those who are in litigation ; but I am certain it is highly beneficial to those who decide the litigation : and I look upon it as one of the most efficacious means for the education of the people, which society can employ.

What I have hitherto said applies to all nations ; but the remark I am now about to make is peculiar to the Americans and to democratic peoples. I have already observed that in democracies the members of the legal profession, and the magistrates, constitute the only aristocratic body which can check the irregularities of the people. This aristocracy is invested with no physical power ; but it exercises its conservative influence upon the minds of men : and the most abundant source of its authority is the institution of the civil jury. In criminal causes, when society is armed against a single individual, the jury is apt to look upon the judge as the passive instrument of social power, and to mistrust his advice. Moreover, criminal causes are entirely founded upon the evidence of facts which common sense can readily appreciate ; upon this ground the judge and the jury are equal. Such, however, is not the case in civil causes ; then the judge appears as a disinterested arbiter between the conflicting passions of the parties. The jurors look up to him with confidence, and listen to him

with respect, for in this instance their intelligence is completely under the control of his learning. It is the judge who sums up the various arguments with which their memory has been wearied out, and who guides them through the devious course of the proceedings; he points their attention to the exact question of fact, which they are called upon to solve, and he puts the answer to the question of law into their mouths. His influence upon their verdict is almost unlimited.

If I am called upon to explain why I am but little moved by the arguments derived from the ignorance of jurors in civil causes, I reply, that in these proceedings, whenever the question to be solved is not a mere question of fact, the jury has only the semblance of a judicial body. The jury sanctions the decision of the judge; they, by the authority of society which they represent, and he, by that of reason and of law.

In England and in America the judges exercise an influence upon criminal trials which the French judges have never possessed. The reason of this difference may easily be discovered; the English and American magistrates establish their authority in civil causes, and only transfer it afterwards to tribunals of another kind, where that authority was not acquired. In some cases (and they are frequently the most important ones,) the American

judges have the right of 'deciding causes, alone'. Upon these occasions they are, accidentally, placed in the position which the French judges habitually occupy: but they are invested with far more power than the latter; they are still surrounded by the reminiscence of the jury, and their judgement has almost as much authority as the voice of the community at large, represented by that institution. Their influence extends beyond the limits of the Courts; in the recreations of private life as well as in the turmoil of public business, abroad and in the legislative assemblies, the American Judge is constantly surrounded by men who are accustomed to regard his intelligence as superior to their own: and after having exercised his power in the decision of causes, he continues to influence the habits of thought, and the characters of the individuals who took a part in his judgement.

The jury, then, which seems to restrict the rights of magistracy, does in reality consolidate its power; and in no country are the Judges so powerful as there, where the people partakes their privileges. It is more especially by means of the Jury in civil causes that the American magistrates imbue all classes of society with the spirit of their profession. Thus the Jury, which is the most energetic means of making the people rule, is also the most efficacious means of teaching it to rule well.

¹ The Federal Judges decide upon their own authority almost all the questions most important to the country.

CHAPTER IX.

PRINCIPAL CAUSES WHICH TEND TO MAINTAIN THE
DEMOCRATIC REPUBLIC IN THE UNITED STATES.

A DEMOCRATIC republic subsists in the United States; and the principal object of this book has been to account for the fact of its existence. Several of the causes which contribute to maintain the institutions of America, have been involuntarily passed by, or only hinted at, as I was borne along by my subject. Others I have been unable to discuss; and those on which I have dwelt most are, as it were, buried in the details of the former parts of this work.

I think, therefore, that before I proceed to speak of the future, I cannot do better than collect within a small compass the reasons which best explain the present. In this retrospective chapter I shall be succinct; for I shall take care to remind the reader very summarily of what he already knows; and I shall only select the most prominent of those facts which I have not yet pointed out.

All the causes which contribute to the maintenance of the democratic republic in the United States are reducible to three heads:

I. The peculiar and accidental situation in which Providence has placed the Americans.

II. The laws.

III. The manners and customs of the people.

ACCIDENTAL OR PROVIDENTIAL CAUSES WHICH CONTRIBUTE TO THE MAINTENANCE OF THE DEMOCRATIC REPUBLIC IN THE UNITED STATES.

The Union has no neighbours.—No metropolis.—The Americans have had the chances of birth in their favour.—America an empty country.—How this circumstance contributes powerfully to the maintenance of the democratic republic in America.—How the American wilds are peopled.—Avidity of the Anglo-Americans in taking possession of the solitudes of the New World.—Influence of physical prosperity upon the political opinions of the Americans.

A THOUSAND circumstances, independent of the will of man, concur to facilitate the maintenance of a democratic republic in the United States. Some of these peculiarities are known, the others may easily be pointed out; but I shall confine myself to the most prominent amongst them.

The Americans have no neighbours, and consequently they have no great wars, or financial crisis, or inroads, or conquest to dread; they require neither great taxes, nor great armies, nor great generals; and they have nothing to fear from a scourge, which is more formidable to republics than all these evils combined, namely, military glory. It is in-

possible to deny the inconceivable influence which military glory exercises upon the spirit of a nation. General Jackson, whom the Americans have twice elected to be the head of their Government, is a man of a violent temper and mediocre talents; no one circumstance in the whole course of his career ever proved that he is qualified to govern a free people; and indeed the majority of the enlightened classes of the Union has always been opposed to him. But he was raised to the Presidency, and has been maintained in that lofty station, solely by the recollection of a victory which he gained, twenty years ago, under the walls of New Orleans; a victory which was, however, a very ordinary achievement, and which could only be remembered in a country where battles are rare. Now the people which is thus carried away by the illusions of glory, is unquestionably the most cold and calculating, the most unmilitary (if I may use the expression,) and the most prosaic of all the peoples of the earth.

America has no great capital¹ city, whose influ-

¹ The United States have no metropolis; but they already contain several very large cities. Philadelphia reckoned 161,000 inhabitants, and New York 202,000, in the year 1830. The lower orders which inhabit these cities constitute a rabble even more formidable than the populace of European towns. They consist of freed Blacks in the first place, who are condemned by the laws, and by public opinion, to an hereditary state of misery and degradation. They also contain a multitude of Europeans who have been driven to the shores of the New World by their misfortunes

ence is directly or indirectly, felt over the whole extent of the country, which I hold to be one of the first causes of the maintenance of republican institutions in the United States. In cities, men cannot be prevented from concerting together, and from awakening a mutual excitement which prompts sudden and passionate resolutions. Cities may be looked upon as large assemblies, of which all the inhabitants are members; their populace exercises a prodigious influence upon the magistrates, and frequently executes its own wishes without their intervention.

To subject the provinces to the metropolis, is therefore not only to place the destiny of the empire in the hands of a portion of the community,

or their misconduct; and these men inoculate the United States with all our vices, without bringing with them any of those interests which counteract their baneful influence. As inhabitants of a country where they have no civil rights, they are ready to turn all the passions which agitate the community to their own advantage: thus, within the last few months serious riots have broken out in Philadelphia and in New York. Disturbances of this kind are unknown in the rest of the country, which is nowise alarmed by them, because the population of the cities has hitherto exercised neither power nor influence over the rural districts.

Nevertheless, I look upon the size of certain American cities, and especially on the nature of their population, as a real danger which threatens the future security of the democratic republics of the New World; and I venture to predict that they will perish from this circumstance, unless the Government succeed in creating an armed force, which, whilst it remains under the control of the majority of the nation, will be independent of the town-population, and able to repress its excesses.

which may be reprobated as unjust, but to place it in the hands of a populace acting under its own impulses, which must be avoided as dangerous: The preponderance of capital cities is therefore a serious blow upon the representative system; and it exposes modern republics to the same defect as the republics of antiquity, which all perished from, not having been acquainted with that form of government.

It would be easy for me to adduce a great number of secondary causes which have contributed to establish, and which concur to maintain the democratic republic of the United States. But I discern two principal circumstances amongst these favourable elements, which I hasten to point out. I have already observed that the origin of the American settlements may be looked upon as the first and most efficacious cause, to which the present prosperity of the United States may be attributed. The Americans had the chances of birth in their favour; and their forefathers imported that equality of conditions into the country, whence the democratic republic has very naturally taken its rise. Nor was this all they did; for besides this republican condition of society, the early settlers bequeathed to their descendants those customs, manners and opinions which contribute most to the success of a republican form of government. When I reflect upon the consequences of this primary circumstance, methinks I see the destiny of America embodied in the

first Puritan who landed on those shores, just as the human race was represented by the first man.

The chief circumstance which has favoured the establishment and the maintenance of a democratic republic in the United States, is the nature of the territory which the Americans inhabit. Their ancestors gave them the love of equality and of freedom; but God himself gave them the means of remaining equal and free, by placing them upon a boundless continent, which is open to their exertions. General prosperity is favourable to the stability of all governments, but more particularly of a democratic constitution, which depends upon the dispositions of the majority, and more particularly of that portion of the community which is most exposed to feel the pressure of want. When the people rules, it must be rendered happy, or it will overturn the state: and misery is apt to stimulate it to those excesses to which ambition rouses kings. The physical causes, independent of the laws, which contribute to promote general prosperity, are more numerous in America than they have ever been in any other country in the world, at any other period of history. In the United States, not only is legislation democratic, but Nature herself favours the cause of the people.

In what part of human tradition can be found anything at all similar to that which is occurring under our eyes in North America? The celebrated communities of antiquity, were all founded in the

midst of hostile nations, which they were obliged to subjugate, before they could flourish in their place. Even the moderns have found, in some parts of South America, vast regions inhabited by a people of inferior civilization, but which occupied and cultivated the soil. To found their new States, it was necessary to extirpate or to subdue a numerous population, until civilization has been made to blush for their success. But North America was only inhabited by wandering tribes, who took no thought of the natural riches of the soil; and that vast country was still, properly speaking, an empty continent, a desert land awaiting its inhabitants.

Everything is extraordinary in America, the social condition of the inhabitants, as well as the laws; but the soil upon which these institutions are founded is more extraordinary than all the rest. When man was first placed upon the earth by the Creator, that earth was inexhaustible in its youth; but man was weak and ignorant: and when he had learned to explore the treasures which it contained, hosts of his fellow-creatures covered its surface, and he was obliged to earn an asylum for repose and for freedom by the sword. At that same period North America was discovered, as if it had been kept in reserve by the Deity, and had just risen from beneath the waters of the deluge.

That continent still presents, as it did in the primæval time, rivers which rise from never-failing sources, green and moist solitudes, and fields which

the ploughshare of the husbandman has never turned. In this state, it is offered to man, not in the barbarous and isolated condition of the early ages, but to a being who is already in possession of the most potent secrets of the natural world, who is united to his fellow-men, and instructed by the experience of fifty centuries. At this very time thirteen millions of civilized Europeans are peaceably spreading over those fertile plains, with whose resources and whose extent they are not yet themselves accurately acquainted. Three or four thousand soldiers drive the wandering races of the aborigines before them; these are followed by the pioneers, who pierce the woods, scare off the beasts of prey, explore the courses of the inland streams, and make ready the triumphal procession of civilization across the waste.

The favourable influence of the temporal prosperity of America upon the institutions of that country, has been so often described by others, and adverted to by myself, that I shall not enlarge upon it beyond the addition of a few facts. An erroneous notion is generally entertained, that the deserts of America are peopled by European emigrants, who annually disembark upon the coasts of the New World, whilst the American population increases and multiplies upon the soil which its forefathers tilled. The European settler, however, usually arrives in the United States without friends, and sometimes without resources; in order to subsist, he is obliged to work for hire, and he rarely proceeds beyond that belt of

industrious population which adjoins the ocean. The desert cannot be explored without capital or credit; and the body must be accustomed to the rigours of a new climate, before it can be exposed to the chances of forest life. It is the Americans themselves who daily quit the spots which gave them birth, to acquire extensive domains in a remote country. Thus the European leaves his cottage for the transatlantic shores; and the American, who is born on that very coast, plunges in his turn into the wilds of Central America. This double emigration is incessant; it begins in the remotest parts of Europe, it crosses the Atlantic Ocean, and it advances over the solitudes of the New World. Millions of men are marching at once towards the same horizon; their language, their religion, their manners differ, their object is the same. The gifts of fortune are promised in the West, and to the West they bend their course.

No event can be compared with this continuous removal of the human race, except perhaps those irruptions which preceded the fall of the Roman Empire. Then, as well as now, generations of men were impelled forwards in the same direction to meet and struggle on the same spot; but the designs of Providence were not the same; then, every new comer was the harbinger of destruction and of death; now, every adventurer brings with him the elements of prosperity and of life. The future still conceals from us the ulterior consequences of this

emigration of the Americans towards the West ; but we can readily apprehend its more immediate results. As a portion of the inhabitants annually leave the States in which they were born, the population of these States increases very slowly, although they have long been established : thus in Connecticut, which only contains 50 inhabitants to the square mile, the population has not been increased by more than one quarter in forty years, whilst that of England has been augmented by one third in the lapse of the same period. The European emigrant always lands, therefore, in a country which is but half full, and where hands are in request ; he becomes a workman in easy circumstances ; his son goes to seek his fortune in unpeopled regions, and he becomes a rich landowner. The former amasses the capital which the latter invests, and the stranger as well as the native is unacquainted with want.

The laws of the United States are extremely favourable to the division of property ; but a cause which is more powerful than the laws prevents property from being divided to excess¹. This is very perceptible in the States which are beginning to be thickly peopled ; Massachusetts is the most populous part of the Union, but it contains only 80 inhabitants to the square mile, which is much less than in France, where 162 are reckoned to the same extent

¹ In New England the estates are exceedingly small, but they are rarely subjected to further division.

of country. But in Massachusetts estates are very rarely divided; the eldest son takes the land, and the others go to seek their fortune in the desert. The law has abolished the rights of primogeniture, but circumstances have concurred to re-establish it under a form of which none can complain, and by which no just rights are impaired.

A single fact will suffice to show the prodigious number of individuals who leave New England, in this manner, to settle themselves in the wilds. We were assured in 1830, that thirty-six of the members of Congress were born in the little State of Connecticut. The population of Connecticut, which constitutes only one forty-third part of that of the United States, thus furnished one eighth of the whole body of representatives. The State of Connecticut, however, only sends five delegates to Congress; and the thirty-one others sit for the new Western States. If these thirty-one individuals had remained in Connecticut, it is probable that instead of becoming rich landowners they would have remained humble labourers, that they would have lived in obscurity without being able to rise into public life, and that, far from becoming useful members of the legislature, they might have been unruly citizens.

These reflections do not escape the observation of the Americans any more than of ourselves. "It cannot be doubted," says Chancellor Kent in his *Treatise on American Law*, "that the division of landed estates must produce great evils when it is

carried to such excess as that each parcel of land is insufficient to support a family; but these disadvantages have never been felt in the United States, and many generations must elapse before they can be felt. The extent of our inhabited territory, the abundance of adjacent land, and the continual stream of emigration flowing from the shores of the Atlantic towards the interior of the country, suffice as yet, and will long suffice, to prevent the parcelling out of estates."

It is difficult to describe the rapacity with which the American rushes forward to secure the immense booty which fortune proffers to him. In the pursuit, he fearlessly braves the arrow of the Indian and the distempers of the forest; he is unimpressed by the silence of the woods, the approach of beasts of prey does not disturb him; for he is goaded onwards by a passion more intense than the love of life. Before him lies a boundless continent, and he urges onwards as if time pressed, and he was afraid of finding no room for his exertions. I have spoken of the emigration from the older States, but how shall I describe that which takes place from the more recent ones? Fifty years have scarcely elapsed since that of Ohio was founded; the greater part of its inhabitants were not born within its confines; its capital has only been built thirty years, and its territory is still covered by an immense extent of uncultivated fields; nevertheless, the population of Ohio is already proceeding

westward, and most of the settlers who descend to the fertile savannahs of Illinois are citizens of Ohio. These men left their first country to improve their condition ; they quit their resting-place to ameliorate it still more ; fortune awaits them everywhere, but happiness they cannot attain. The desire of prosperity is become an ardent and restless passion in their minds which grows by what it gains. They early broke the ties which bound them to their natal earth, and they have contracted no fresh ones on their way. Emigration was at first necessary to them as a means of subsistence ; and it soon becomes a sort of game of chance, which they pursue for the emotions it excites, as much as for the gain it procures.

Sometimes the progress of man is so rapid that the desert re-appears behind him. The woods stoop to give him a passage, and spring up again when he has passed. It is not uncommon in crossing the new States of the West to meet with deserted dwellings in the midst of the wilds ; the traveller frequently discovers the vestiges of a log-house in the most solitary retreats, which bear witness to the power, and no less to the inconstancy, of man. In these abandoned fields, and over these ruins of a day, the primæval forest soon scatters a fresh vegetation ; the beasts resume the haunts which were once their own ; and Nature covers the traces of man's path with branches and with flowers, which obliterate his evanescent track

I remember, that in crossing one of the woodland districts which still cover the State of New York, I reached the shores of a lake, which was embosomed in forests coæval with the world. A small island, covered with woods whose thick foliage concealed its banks, rose from the centre of the waters. Upon the shores of the lake no object attested the presence of man, except a column of smoke which might be seen on the horizon rising from the tops of the trees to the clouds, and seeming to hang from heaven rather than to be mounting to the sky. An Indian shallop was hauled up on the sand, which tempted me to visit the islet that had first attracted my attention, and in a few minutes I set foot upon its banks. The whole island formed one of those delicious solitudes of the New World, which almost lead civilized man to regret the haunts of the savage. A luxuriant vegetation bore witness to the incomparable fruitfulness of the soil. The deep silence, which is common to the wilds of North America, was only broken by the hoarse cooing of the wood-pigeon, and the tapping of the woodpecker upon the bark of trees. I was far from supposing that this spot had ever been inhabited, so completely did Nature seem to be left to her own caprices; but when I reached the centre of the isle I thought that I discovered some traces of man, I then proceeded to examine the surrounding objects with care, and I soon perceived that a European had undoubtedly been led to seek a refuge in this

retreat. Yet what changes had taken place in the scene of his labours! The logs which he had hastily hewn to build himself a shed had sprouted afresh; the very props were intertwined with living verdure, and his cabin was transformed into a bower. In the midst of these shrubs a few stones were to be seen, blackened with fire and sprinkled with thin ashes; here the hearth had no doubt been, and the chimney in falling had covered it with rubbish. I stood for some time in silent admiration of the exuberance of Nature and the littleness of man; and when I was obliged to leave that enchanting solitude, I exclaimed with melancholy, "Are ruins, then, already here?"

In Europe we are wont to look upon a restless disposition, an unbounded desire of riches, and an excessive love of independence, as propensities very formidable to society. Yet these are the very elements which ensure a long and peaceful duration to the republics of America. Without these unquiet passions the population would collect in certain spots, and would soon be subject to wants like those of the Old World, which it is difficult to satisfy; for such is the present good fortune of the New World, that the vices of its inhabitants are scarcely less favourable to society than their virtues. These circumstances exercise a great influence on the estimation in which human actions are held in the two hemispheres. The Americans frequently term what we should call cupidity a laudable in-

dustry ; and they blame as faint-heartedness what we consider to be the virtue of moderate desires.

. In France, simple tastes, orderly manners, domestic affections, and the attachment which men feel to the place of their birth, are looked upon as great guarantees of the tranquillity and happiness of the State. But in America nothing seems to be more prejudicial to society than these virtues. The French Canadians, who have faithfully preserved the traditions of their pristine manners, are already embarrassed for room upon their small territory ; and this little community, which has so recently begun to exist, will shortly be a prey to the calamities incident to old nations. In Canada, the most enlightened, patriotic, and humane inhabitants make extraordinary efforts to render the people dissatisfied with those simple enjoyments which still content it. There, the seductions of wealth are vaunted with as much zeal, as the charms of an honest but limited income in the Old World ; and more exertions are made to excite the passions of the citizens there than to calm them elsewhere. If we listen to their eulogies, we shall hear that nothing is more praiseworthy than to exchange the pure and homely pleasures which even the poor man tastes in his own country, for the dull delights of prosperity under a foreign sky ; to leave the patrimonial hearth, and the turf beneath which his forefathers sleep ; in short, to abandon the living and the dead in quest of fortune.

At the present time America presents a field for human effort, far more extensive than any sum of labour which can be applied to work it. In America, too much knowledge cannot be diffused; for all knowledge, whilst it may serve him who possesses it, turns also to the advantage of those who are without it. New wants are not to be feared, since they can be satisfied without difficulty; the growth of human passions need not be dreaded, since all passions may find an easy and a legitimate object; nor can men be put in possession of too much freedom, since they are scarcely ever tempted to misuse their liberties.

The American republics of the present day are like companies of adventurers, formed to explore in common the waste lands of the New World, and busied in a flourishing trade. The passions which agitate the Americans most deeply, are not their political, but their commercial passions; or, to speak more correctly, they introduce the habits they contract in business into their political life. They love order, without which affairs do not prosper; and they set an especial value upon a regular conduct, which is the foundation of a solid business: they prefer the good sense which amasses large fortunes, to that enterprising spirit which frequently dissipates them; general ideas alarm their minds, which are accustomed to positive calculations; and they hold practice in more honour than theory.

It is in America that one learns to understand

the influence which physical prosperity exercises over political actions, and even over opinions which ought to acknowledge no sway but that of reason ; and it is more especially amongst strangers that this truth is perceptible. Most of the European emigrants to the New World carry with them that wild love of independence and of change, which our calamities are so apt to engender. I sometimes met with Europeans, in the United States, who had been obliged to leave their own country on account of their political opinions. They all astonished me by the language they held ; but one of them surprised me more than all the rest. As I was crossing one of the most remote districts of Pennsylvania, I was benighted, and obliged to beg for hospitality at the gate of a wealthy planter, who was a Frenchman by birth. He bade me sit down beside his fire, and we began to talk with that freedom which befits persons who meet in the back woods, two thousand leagues from their native country. I was aware that my host had been a great leveller, and an ardent demagogue forty years ago, and that his name was not unknown to fame. I was therefore not a little surprised to hear him discuss the rights of property as an economist or a land-owner might have done : he spoke of the necessary gradations which fortune establishes among men, of obedience to established laws, of the influence of good morals in commonwealths, and of the support which religious opinions give to order and to

freedom ; he even went so far as to quote an evangelical authority in corroboration of one of his political tenets. •

I listened, and marvelled at the feebleness of human reason. A proposition is true or false, but no art can prove it to be one or the other, in the midst of the uncertainties of science and the conflicting lessons of experience, until a new incident disperses the clouds of doubt ; I was poor, I become rich ; and I am not to expect that prosperity will act upon my conduct, and leave my judgement free : my opinions change with my fortune, and the happy circumstances which I turn to my advantage, furnish me with that decisive argument which was before wanting. .

The influence of prosperity acts still more freely upon the American, than upon strangers. The American has always seen the connexion of public order and public prosperity, intimately united, as they are, go on before his eyes ; he does not conceive that one can subsist without the other ; he has therefore nothing to forget ; nor has he, like so many Europeans, to unlearn the lessons of his early education.

**INFLUENCE OF THE LAWS UPON THE MAINTENANCE
OF THE DEMOCRATIC REPUBLIC IN THE UNITED
STATES.**

Three principal causes of the maintenance of the democratic republic.—Federal Constitutions.—Municipal institutions.—Judicial power.

THE principal aim of this book has been to make known the laws of the United States; if this purpose has been accomplished, the reader is already enabled to judge for himself, which are the laws that really tend to maintain the democratic republic, and which endanger its existence. If I have not succeeded in explaining this in the whole course of my work, I cannot hope to do so within the limits of a single chapter. It is not my intention to retrace the path I have already pursued; and a very few lines will suffice to recapitulate what I have previously explained.

Three circumstances seem to me to contribute most powerfully to the maintenance of the democratic republic in the United States:

The first is that Federal form of Government which the Americans have adopted, and which enables the Union to combine the power of a great empire with the security of a small State;

The second consists in those municipal institutions which limit the despotism of the majority, and at the same time impart a taste for freedom,

and a knowledge of the art of being free, to the people ;

The third is to be met with in the constitution of the judicial power. I have shown in what manner the courts of justice serve to repress the excesses of democracy ; and how they check and direct the impulses of the majority, without stopping its activity.

INFLUENCE OF MANNERS UPON THE MAINTENANCE
OF THE DEMOCRATIC REPUBLIC IN THE UNITED
STATES.

I HAVE previously remarked that the manners of the people may be considered as one of the general causes to which the maintenance of a democratic republic in the United States is attributable. I here use the word *manners* with the meaning which the ancients attached to the word *mores* ; for I apply it not only to manners, in their proper sense of what constitutes the character of social intercourse, but I extend it to the various notions and opinions current among men, and to the mass of those ideas which constitute their character of mind. I comprise, therefore, under this term the whole moral and intellectual condition of a people. My intention is not to draw a picture of American manners, but simply to point out such features of

them as are favourable to the maintenance of political institutions.

**RELIGION CONSIDERED AS A POLITICAL INSTITUTION,
WHICH POWERFULLY CONTRIBUTES TO THE
MAINTENANCE OF THE DEMOCRATIC REPUBLIC
AMONGST THE AMERICANS.**

North America peopled by men who professed a democratic and republican Christianity.—Arrival of the Catholics.—For what reason the Catholics form the most democratic and the most republican class at the present time.

EVERY religion is to be found in juxtaposition to a political opinion, which is connected with it by affinity. If the human mind be left to follow its own bent, it will regulate the temporal and spiritual institutions of society upon one uniform principle; and man will endeavour, if I may use the expression, to harmonize the state in which he lives upon earth, with the state which he believes to await him in heaven.

The greatest part of British America was peopled by men who, after having shaken off the authority of the Pope, acknowledged no other religious supremacy: they brought with them into the New World a form of Christianity, which I cannot better describe, than by styling it a democratic and republican religion. This sect contributed power-

fully to the establishment of a democracy and a republic; and from the earliest settlement of the emigrants, politics and religion contracted an alliance which has never been dissolved.

About fifty years ago Ireland began to pour a Catholic population into the United States; on the other hand, the Catholics of America made proselytes, and at the present moment more than a million of Christians, professing the truths of the Church of Rome, are to be met with in the Union. These Catholics are faithful to the observances of their religion; they are fervent and zealous in the support and belief of their doctrines. Nevertheless they constitute the most republican and the most democratic class of citizens which exists in the United States; and although this fact may surprise the observer at first, the causes by which it is occasioned may easily be discovered upon reflection.

I think that the Catholic religion has erroneously been looked upon as the natural enemy of democracy. Amongst the various sects of Christians, Catholicism seems to me, on the contrary, to be one of those which are most favourable to the equality of conditions. In the Catholic Church, the religious community is composed of only two elements; the priest and the people. The priest alone rises above the rank of his flock, and all below him are equal.

• On doctrinal points the Catholic faith places all human capacities upon the same level; it sub-

jects the wise and the ignorant, the man of genius and the vulgar crowd, to the details of the same creed; it imposes the same observances upon the rich and needy, it inflicts the same austerities upon the strong and the weak, it listens to no compromise with mortal man, but reducing all the human race to the same standard, it confounds all the distinctions of society at the foot of the same altar, even as they are confounded in the sight of God. If Catholicism predisposes the faithful to obedience, it certainly does not prepare them for inequality: but the contrary may be said of Protestantism, which generally tends to make men independent, more than to render them equal.

Catholicism is like an absolute monarchy; if the sovereign be removed, all the other classes of society are more equal than they are in republics. It has not unfrequently occurred that the Catholic priest has left the service of the altar to mix with the governing powers of society, and to take his place amongst the civil gradations of men. This religious influence has sometimes been used, to secure the interests of that political state of things to which he belonged. At other times Catholics have taken the side of aristocracy from a spirit of religion.

But no sooner is the priesthood entirely separated from the Government, as is the case in the United States, than it is found that no class of men are more naturally disposed than the Catholics to

transfuse the doctrine of the equality of conditions into the political world. If, then, the Catholic citizens of the United States are not forcibly led by the nature of their tenets to adopt democratic and republican principles, at least they are not necessarily opposed to them; and their social position, as well as their limited number, obliges them to adopt these opinions. Most of the Catholics are poor, and they have no chance of taking a part in the Government unless it be open to all the citizens. They constitute a minority, and all rights must be respected in order to ensure to them the free exercise of their own privileges. These two causes induce them, unconsciously, to adopt political doctrines which they would perhaps support with less zeal if they were rich and preponderant.

The Catholic clergy of the United States has never attempted to oppose this political tendency; but it seeks rather to justify its results. The priests in America have divided the intellectual world into two parts: in the one they place the doctrines of revealed religion, which command their assent; in the other they leave those truths, which they believe to have been freely left open to the researches of political inquiry. Thus the Catholics of the United States are at the same time the most faithful believers and the most zealous citizens.

It may be asserted that in the United States no religious doctrine displays the slightest hostility to democratic and republican institutions. The clergy

of all the different sects hold the same language; their opinions are consonant to the laws, and the human intellect flows onwards in one sole current.

I happened to be staying in one of the largest towns in the Union, when I was invited to attend a public meeting which had been called for the purpose of assisting the Poles, and of sending them supplies of arms and money. I found two or three thousand persons collected in a vast hall which had been prepared to receive them. In a short time a priest in his ecclesiastical robes advanced to the front of the hustings: the spectators rose, and stood uncovered, whilst he spoke in the following terms:

“ Almighty God! the God of Armies! Thou who didst strengthen the hearts and guide the arms of our fathers when they were fighting for the sacred rights of national independence; Thou who didst make them triumph over a hateful oppression, and hast granted to our people the benefits of liberty and peace; Turn, O Lord, a favourable eye upon the other hemisphere; pitifully look down upon that heroic nation which is even now struggling as we did in the former time, and for the same rights which we defended with our blood. Thou, who didst create Man in the likeness of the same image, let not tyranny mar thy work, and establish inequality upon the earth. Almighty God! do Thou watch over the destiny of the Poles, and render them worthy to be free. May thy wisdom direct

their councils, and may thy strength sustain their arms! Shed forth thy terror over their enemies; scatter the powers which take counsel against them; and vouchsafe that the injustice which the world has witnessed for fifty years, be not consummated in our time. O Lord, who holdest alike the hearts of nations and of men in thy powerful hand; raise up allies to the sacred cause of right; arouse the French nation from the apathy in which its rulers retain it, that it go forth again to fight for the liberties of the world.

“Lord, turn not Thou thy face from us, and grant that we may always be the most religious as well as the freest people of the earth. Almighty God, hear our supplications this day. Save the Poles, we besetch Thee, in the name of thy well-beloved Son, our Lord Jesus Christ, who died upon the cross for the salvation of men. Amen.”

The whole meeting responded “Amen!” with devotion.

**INDIRECT INFLUENCE OF RELIGIOUS OPINIONS UPON
POLITICAL SOCIETY IN THE UNITED STATES.**

Christian morality common to all sects.—Influence of religion upon the manners of the Americans.—Respect for the marriage tie.—In what manner religion confines the imagination of the Americans within certain limits, and checks the passion of innovation.—Opinion of the Americans on the political utility of religion.—Their exertions to extend and secure its predominance.

I HAVE just shown what the direct influence of religion upon politics is in the United States ; but its indirect influence appears to me to be still more considerable, and it never instructs the Americans more fully in the art of being free than when it says nothing of freedom.

The sects which exist in the United States are innumerable. They all differ in respect to the worship which is due from man to his Creator ; but they all agree in respect to the duties which are due from man to man. Each sect adores the Deity in its own peculiar manner ; but all the sects preach the same moral law in the name of God. If it be of the highest importance to man, as an individual, that his religion should be true, the case of society is not the same. Society has no future life to hope for or to fear ; and provided the citizens profess a religion, the peculiar tenets of that religion are of very little importance to its interests. Moreover, almost all the sects of the United States

are comprised within the great unity of Christianity, and Christian morality is everywhere the same.

It may be believed without unfairness, that a certain number of Americans pursue a peculiar form of worship, from habit more than from conviction. In the United States the sovereign authority is religious, and consequently hypocrisy must be common; but there is no country in the whole world, in which the Christian religion retains a greater influence over the souls of men than in America; and there can be no greater proof of its utility, and of its conformity to human nature, than that its influence is most powerfully felt over the most enlightened and free nation of the earth.

I have remarked that the members of the American clergy in general, without even excepting those who do not admit religious liberty, are all in favour of civil freedom; but they do not support any particular political system. They keep aloof from parties, and from public affairs. In the United States religion exercises but little influence upon the laws, and upon the details of public opinion; but it directs the manners of the community, and by regulating domestic life, it regulates the State.

I do not question that the great austerity of manners which is observable in the United States, arises, in the first instance, from religious faith. Religion is often unable to restrain man from the

numberless temptations of fortune; nor can it check that passion for gain which every incident of his life contributes to arouse; but its influence over the mind of woman is supreme, and women are the protectors of morals. There is certainly no country in the world where the tie of marriage is so much respected as in America, or where conjugal happiness is more highly or worthily appreciated. In Europe almost all the disturbances of society arise from the irregularities of domestic life. To despise the natural bonds and legitimate pleasures of home, is to contract a taste for excesses, a restlessness of heart, and the evil of fluctuating desires. Agitated by the tumultuous passions which frequently disturb his dwelling, the European is galled by the obedience which the legislative powers of the State exact. But when the American retires from the turmoil of public life to the bosom of his family, he finds in it the image of order and of peace. There his pleasures are simple and natural, his joys are innocent and calm; and as he finds that an orderly life is the surest path to happiness, he accustoms himself without difficulty to moderate his opinions as well as his tastes. Whilst the European endeavours to forget his domestic troubles by agitating society; the American derives from his own home that love of order, which he afterwards carries with him into public affairs.

In the United States[®] the influence of religion is

not confined to the manners, but it extends to the intelligence of the people. Amongst the Anglo-Americans, there are some who profess the doctrines of Christianity from a sincere belief in them, and others who do the same because they are afraid to be suspected of unbelief. Christianity, therefore, reigns without any obstacle, by universal consent; the consequence is, as I have before observed, that every principle of the moral world is fixed and determinate, although the political world is abandoned to the debates and the experiments of men. Thus the human mind is never left to wander across a boundless field; and, whatever may be its pretensions, it is checked from time to time by barriers which it cannot surmount. Before it can perpetrate innovation, certain primal and immutable principles are laid down, and the boldest conceptions of human device are subjected to certain forms which retard and stop their completion.

The imagination of the Americans, even in its greatest flights, is circumspect and undecided; its impulses are checked, and its works unfinished. These habits of restraint recur in political society, and are singularly favourable both to the tranquillity of the people and to the durability of the institutions it has established. Nature and circumstances concurred to make the inhabitants of the United States bold men, as is sufficiently attested by the enterprising spirit with which they seek for fortune. If the mind of the Americans were free

from all trammels, they would very shortly become the most daring innovators and the most implacable disputants in the world. But the revolutionists of America are obliged to profess an ostensible respect for Christian morality and equity, which does not easily permit them to violate the laws that oppose their designs; nor would they find it easy to surmount the scruples of their partisans, even if they were able to get over their own. Hitherto no one, in the United States, has dared to advance the maxim, that everything is permissible with a view to the interests of society; an impious adage, which seems to have been invented in an age of freedom to shelter all the tyrants of future ages. Thus whilst the law permits the Americans to do what they please, religion prevents them from conceiving, and forbids them to commit what is rash or unjust.

Religion in America takes no direct part in the government of society, but it must nevertheless be regarded as the foremost of the political institutions of that country; for if it does not impart a taste for freedom, it facilitates the use of free institutions. Indeed, it is in this same point of view that the inhabitants of the United States themselves look upon religious belief. I do not know whether all the Americans have a sincere faith in their religion; for who can search the human heart? but I am certain that they hold it to be indispensable to the maintenance of republican institutions. This

opinion is not peculiar to a class of citizens or to a party, but it belongs to the whole nation, and to every rank of society.

In the United States, if a political character attacks a sect, this may not prevent even the partisans of that very sect from supporting him; but if he attacks all the sects together, every one abandons him, and he remains alone.

Whilst I was in America, a witness, who happened to be called at the Assizes of the county of Chester, (State of New York,) declared that he did not believe in the existence of God, or in the immortality of the soul. The judge refused to admit his evidence, on the ground that the witness had destroyed beforehand all the confidence of the Court in what he was about to say¹. The newspapers related the fact without any further comment.

The Americans combine the notions of Christianity and of liberty so intimately in their minds, that it is impossible to make them conceive the one

• • • ¹ The New York Spectator of August 23, 1831, relates the fact in the following terms: 'The Court of Common Pleas of Chester County (New York) a few days since rejected a witness who declared his disbelief in the existence of God. The presiding judge remarked, that he had not before been aware that there was a man living who did not believe in the existence of God; that this belief constituted the sanction of all testimony in a court of justice: and that he knew of no cause in a Christian country, where a witness had been permitted to testify without such belief.'

without the other ; and with them this conviction does not spring from that barren traditionary faith which seems to vegetate in the soul rather than to live.

I have known of societies formed by the Americans to send out ministers of the Gospel into the new Western States, to found schools and churches there, lest religion should be suffered to die away in those remote settlements, and the rising States be less fitted to enjoy free institutions than the people from which they emanated. I met with wealthy New Englanders who abandoned the country in which they were born, in order to lay the foundations of Christianity and of freedom on the banks of the Missouri, or in the prairies of Illinois. Thus religious zeal is perpetually stimulated in the United States by the duties of patriotism. These men do not act from an exclusive consideration of the promises of a future life ; eternity is only one motive of their devotion to the cause ; and if you converse with these missionaries of Christian civilization, you will be surprised to find how much value they set upon the goods of this world, and that you meet with a politician where you expected to find a priest. They will tell you, that “ all the American Republics are collectively involved with each other ; if the Republics of the West were to fall into anarchy, or to be mastered by a despot, the republican institutions which now flourish upon the shores of the Atlantic Ocean, would be in great

peril. It is therefore our interest that the new States should be religious, in order to maintain our liberties."

Such are the opinions of the Americans: and if any hold, that the religious spirit which I admire is the very thing most amiss in America, and that the only element wanting to the freedom and happiness of the human race is to believe in some blind cosmogony, or to assert with Cabanis the secretion of thought by the brain, I can only reply, that those who hold this language have never been in America, and that they have never seen a religious or a free nation. When they return from their expedition, we shall hear what they have to say.

There are persons in France who look upon republican institutions as a temporary means of power, of wealth, and distinction; men, who are the *condottieri* of liberty, and who fight for their own advantage, whatever be the colours they wear: it is not to these that I address myself. But there are others who look forward to the republican form of government as a tranquil and lasting state, towards which modern society is daily impelled by the ideas and manners of the time, and who sincerely desire to prepare men to be free. When these men attack religious opinions, they obey the dictates of their passions to the prejudice of their interests. Despotism may govern without faith, but liberty cannot. Religion is much more necessary in the re-

public which they set forth in glowing colours, than in the monarchy which they attack ; and it is more needed in democratic republics than in any others. How is it possible that society should escape destruction if the moral tie be not strengthened in proportion as the political tie is relaxed ? and what can be done with a people which is its own master, if it be not submissive to the Divinity ?

PRINCIPAL CAUSES WHICH RENDER RELIGION
POWERFUL IN AMERICA.

Care taken by the Americans to separate the Church from the State.—The laws, public opinion, and even the exertions of the clergy concur to promote this end.—Influence of religion upon the mind, in the United States, attributable to this cause.—Reason of this.—What is the natural state of men with regard to religion at the present time.—What are the peculiar and incidental causes which prevent men, in certain countries, from arriving at this state.

THE philosophers of the eighteenth century explained the gradual decay of religious faith in a very simple manner. Religious zeal, said they, must necessarily fail, the more generally liberty is established and knowledge diffused. Unfortunately, facts are by no means in accordance with their theory. There are certain populations in Europe whose unbelief is only equalled by their ignorance and their debasement, whilst in America one of the freest

and most enlightened nations in the world fulfill all the outward duties of religion with fervour.

Upon my arrival in the United States, the religious aspect of the country was the first thing that struck my attention ; and the longer I stayed there, the more did I perceive the great political consequences resulting from this state of things, to which I was unaccustomed. In France I had almost always seen the spirit of religion and the spirit of freedom pursuing courses diametrically opposed to each other ; but in America I found that they were intimately united, and that they reigned in common over the same country. My desire to discover the causes of this phenomenon increased from day to day. In order to satisfy it, I questioned the members of all the different sects ; and I more especially sought the society of the clergy, who are the depositaries of the different persuasions, and who are more especially interested in their duration. As a member of the Roman Catholic Church I was more particularly brought into contact with several of its priests, with whom I became intimately acquainted. To each of these men I expressed my astonishment and I explained my doubts : I found that they differed upon matters of detail alone ; and that they mainly attributed the peaceful dominion of religion in their country, to the separation of Church and State. I do not hesitate to affirm that during my stay in America, I did not meet with a single indi-

vidual, of the clergy or of the laity, who was not of the same opinion upon this point.

This led me to examine more attentively than I had hitherto done, the station which the American clergy occupy in political society. I learned with surprise that they filled no public appointments¹; not one of them is to be met with in the administration, and they are not even represented in the legislative assemblies. In several States² the law excludes them from political life; public opinion in all. And when I came to inquire into the prevailing spirit of the clergy, I found that most of its members seemed to retire of their own accord from the exercise of power, and that they made it the pride of their profession to abstain from politics.

I heard them inveigh against ambition and deceit, under whatever political opinions these vices might chance to lurk; but I learned from their dis-

¹ Unless this term be applied to the functions which many of them fill in the schools. Almost all education is entrusted to the clergy.

² See the 'Constitution of New York', art. 7. § 4:

"And whereas the Ministers of the Gospel are, by their profession dedicated to the service of God and the care of souls, and ought not to be diverted from the great duties of their functions: therefore no minister of the Gospel, or priest of any denomination whatsoever, shall at any time hereafter, under any pretence or description whatever, be eligible to, or capable of holding, any civil or military office or place within this state."

See also the Constitutions of North Carolina, art. 31. Virginia. South Carolina, art. 1. § 23. Kentucky, art. 2. § 26. Tennessee, art. 8. § 1. Louisiana, art. 2. § 22.

courses that men are not guilty in the eye of God for any opinions concerning political government, which they may profess with sincerity, any more than they are for their mistakes in building a house or in driving a furrow. * I perceived that these ministers of the Gospel eschewed all parties; with the anxiety attendant upon personal interest. These facts convinced me that what I had been told was true; and it then became my object to investigate their causes, and to inquire how it happened that the real authority of religion was increased by a state of things which diminished its apparent force: these causes did not long escape my researches.

The short space of threescore years can never content the imagination of man; nor can the imperfect joys of this world satisfy his heart. Man alone, of all created beings, displays a natural contempt of existence, and yet a boundless desire to exist; he scorns life, but he dreads annihilation. These different feelings incessantly urge his soul to the contemplation of a future state, and religion directs his musings thither. Religion, then, is simply another form of hope; and it is no less natural to the human heart than hope itself. Men cannot abandon their religious faith without a kind of aberration of intellect, and a sort of violent distortion of their true natures; but they are invincibly brought back to more pious sentiments; for unbelief is an accident, and faith is the only permanent state of mankind. If we only consider religious

institutions in a purely human point of view, they may be said to derive an inexhaustible element of strength from man himself, since they belong to one of the constituent principles of human nature.

I am aware that at certain times, religion may strengthen this influence, which originates in itself, by the artificial power of the laws, and by the support of those temporal institutions which direct society. Religions, intimately united to the governments of the earth, have been known to exercise a sovereign authority derived from the twofold source of terror and of faith; but when a religion contracts an alliance of this nature, I do not hesitate to affirm that it commits the same error, as a man who should sacrifice his future to his present welfare; and in obtaining a power to which it has no claim, it risks that authority which is rightfully its own. When a religion founds its empire upon the desire of immortality which lives in every human heart, it may aspire to universal dominion; but when it connects itself with a government, it must necessarily adopt maxims which are only applicable to certain nations. Thus, in forming an alliance with a political power, religion augments its authority over a few, and forfeits the hope of reigning over all.

As long as a religion rests upon those sentiments which are the consolation of all affliction, it may attract the affections of mankind. But if it be mixed up with the bitter passions of the world, it may be

constrained to defend allies whom its interests, and not the principle of love, have given to it; or to repel as antagonists men who are still attached to its own spirit, however opposed they may be to the powers to which it is allied. The Church cannot share the temporal power of the State, without being the object of a portion of that animosity which the latter excites.

The political powers which seem to be most firmly established have frequently no better guarantee for their duration, than the opinions of a generation, the interests of the time, or the life of an individual. A law may modify the social condition which seems to be most fixed and determinate; and with the social condition everything else must change. The powers of society are more or less fugitive, like the years which we spend upon the earth; they succeed each other with rapidity like the fleeting cares of life; and no government has ever yet been founded upon an invariable disposition of the human heart, or upon an imperishable interest.

As long as a religion is sustained by those feelings, propensities, and passions which are found to occur under the same forms, at all the different periods of history, it may defy the efforts of time; or at least it can only be destroyed by another religion. But when religion clings to the interests of the world, it becomes almost as fragile a thing as the powers of earth. It is the only one of them all which can hope for immortality; but if it be connected with

their ephemeral authority, it shares their fortunes, and may fall with those transient passions which supported them for a day. The alliance which religion contracts with political powers must needs be onerous to itself; since it does not require their assistance to live, and by giving them its assistance it may be exposed to decay.

The danger which I have just pointed out always exists, but it is not always equally visible. In some ages governments seem to be imperishable, in others the existence of society appears to be more precarious than the life of man. Some constitutions plunge the citizens into a lethargic somnolence, and others rouse them to feverish excitement. When governments appear to be so strong, and laws so stable, men do not perceive the dangers which may accrue from a union of Church and State. When governments display so much weakness, and laws so much inconstancy, the danger is self-evident, but it is no longer possible to avoid it; to be effectual, measures must be taken to discover its approach.

In proportion as a nation assumes a democratic condition of society, and as communities display democratic propensities, it becomes more and more dangerous to connect religion with political institutions; for the time is coming when authority will be bandied from hand to hand, when political theories will succeed each other, and when men, laws, and constitutions will disappear or be modified from day to day, and this not for a season only, but un-

ceasingly. Agitation and mutability are inherent in the nature of democratic republics, just as stagnation and inertness are the law of absolute monarchies.

If the Americans, who change the head of the Government once in four years, who elect new legislators every two years, and renew the provincial officers every twelvemonth; if the Americans, who have abandoned the political world to the attempts of innovators, had not placed religion beyond their reach, where could it abide in the ebb and flow of human opinions? where would that respect which belongs to it be paid, amidst the struggles of faction? and what would become of its immortality, in the midst of perpetual decay? The American clergy were the first to perceive this truth, and to act in conformity with it. They saw that they must renounce their religious influence, if they were to strive for political power; and they chose to give up the support of the State, rather than to share its vicissitudes.

In America, religion is perhaps less powerful than it has been at certain periods in the history of certain peoples; but its influence is more lasting. It restricts itself to its own resources, but of those none can deprive it: its circle is limited to certain principles, but those principles are entirely its own and under its undisputed control.

• On every side in Europe we hear voices complaining of the absence of religious faith, and in-

quiring the means of restoring to religion some remnant of its pristine authority. It seems to me that we must first attentively consider what ought to be the *natural state* of men with regard to religion, at the present time ; and when we know what we have to hope and to fear, we may discern the end to which our efforts ought to be directed.

The two great dangers which threaten the existence of religions are schism and indifference. In ages of fervent devotion, men sometimes abandon their religion, but they only shake it off in order to adopt another. Their faith changes the objects to which it is directed, but it suffers no decline. The old religion then excites enthusiastic attachment or bitter enmity in either party ; some leave it with anger, others cling to it with increased devotedness, and although persuasions differ, irreligion is unknown. Such, however, is not the case when a religious belief is secretly undermined by doctrines which may be termed negative, since they deny the truth of one religion without affirming that of any other. Prodigious revolutions then take place in the human mind, without the apparent cooperation of the passions of man, and almost without his knowledge. Men lose the objects of their fondest hopes, as if through forgetfulness. They are carried away by an imperceptible current which they have not the courage to stem, but which they follow with regret, since it bears them from a faith they love, to a scepticism that plunges them into despair.

In ages which answer to this description, men desert their religious opinions from lukewarmness rather than from dislike ; they do not reject them, but the sentiments by which they were once fostered, disappear. But if the unbeliever does not admit religion to be true, he still considers it useful. Regarding religious institutions, in a human point of view, he acknowledges their influence upon manners and legislation. He admits that they may serve to make men live in peace with one another, and to prepare them gently for the hour of death. He regrets the faith which he has lost ; and as he is deprived of a treasure which he has learned to estimate at its full value, he scruples to take it from those who still possess it.

On the other hand, those who continue to believe are not afraid openly to avow their faith. They look upon those who do not share their persuasion as more worthy of pity than of opposition ; and they are aware, that to acquire the esteem of the unbelieving, they are not obliged to follow their example. They are hostile to no one in the world ; and as they do not consider the society in which they live as an arena in which religion is bound to face its thousand deadly foes, they love their contemporaries, whilst they condemn their weaknesses, and lament their errors.

As those who do not believe, conceal their incredulity ; and as those who believe, display their faith, public opinion pronounces itself in favour of religion :

love, support, and honour are bestowed upon it, and it is only by searching the human soul, that we can detect the wounds which it has received. The mass of mankind, who are never without the feeling of religion, do not perceive anything at variance with the established faith. The instinctive desire of a future life brings the crowd about the altar, and opens the hearts of men to the precepts and consolations of religion.

But this picture is not applicable to us ; for there are men amongst us who have ceased to believe in Christianity, without adopting any other religion ; others who are in the perplexities of doubt, and who already affect not to believe ; and others, again, who are afraid to avow that Christian faith, which they still cherish in secret.

Amidst these lukewarm partisans and ardent antagonists, a small number of believers exists, who are ready to brave all obstacles, and to scorn all dangers, in defence of their faith. They have done violence to human weakness, in order to rise superior to public opinion. Excited by the effort they have made, they scarcely know where to stop ; and as they know that the first use which the French made of independence was to attack religion, they look upon their cotemporaries with dread, and they recoil in alarm from the liberty which their fellow-citizens are seeking to obtain. As unbelief appears to them to be a novelty, they comprise all that is new in one indiscriminate animosity. They are at

war with their age and country, and they look upon every opinion which is put forth there as the necessary enemy of the Faith.

Such is not the natural state of men with regard to religion at the present day; and some extraordinary or incidental cause must be at work in France, to prevent the human mind from following its original propensities, and to drive it beyond the limits at which it ought naturally to stop.

I am intimately convinced that this extraordinary and incidental cause is the close connexion of politics and religion. The unbelievers of Europe attack the Christians as their political opponents, rather than as their religious adversaries; they hate the Christian religion as the opinion of a party, much more than as an error of belief; and they reject the clergy less because they are the representatives of the Divinity, than because they are the allies of authority.

In Europe, Christianity has been intimately united to the powers of the earth. Those powers are now in decay, and it is, as it were, buried under their ruins. The living body of religion has been bound down to the dead corpse of superannuated polity; cut but the bonds which restrain it, and that which is alive will rise once more. I know not what could restore the Christian Church of Europe to the energy of its earlier days; that power belongs to God alone; but it may be the effect of human policy to leave the Faith in the full exercise of the strength which it still retains.

HOW THE INSTRUCTION, THE HABITS, AND THE PRACTICAL EXPERIENCE OF THE AMERICANS PROMOTE THE SUCCESS OF THEIR DEMOCRATIC INSTITUTIONS.

What is to be understood by the instruction of the American people.—The human mind more superficially instructed in the United States than in Europe.—No one completely uninstructed.—Reason of this.—Rapidity with which opinions are diffused even in the uncultivated States of the West.—Practical experience more serviceable to the Americans than book-learning.

I HAVE but little to add to what I have already said, concerning the influence which the instruction and the habits of the Americans exercise upon the maintenance of their political institutions.

America has hitherto produced very few writers of distinction; it possesses no great historians, and not a single eminent poet. The inhabitants of that country look upon what are properly styled literary pursuits with a kind of disapprobation; and there are towns of very second-rate importance in Europe, in which more literary works are annually published, than in the twenty-four States of the Union put together. The spirit of the Americans is averse to general ideas; and it does not seek theoretical discoveries. Neither politics nor manufactures direct them to these occupations; and although new laws are perpetually enacted in the United States, no great writers have hitherto inquired into the general principles of their legislation. The Americans have lawyers and commen-

tators, but no jurists; and they furnish examples rather than lessons to the world. The same observation applies to the mechanical arts. In America, the inventions of Europe are adopted with sagacity; they are perfected, and adapted with admirable skill to the wants of the country. Manufactures exist, but the science of manufacture is not cultivated; and they have good workmen, but very few inventors. Fulton was obliged to proffer his services to foreign nations for a long time, before he was able to devote them to his own country.

The observer who is desirous of forming an opinion on the state of instruction amongst the Anglo-Americans, must consider the same object from two different points of view. If he only singles out the learned, he will be astonished to find how rare they are; but if he counts the ignorant, the American people will appear to be the most enlightened community in the world. The whole population, as I observed in another place, is situated between these two extremes.

In New England, every citizen receives the elementary notions of human knowledge; he is moreover taught the doctrines and the evidences of his religion, the history of his country, and the leading features of its Constitution. In the States of Connecticut and Massachusetts, it is extremely rare to find a man imperfectly acquainted with all these things, and a person wholly ignorant of them is a sort of phenomenon.

When I compare the Greek and Roman Republics with these American States ; the manuscript libraries of the former, and their rude population, with the innumerable journals and the enlightened people of the latter ; when I remember all the attempts which are made to judge the modern republics by the assistance of those of antiquity, and to infer what will happen in our time from what took place two thousand years ago, I am tempted to burn my books, in order to apply none but novel ideas to so novel a condition of society.

What I have said of New England must not, however, be applied indistinctly to the whole Union: as we advance towards the West or the South, the instruction of the people diminishes. In the States which are adjacent to the Gulf of Mexico, a certain number of individuals may be found, as in our own countries, who are devoid of the rudiments of instruction. But there is not a single district in the United States sunk in complete ignorance ; and for a very simple reason: the peoples of Europe started from the darkness of a barbarous condition, to advance towards the light of civilization ; their progress has been unequal ; some of them have improved apace, whilst others have loitered in their course, and some have stopped, and are still sleeping upon the way.

Such has not been the case in the United States. The Anglo-Americans settled in a state of civilization, upon that territory which their descendants

occupy ; they had not to begin to learn, and it was sufficient for them not to forget. Now the children of these same Americans are the persons who, year by year, transport their dwellings into the wilds ; and with their dwellings their acquired information and their esteem for knowledge. Education has taught them the utility of instruction, and has enabled them to transmit that instruction to their posterity. In the United States society has no infancy, but it is born in man's estate.

The Americans never use the word 'peasant,' because they have no idea of the peculiar class which that term denotes ; the ignorance of more remote ages, the simplicity of rural life, and the rusticity of the villager have not been preserved amongst them ; and they are alike unacquainted with the virtues, the vices, the coarse habits, and the simple graces of an early stage of civilization. At the extreme borders of the confederate States, upon the confines of society and of the wilderness, a population of bold adventurers have taken up their abode, who pierce the solitudes of the American woods, and seek a country there, in order to escape that poverty which awaited them in their native provinces. As soon as the pioneer arrives upon the spot which is to serve him for a retreat, he fells a few trees and builds a log-house. Nothing can offer a more miserable aspect than these isolated dwellings. The traveller who approaches one of them towards night-fall, sees the flicker of the hearth-

flame through the chinks in the walls ; and at night, if the wind rises, he hears the roof of boughs shake to and fro in the midst of the great forest trees. Who would not suppose that this poor hut is the asylum of rudeness and ignorance ? Yet no sort of comparison can be drawn between the pioneer and the dwelling which shelters him. Everything about him is primitive and unformed, but he is himself the result of the labour and the experience of eighteen centuries. He wears the dress, and he speaks the language of cities ; he is acquainted with the past, curious of the future, and ready for argument upon the present ; he is, in short, a highly civilized being, who consents, for a time, to inhabit the back-woods, and who penetrates into the wilds of the New World with the Bible, an axe, and a file of newspapers.

It is difficult to imagine the incredible rapidity with which public opinion circulates in the midst of these deserts¹. I do not think that so much intellectual intercourse takes place in the most

¹ I travelled along a portion of the frontier of the United States in a sort of cart which was termed the mail. We passed, day and night, with great rapidity along roads which were scarcely marked out, through immense forests : when the gloom of the woods became impenetrable, the coachman lighted branches of fir and we journeyed along by the light they cast. From time to time we came to a hut in the midst of the forest, which was a post-office. The mail dropped an enormous bundle of letters at the door of this isolated dwelling, and we pursued our way at full gallop, leaving the inhabitants of the neighbouring log-houses to send for their share of the treasure.

enlightened and populous districts of France'. It cannot be doubted that, in the United States, the instruction of the people powerfully contributes to the support of a democratic republic; and such must always be the case, I believe, where instruction which awakens the understanding, is not separated from moral education which amends the heart. But I by no means exaggerate this benefit, and I am still further from thinking, as so many people do think in Europe, that men can be instantaneously made citizens by teaching them to read and write. True information is mainly derived from experience, and if the Americans had not been gradually accustomed to govern themselves, their book-learning would not assist them much at the present day.

I have lived a great deal with the people in the United States, and I cannot express how much I admire their experience and their good sense. An

¹ In 1832, each inhabitant of Michigan paid a sum equivalent to 1 franc 22 centimes (French money) to the post-office revenue; and each inhabitant of the Floridas paid 1 fr. 5 cent. (See National Calendar, 1833, p. 244.) In the same year each inhabitant of the Département du Nord paid 1 fr. 4 cent. to the revenue of the French post-office. (See the *Compte rendu de l'administration des Finances*, 1833, p. 623.) Now the State of Michigan only contained at that time 7 inhabitants per square league; and Florida only 5: the instruction and the commercial activity of these districts is inferior to that of most of the States in the Union; whilst the Département du Nord, which contains 3400 inhabitants per square league, is one of the most enlightened and manufacturing parts of France.

American should never be allowed to speak of Europe ; for he will then probably display a vast deal of presumption and very foolish pride. He will take up with those crude and vague notions which are so useful to the ignorant all over the world. But if you question him respecting his own country, the cloud which dimmed his intelligence will immediately disperse ; his language will become as clear and as precise as his thoughts. He will inform you what his rights are, and by what means he exercises them ; he will be able to point out the customs which obtain in the political world. You will find that he is well acquainted with the rules of the administration, and that he is familiar with the mechanism of the laws. The citizen of the United States does not acquire his practical science and his positive notions from books ; the instruction he has acquired may have prepared him for receiving those ideas, but it did not furnish them. The American learns to know the laws by participating in the act of legislation ; and he takes a lesson in the forms of government, from governing. The great work of society is ever going on beneath his eyes, and, as it were, under his hands.

In the United States politics are the end and aim of education ; in Europe its principal object is to fit men for private life. The interference of the citizens in public affairs is too rare an occurrence for it to be anticipated beforehand. Upon casting a glance over society in the two hemispheres, these

differences are indicated even by its external aspect.

In Europe we frequently introduce the ideas and the habits of private life into public affairs; and as we pass at once from the domestic circle to the government of the State, we may frequently be heard to discuss the great interests of society in the same manner in which we converse with our friends. The Americans, on the other hand, transfuse the habits of public life into their manners in private; and in their country the jury is introduced into the games of schoolboys, and parliamentary forms are observed in the order of a feast.

THE LAWS CONTRIBUTE MORE TO THE MAINTENANCE OF THE DEMOCRATIC REPUBLIC IN THE UNITED STATES THAN THE PHYSICAL CIRCUMSTANCES OF THE COUNTRY, AND THE MANNERS MORE THAN THE LAWS.

All the nations of America have a democratic state of society.— Yet democratic institutions only subsist amongst the Anglo-Americans.—The Spaniards of South America, equally favoured by physical causes as the Anglo-Americans, unable to maintain a democratic republic.—Mexico, which has adopted the Constitution of the United States, in the same predicament.—The Anglo-Americans of the West less able to maintain it than those of the East.—Reason of these different results.

I HAVE remarked that the maintenance of democratic institutions in the United States is attribu-

table to the circumstances, the laws, and the manners of that country¹. Most Europeans are only acquainted with the first of these three causes, and they are apt to give it a preponderating importance which it does not really possess.

It is true that the Anglo-Americans settled in the New World in a state of social equality; the low-born and the noble were not to be found amongst them; and professional prejudices were always as entirely unknown as the prejudices of birth. Thus, as the condition of society was democratic, the empire of democracy was established without difficulty. But this circumstance is by no means peculiar to the United States; almost all the transatlantic colonies were founded by men equal amongst themselves, or who became so by inhabiting them. In no one part of the New World, have Europeans been able to create an aristocracy. Nevertheless democratic institutions prosper nowhere but in the United States.

The American Union has no enemies to contend with; it stands in the wilds like an island in the ocean. But the Spaniards of South America were no less isolated by nature; yet their position has not relieved them from the charge of standing armies. They make war upon each other when they have no foreign enemies to oppose; and the

¹ I remind the reader of the general signification which I give to the word *manners*, namely, the moral and intellectual characteristics of social man taken collectively.

Anglo-American democracy is the only one which has hitherto been able to maintain itself in peace.

The territory of the Union presents a boundless field to human activity, and inexhaustible materials for industry and labour. The passion of wealth takes the place of ambition, and the warmth of faction is mitigated by a sense of prosperity. But in what portion of the globe shall we meet with more fertile plains, with mightier rivers, or with more unexplored and inexhaustible riches, than in South America?

Nevertheless, South America has been unable to maintain democratic institutions. If the welfare of nations depended on their being placed in a remote position, with an unbounded space of habitable territory before them, the Spaniards of South America would have no reason to complain of their fate. And although they might enjoy less prosperity than the inhabitants of the United States, their lot might still be such as to excite the envy of some nations in Europe. There are, however, no nations upon the face of the earth more miserable than those of South America.

Thus, not only are physical causes inadequate to produce results analogous to those which occur in North America, but they are unable to raise the population of South America above the level of European States, where they act in a contrary direction. Physical causes do not therefore affect the destiny of nations so much as has been supposed.

I have met with men in New England who were on the point of leaving a country, where they might have remained in easy circumstances, to go to seek their fortune in the wilds. Not far from that district I found a French population in Canada which was closely crowded on a narrow territory, although the same wilds were at hand; and whilst the emigrant from the United States purchased an extensive estate with the earnings of a short term of labour, the Canadian paid as much for land as he would have done in France. Nature offers the solitudes of the New World to Europeans; but they are not always acquainted with the means of turning her gifts to account. Other peoples of America have the same physical conditions of prosperity as the Anglo-Americans, but without their laws and their manners; and these peoples are wretched. The laws and manners of the Anglo-Americans are therefore that efficient cause of their greatness which is the object of my inquiry.

I am far from supposing that the American laws are pre-eminently good in themselves; I do not hold them to be applicable to all democratic peoples; and several of them seem to me to be dangerous, even in the United States. Nevertheless, it cannot be denied that the American legislation, taken collectively, is extremely well adapted to the genius of the people and the nature of the country which it is intended to govern. The American laws are therefore good, and to them must be attributed

a large portion of the success which attends the government of democracy in America: but I do not believe them to be the principal cause of that success; and if they seem to me to have more influence upon the social happiness of the Americans than the nature of the country, on the other hand there is reason to believe, that their effect is still inferior to that produced by the manners of the people.

The Federal laws undoubtedly constitute the most important part of the legislation of the United States. Mexico, which is not less fortunately situated than the Anglo-American Union, has adopted these same laws, but is unable to accustom itself to the government of democracy. Some other cause is therefore at work independently of those physical circumstances and peculiar laws which enable the democracy to rule in the United States.

Another still more striking proof may be adduced. Almost all the inhabitants of the territory of the Union are the descendants of a common stock; they speak the same language, they worship God in the same manner, they are affected by the same physical causes, and they obey the same laws. Whence, then, do their characteristic differences arise? Why, in the Eastern States of the Union, does the republican Government display vigour and regularity, and proceed with mature deliberation? Whence does it derive the wisdom and the durability which mark its acts, whilst in the Western States, on the contrary, society seems to

be ruled by the powers of chance? There, public business is conducted with an irregularity and a passionate and feverish excitement, which does not announce a long or sure duration.

I am no longer comparing the Anglo-American States to foreign nations; but I am contrasting them with each other, and endeavouring to discover why they are so unlike. The arguments which are derived from the nature of the country and the difference of legislation, are here all set aside. Recourse must be had to some other cause; and what other cause can there be except the manners of the people?

It is in the Eastern States that the Anglo-Americans have been longest accustomed to the government of democracy, and that they have adopted the habits and conceived the notions most favourable to its maintenance. Democracy has gradually penetrated into their customs, their opinions, and the forms of social intercourse; it is to be found in all the details of daily life equally as in the laws. In the Eastern States the instruction and practical education of the people have been most perfected, and religion has been most thoroughly amalgamated with liberty. Now these habits, opinions, customs, and convictions are precisely the constituent elements of that which I have denominated manners.

In the Western States, on the contrary, a portion of the same advantages is still wanting. Many of the Americans of the West were born in the

woods, and they mix the ideas and the customs of savage life with the civilization of their parents. Their passions are more intense; their religious morality less authoritative; and their convictions less secure. The inhabitants exercise no sort of control over their fellow-citizens, for they are scarcely acquainted with each other. The nations of the West display, to a certain extent, the inexperience and the rude habits of a people in its infancy; for although they are composed of old elements, their assemblage is of recent date.

The manners of the Americans of the United States are, then, the real cause which renders that people the only one of the American nations that is able to support a democratic Government; and it is the influence of manners which produces the different degrees of order and of prosperity, that may be distinguished in the several Anglo-American democracies. Thus the effect which the geographical position of a country may have upon the duration of democratic institutions is exaggerated in Europe. Too much importance is attributed to legislation, too little to manners. These three great causes serve, no doubt, to regulate and direct the American democracy; but if they were to be classed in their proper order, I should say that the physical circumstances are less efficient than the laws, and the laws very subordinate to the manners of the people. I am convinced that the most advantageous situation and the best possible laws cannot

maintain a constitution in spite of the manners of a country; whilst the latter may turn the most unfavourable positions and the worst laws to some advantage. The importance of manners is a common truth to which study and experience incessantly direct our attention. It may be regarded as a central point in the range of human observation, and the common termination of all inquiry. So seriously do I insist upon this head, that if I have hitherto failed in making the reader feel the important influence which I attribute to the practical experience, the habits, the opinions, in short, to the manners of the Americans, upon the maintenance of their institutions, I have failed in the principal object of my work.

WHETHER LAWS AND MANNERS ARE SUFFICIENT TO
 MAINTAIN DEMOCRATIC INSTITUTIONS IN OTHER
 COUNTRIES BESIDES AMERICA.

The Anglo-Americans, if transported into Europe, would be obliged to modify their laws.—Distinction to be made between democratic institutions and American institutions.—Democratic laws may be conceived better than, or at least different from, those which the American democracy has adopted.—The example of America only proves that it is possible to regulate democracy by the assistance of manners and legislation.

I HAVE asserted that the success of democratic institutions in the United States is more intimately connected with the laws themselves, and the man-

ners of the people, than with the nature of the country. But does it follow that the same causes would of themselves produce the same results, if they were put into operation elsewhere; and if the country is no adequate substitute for laws and manners, can laws and manners in their turn prove a substitute for a country? It will readily be understood that the necessary elements of a reply to this question are wanting: other peoples are to be found in the New World besides the Anglo-Americans, and as these peoples are affected by the same physical circumstances as the latter, they may fairly be compared together. But there are no nations out of America which have adopted the same laws and manners, being destitute of the physical advantages peculiar to the Anglo-Americans. No standard of comparison therefore exists, and we can only hazard an opinion upon this subject.

It appears to me, in the first place, that a careful distinction must be made between the institutions of the United States and democratic institutions in general. When I reflect upon the state of Europe, its mighty nations, its populous cities, its formidable armies, and the complex nature of its politics, I cannot suppose that even the Anglo-Americans, if they were transported to our hemisphere, with their ideas, their religion, and their manners, could exist without considerably altering their laws. But a democratic nation may be imagined, organized differently from the American people. It is not impossible to conceive a government really esta-

blished upon the will of the majority; but in which the majority, repressing its natural propensity to equality, should consent, with a view to the order and the stability of the State, to invest a family or an individual with all the prerogatives of the executive. A democratic society might exist, in which the forces of the nation would be more centralized than they are in the United States; the people would exercise a less direct and less irresistible influence upon public affairs, and yet every citizen invested with certain rights, would participate, within his sphere, in the conduct of the government. The observations I made amongst the Anglo-Americans induce me to believe that democratic institutions of this kind, prudently introduced into society, so as gradually to mix with the habits and to be inter-fused with the opinions of the people, might subsist in other countries besides America. If the laws of the United States were the only imaginable democratic laws, or the most perfect which it is possible to conceive, I should admit that the success of those institutions affords no proof of the success of democratic institutions in general, in a country less favoured by natural circumstances. But as the laws of America appear to me to be defective in several respects, and as I can readily imagine others of the same general nature, the peculiar advantages of that country do not prove that democratic institutions cannot succeed in a nation less favoured by circumstances, if ruled by better laws.

If human nature were different in America from

what it is elsewhere ; or if the social condition of the Americans engendered habits and opinions amongst them different from those which originate in the same social condition in the Old World, the American democracies would afford no means of predicting what may occur in other democracies. If the Americans displayed the same propensities as all other democratic nations, and if their legislators had relied upon the nature of the country and the favour of circumstances to restrain those propensities within due limits, the prosperity of the United States would be exclusively attributable to physical causes, and it would afford no encouragement to a people inclined to imitate their example, without sharing their natural advantages. But neither of these suppositions is borne out by facts.

In America the same passions are to be met with as in Europe ; some originating in human nature, others in the democratic condition of society. Thus in the United States I found that restlessness of heart which is natural to men, when all ranks are nearly equal and the chances of elevation are the same to all. I found the democratic feeling of envy expressed under a thousand different forms. I remarked that the people frequently displayed, in the conduct of affairs, a consummate mixture of ignorance and presumption ; and I inferred that in America, men are liable to the same failings and the same absurdities as amongst ourselves. But upon ex-

amining the state of society more attentively, I speedily discovered that the Americans had made great and successful efforts to counteract these imperfections of human nature, and to correct the natural defects of democracy. Their divers municipal laws appeared to me to be a means of restraining the ambition of the citizens within a narrow sphere, and of turning those same passions which might have worked havoc in the State, to the good of the township or the parish. The American legislators have succeeded to a certain extent in opposing the notion of rights, to the feelings of envy ; the permanence of the religious world, to the continual shifting of politics ; the experience of the people, to its theoretical ignorance ; and its practical knowledge of business, to the impatience of its desires.

The Americans, then, have not relied upon the nature of their country, to counterpoise those dangers which originate in their Constitution and in their political laws. To evils which are common to all democratic peoples, they have applied remedies which none but themselves had ever thought of before ; and although they were the first to make the experiment, they have succeeded in it.

The manners and laws of the Americans are not the only ones which may suit a democratic people ; but the Americans have shown that it would be wrong to despair of regulating democracy by the aid of manners and of laws. If other nations should

borrow this general and pregnant idea from the Americans, without however intending to imitate them in the peculiar application which they have made of it ; if they should attempt to fit themselves for that social condition, which it seems to be the will of Providence to impose upon the generations of this age, and so to escape from the despotism or the anarchy which threatens them ; what reason is there to suppose that their efforts would not be crowned with success? The organization and the establishment of democracy in Christendom, is the great political problem of the time. The Americans, unquestionably, have not resolved this problem, but they furnish useful data to those who undertake the task.

IMPORTANCE OF WHAT PRECEDES WITH RESPECT TO THE STATE OF EUROPE.

It may readily be discovered with what intention I undertook the foregoing inquiries. The question here discussed is interesting not only to the United States, but to the whole world ; it concerns, not a nation, but all mankind. If those nations whose social condition is democratic could only remain free as long as they are inhabitants of the wilds, we could not but despair of the future destiny of the human race ; for democracy is rapidly acquiring

a more extended sway, and the wilds are gradually peopled with men. If it were true that laws and manners are insufficient to maintain democratic institutions, what refuge would remain open to the nations except the despotism of a single individual? I am aware that there are many worthy persons at the present time who are not alarmed at this latter alternative, and who are so tired of liberty as to be glad of repose, far from those storms by which it is attended. But these individuals are ill acquainted with the haven towards which they are bound. They are so deluded by their recollections, as to judge the tendency of absolute power by what it was formerly, and not by what it might become at the present time.

If absolute power were re-established amongst the democratic nations of Europe, I am persuaded that it would assume a new form, and appear under features unknown to our forefathers. There was a time in Europe, when the laws and the consent of the people had invested princes with almost unlimited authority; but they scarcely ever availed themselves of it. I do not speak of the prerogatives of the nobility, of the authority of supreme courts of justice, of corporations and their chartered rights, or of provincial privileges, which served to break the blows of the sovereign authority, and to maintain a spirit of resistance in the nation. Independently of these political institutions,—which, however opposed they might be to personal liberty, served

to keep alive the love of freedom in the mind of the public, and which may be esteemed to have been useful in this respect,—the manners and opinions of the nation confined the royal authority within barriers which were not less powerful, although they were less conspicuous. Religion, the affections of the people, the benevolence of the prince, the sense of honour, family pride, provincial prejudices, custom, and public opinion limited the power of kings, and restrained their authority within an invisible circle. The constitution of nations was despotic at that time, but their manners were free. Princes had the right, but they had neither the means nor the desire, of doing whatever they pleased.

But what now remains of those barriers which formerly arrested the aggressions of tyranny? Since religion has lost its empire over the souls of men, the most prominent boundary which divided good from evil is overthrown: the very elements of the moral world are indeterminate; the princes and the peoples of the earth are guided by chance, and none can define the natural limits of despotism and the bounds of licence. Long revolutions have for ever destroyed the respect which surrounded the rulers of the State; and since they have been relieved from the burden of public esteem, princes may henceforward surrender themselves without fear to the seductions of arbitrary power.

When kings find that the hearts of their subjects are turned towards them, they are clement, because

they are conscious of their strength ; and they are chary of the affection of their people, because the affection of their people is the bulwark of the throne. A mutual interchange of goodwill then takes place between the prince and the people, which resembles the gracious intercourse of domestic society. The subjects may murmur at the sovereign's decree, but they are grieved to displease him ; and the sovereign chastises his subjects with the light hand of parental affection.

But when once the spell of royalty is broken in the tumult of revolution ; when successive monarchs have crossed the throne, so as alternately to display to the people the weakness of their right, and the harshness of their power, the sovereign is no longer regarded by any as the Father of the State, and he is feared by all as its master. If he be weak, he is despised ; if he be strong, he is detested. He is himself full of animosity and alarm ; he finds that he is as a stranger in his own country, and he treats his subjects like conquered enemies.

When the provinces and the towns formed so many different nations in the midst of their common country, each of them had a will of its own, which was opposed to the general spirit of subjection ; but now that all the parts of the same empire, after having lost their immunities, their customs, their prejudices, their traditions, and their names, are subjected and accustomed to the same laws, it is not more difficult to oppress them

collectively, than it was formerly to oppress them singly.

Whilst the nobles enjoyed their power, and indeed long after that power was lost, the honour of aristocracy conferred an extraordinary degree of force upon their personal opposition. They afforded instances of men who, notwithstanding their weakness, still entertained a high opinion of their personal value, and dared to cope single-handed with the efforts of the public authority. But at the present day, when all ranks are more and more confounded, when the individual disappears in the throng, and is easily lost in the midst of a common obscurity, when the honour of monarchy has almost lost its empire without being succeeded by public virtue, and when nothing can enable man to rise above himself, who shall say at what point the exigencies of power and the servility of weakness will stop?

As long as family feeling was kept alive, the antagonist of oppression was never alone; he looked about him, and found his clients, his hereditary friends, and his kinsfolk. If this support was wanting, he was sustained by his ancestors and animated by his posterity. But when patrimonial estates are divided, and when a few years suffice to confound the distinctions of a race, where can family feeling be found? What force can there be in the customs of a country which has changed, and is still perpetually changing its aspect; in which

every act of tyranny has a precedent, and every crime an example; in which there is nothing so old that its antiquity can save it from destruction, and nothing so unparalleled that its novelty can prevent it from being done? What resistance can be offered by manners of so pliant a make, that they have already often yielded? What strength can even public opinion have retained, when no twenty persons are connected by a common tie; when not a man, nor a family, nor chartered corporation, nor class, nor free institution, has the power of representing or exerting that opinion; and when every citizen—being equally weak, equally poor, and equally dependent—has only his personal impotence to oppose to the organized force of the Government?

The annals of France furnish nothing analogous to the condition in which that country might then be thrown. But it may more aptly be assimilated to the times of old, and to those hideous eras of Roman oppression, when the manners of the people were corrupted, their traditions obliterated, their habits destroyed, their opinions shaken, and freedom, expelled from the laws, could find no refuge in the land; when nothing protected the citizens, and the citizens no longer protected themselves; when human nature was the sport of man, and princes wearied out the clemency of Heaven before they exhausted the patience of their subjects. Those who hope to revive the monarchy of

Henry IV. or of Louis XIV., appear to me to be afflicted with mental blindness; and when I consider the present condition of several European nations,—a condition to which all the others tend,—I am led to believe that they will soon be left with no other alternative than democratic liberty, or the tyranny of the Cæsars.

And indeed it is deserving of consideration, whether men are to be entirely emancipated, or entirely enslaved; whether their rights are to be made equal, or wholly taken away from them. If the rulers of society were reduced either gradually to raise the crowd to their own level, or to sink the citizens below that of humanity, would not the doubts of many be resolved, the consciences of many be healed, and the community prepared to make great sacrifices with little difficulty? In that case, the gradual growth of democratic manners and institutions should be regarded, not as the best, but as the only means of preserving freedom; and without liking the government of democracy, it might be adopted as the most applicable and the fairest remedy for the present ills of society.

It is difficult to associate a people in the work of government; but it is still more difficult to supply it with experience, and to inspire it with the feelings which it requires in order to govern well. I grant that the caprices of democracy are perpetual; its instruments are rude, its laws imperfect. But if it were true that soon no just medium would

exist between the empire of democracy and the dominion of a single arm, should we not rather incline towards the former, than submit voluntarily to the latter? And if complete equality be our fate, is it not better to be levelled by free institutions than by despotic power?

Those who, after having read this book, should imagine that my intention in writing it has been to propose the laws and manners of the Anglo-Americans for the imitation of all democratic peoples, would commit a very great mistake; they must have paid more attention to the form than to the substance of my ideas. My aim has been to show, by the example of America, that laws, and especially manners, may exist which will allow a democratic people to remain free. But I am very far from thinking that we ought to follow the example of the American democracy, and copy the means which it has employed to attain its ends; for I am well aware of the influence which the nature of a country and its political precedents exercise upon a constitution; and I should regard it as a great misfortune for mankind if liberty were to exist, all over the world, under the same forms.

But I am of opinion that if we do not succeed in gradually introducing democratic institutions into France, and if we despair of imparting to the citizens those ideas and sentiments which first prepare them for freedom, and afterwards allow them to enjoy it, there will be no independence at all,

either for the middling classes or the nobility, for the poor or for the rich, but an equal tyranny over all ; and I foresee that if the peaceable empire of the majority be not founded amongst us in time, we shall sooner or later arrive at the unlimited authority of a single despot.

CHAPTER X.

THE PRESENT, AND PROBABLE FUTURE CONDITION OF
THE THREE RACES WHICH INHABIT THE TERRI-
TORY OF THE UNITED STATES.

THE principal part of the task which I had imposed upon myself is now performed : I have shown, as far as I was able, the laws and the manners of the American democracy. Here I might stop ; but the reader would perhaps feel that I had not satisfied his expectations.

The absolute supremacy of democracy is not all that we meet with in America ; the inhabitants of the New World may be considered from more than one point of view. In the course of this work my subject has often led me to speak of the Indians and the Negroes ; but I have never been able to stop in order to show what place these two races occupy, in the midst of the democratic people whom I was engaged in describing. I have mentioned in what spirit, and according to what laws, the Anglo-American Union was formed ; but I could only glance at the dangers which menace that confederation, whilst it was equally impossible for me to give a detailed account of its chances of duration,

independently of its laws and manners. When speaking of the United republican States, I hazarded no conjectures upon the permanence of republican forms in the New World; and when making frequent allusion to the commercial activity which reigns in the Union, I was unable to inquire into the future condition of the Americans as a commercial people.

These topics are collaterally connected with my subject, without forming a part of it; they are American, without being democratic; and to portray democracy has been my principal aim. It was therefore necessary to postpone these questions, which I now take up as the proper termination of my work.

THE territory now occupied or claimed by the American Union spreads from the shores of the Atlantic to those of the Pacific Ocean. On the East and West its limits are those of the continent itself. On the South it advances nearly to the Tropic, and it extends upwards to the icy regions of the North¹.

The human beings who are scattered over this space do not form, as in Europe, so many branches of the same stock. Three races naturally distinct, and I might almost say hostile to each other, are

¹ See the Map.

discoverable amongst them at the first glance. Almost insurmountable barriers had been raised between them by education and by law, as well as by their origin and outward characteristics; but fortune has brought them together on the same soil, where, although they are mixed, they do not amalgamate, and each race fulfils its destiny apart.

Amongst these widely differing families of men, the first which attracts attention, the superior in intelligence, in power and in enjoyment, is the White or European, the MAN preeminent; and in subordinate grades, the Negro and the Indian. These two unhappy races have nothing in common; neither birth, nor features, nor language, nor habits. Their only resemblance lies in their misfortunes. Both of them occupy an inferior rank in the country they inhabit; both suffer from tyranny; and if their wrongs are not the same, they originate at any rate with the same authors.

If we reasoned from what passes in the world, we should almost say that the European is to the other races of mankind, what man is to the lower animals;—he makes them subservient to his use; and when he cannot subdue, he destroys them. Oppression has at one stroke deprived the descendants of the Africans of almost all the privileges of humanity. The Negro of the United States has lost all remembrance of his country; the language which his forefathers spoke is never heard around him; he abjured their religion and forgot

their customs when he ceased to belong to Africa, without acquiring any claim to European privileges. But he remains half-way between the two communities; sold by the one, repulsed by the other; finding not a spot in the universe to call by the name of country, except the faint image of a home which the shelter of his master's roof affords.

The Negro has no family; woman is merely the temporary companion of his pleasures, and his children are upon an equality with himself from the moment of their birth. Am I to call it a proof of God's mercy, or a visitation of his wrath, that man in certain states appears to be insensible to his extreme wretchedness, and almost affects with a depraved taste the cause of his misfortunes? The Negro, who is plunged in this abyss of evils, scarcely feels his own calamitous situation. Violence made him a slave, and the habit of servitude gives him the thoughts and desires of a slave; he admires his tyrants more than he hates them, and finds his joy and his pride in the servile imitation of those who oppress him: his understanding is degraded to the level of his soul.

The Negro enters upon slavery as soon as he is born; nay, he may have been purchased in the womb, and have begun his slavery before he began his existence. Equally devoid of wants and of enjoyment, and useless to himself, he learns, with his first notions of existence, that he is the property of another who has an interest in preserving his life,

and that the care of it does not devolve upon himself; even the power of thought appears to him a useless gift of Providence, and he quietly enjoys the privileges of his debasement.

If he becomes free, independence is often felt by him to be a heavier burden than slavery; for having learned, in the course of his life, to submit to everything except reason, he is too much unacquainted with her dictates to obey them. A thousand new desires beset him, and he is destitute of the knowledge and energy necessary to resist them: these are masters which it is necessary to contend with, and he has learnt only to submit and obey. In short, he sinks to such a depth of wretchedness, that while servitude brutalizes, liberty destroys him.

Oppression has been no less fatal to the Indian than to the Negro race, but its effects are different. Before the arrival of white men in the New World, the inhabitants of North America lived quietly in their woods, enduring the vicissitudes and practising the virtues and vices common to savage nations. The Europeans, having dispersed the Indian tribes and driven them into the deserts, condemned them to a wandering life full of inexpressible sufferings.

Savage nations are only controlled by opinion and by custom. When the North American Indians had lost the sentiment of attachment to their country; when their families were dispersed, their traditions obscured, and the chain of their recollec-

tions broken ; when all their habits were changed, and their wants increased beyond measure, European tyranny rendered them more disorderly and less civilized than they were before. The moral and physical condition of these tribes continually grew worse, and they became more barbarous as they became more wretched. Nevertheless the Europeans have not been able to metamorphose the character of the Indians ; and though they have had power to destroy them, they have never been able to make them submit to the rules of civilized society.

The lot of the Negro is placed on the extreme limit of servitude, while that of the Indian lies on the uttermost verge of liberty ; and slavery does not produce more fatal effects upon the first, than independence upon the second. The Negro has lost all property in his own person, and he cannot dispose of his existence without committing a sort of fraud : but the savage is his own master as soon as he is able to act ; parental authority is scarcely known to him ; he has never bent his will to that of any of his kind, nor learned the difference between voluntary obedience and a shameful subjection ; and the very name of law is unknown to him. To be free, with him, signifies to escape from all the shackles of society. As he delights in this barbarous independence, and would rather perish than sacrifice the least part of it, civilization has little power over him.

The Negro makes a thousand fruitless efforts to insinuate himself amongst men who repulse him ; he conforms to the tastes of his oppressors, adopts their opinions, and hopes by imitating them to form a part of their community. Having been told from infancy that his race is naturally inferior to that of the Whites, he assents to the proposition, and is ashamed of his own nature. In each of his features he discovers a trace of slavery, and, if it were in his power, he would willingly rid himself of everything that makes him what he is.

The Indian, on the contrary, has his imagination inflated with the pretended nobility of his origin, and lives and dies in the midst of these dreams of pride. Far from desiring to conform his habits to ours, he loves his savage life as the distinguishing mark of his race, and he repels every advance to civilization, less perhaps from the hatred which he entertains for it, than from a dread of resembling the Europeans¹. While he has nothing to oppose

¹ The native of North America retains his opinions and the most insignificant of his habits with a degree of tenacity which has no parallel in history. For more than two hundred years the wandering tribes of North America have had daily intercourse with the Whites, and they have never derived from them either a custom or an idea. Yet the Europeans have exercised a powerful influence over the Savages : they have made them more licentious, but not more European. In the summer of 1831 I happened to be beyond Lake Michigan, at a place called Green-bay, which serves as the extreme frontier between the United States and the Indians on the north-western side. Here I became acquainted with an American officer, Major H., who after talking

to our perfection in the arts but the resources of the desert, to our tactics nothing but undisciplined courage ; whilst our well-digested plans are met by the spontaneous instincts of savage life, who can wonder if he fails in this unequal contest?

The Negro, who earnestly desires to mingle his race with that of the European, cannot effect it ; while the Indian, who might succeed to a certain extent, disdains to make the attempt. The servility of the one dooms him to slavery, the pride of the other to death.

I remember that while I was travelling through the forests which still cover the State of Alabama, I arrived one day at the log-house of a pioneer. I did not wish to penetrate into the dwelling of the

to me at length on the inflexibility of the Indian character, related the following fact : “ I formerly knew a young Indian,” said he, “ who had been educated at a college in New England, where he had greatly distinguished himself, and had acquired the external appearance of a member of civilized society. When the war broke out between ourselves and the English in 1810, I saw this young man again ; he was serving in our army, at the head of the warriors of his tribe ; for the Indians were admitted amongst the ranks of the Americans, upon condition that they would abstain from their horrible custom of scalping their victims. On the evening of the battle of * * *, C. came, and sat himself down by the fire of our bivouack. I asked him what had been his fortune that day : he related his exploits ; and growing warm and animated by the recollection of them, he concluded by suddenly opening the breast of his coat, saying, ‘ You must not betray me, — see here !’ And I actually beheld,” said the Major, “ between his body and his shirt, the skin and hair of an English head, still dripping with gore.”

American, but retired to rest myself for a while on the margin of a spring, which was not far off, in the woods. While I was in this place, (which was in the neighbourhood of the Creek territory,) an Indian woman appeared, followed by a negress, and holding by the hand a little white girl of five or six years old, whom I took to be the daughter of the pioneer. A sort of barbarous luxury set off the costume of the Indian; rings of metal were hanging from her nostrils and ears; her hair, which was adorned with glass beads, fell loosely upon her shoulders; and I saw that she was not married, for she still wore that necklace of shells which the bride always deposits on the nuptial couch. The negress was clad in squalid European garments.

They all three came and seated themselves upon the banks of the fountain; and the young Indian, taking the child in her arms, lavished upon her such fond caresses as mothers give; while the negress endeavoured by various little artifices to attract the attention of the young creole. The child displayed in her slightest gestures a consciousness of superiority which formed a strange contrast with her infantine weakness; as if she received the attentions of her companions with a sort of condescension.

The negress was seated on the ground before her mistress, watching her smallest desires, and apparently divided between strong affection for the child

and servile fear ; whilst the savage displayed, in the midst of her tenderness, an air of freedom and of pride which was almost ferocious. I had approached the group, and I contemplated them in silence ; but my curiosity was probably displeasing to the Indian woman, for she suddenly rose, pushed the child roughly from her, and giving me an angry look plunged into the thicket.

I had often chanced to see individuals met together in the same place, who belonged to the three races of men which people North America. I had perceived from many different results the preponderance of the Whites. But in the picture which I have just been describing there was something peculiarly touching ; a bond of affection here united the oppressors with the oppressed, and the effort of Nature to bring them together rendered still more striking the immense distance placed between them by prejudice and by law.

THE PRESENT AND PROBABLE FUTURE CONDITION OF
THE INDIAN TRIBES WHICH INHABIT THE TERRITORY
POSSESSED BY THE UNION. •

Gradual disappearance of the native tribes.—Manner in which it takes place.—Miseries accompanying the forced migrations of the Indians.—The Savages of North America had only two ways of escaping destruction ; war, or civilization.—They are no longer able to make war.—Reasons why they refused to be-

Some civilized when it was in their power, and why they cannot become so now that they desire it.—Instance of the Creeks and Cherokees.—Policy of the particular States towards these Indians.—Policy of the Federal Government.

NONE of the Indian tribes which formerly inhabited the territory of New England,—the Naragansetts, the Mohicans, the Pecots,—have any existence but in the recollection of man. The Lenapes, who received William Penn a hundred and fifty years ago upon the banks of the Delaware, have disappeared; and I myself met with the last of the Iroquois, who were begging alms. The nations I have mentioned formerly covered the country to the sea-coast; but a traveller at the present day must penetrate more than a hundred leagues into the interior of the continent to find an Indian. Not only have these wild tribes receded, but they are destroyed¹; and as they give way or perish, an immense and increasing people fills their place. There is no instance upon record of so prodigious a growth, or so rapid a destruction: the manner in which the latter change takes place is not difficult to describe.

When the Indians were the sole inhabitants of the wilds from whence they have since been expelled, their wants were few. Their arms were of their own manufacture, their only drink was the

¹ In the thirteen original States, there are only 6273 Indians remaining. (See Legislative Documents, 20th Congress, No. 117. page 90.)

water of the brook, and their clothes consisted of the skins of animals, whose flesh furnished them with food.

The Europeans introduced amongst the savages of North America fire-arms, ardent spirits, and iron: they taught them to exchange for manufactured stuffs, the rough garments which had previously satisfied their untutored simplicity. Having acquired new tastes, without the arts by which they could be gratified, the Indians were obliged to have recourse to the workmanship of the Whites; but in return for their productions the savage had nothing to offer except the rich furs which still abounded in his woods. Hence the chase became necessary, not merely to provide for his subsistence, but in order to procure the only objects of barter which he could furnish to Europe¹. Whilst the

¹ Messrs. Clarke and Cass, in their Report to Congress, the 4th of February 1829, p. 23, expressed themselves thus: "The time when the Indians generally could supply themselves with food and clothing, without any of the articles of civilized life, has long since passed away. The more remote tribes, beyond the Mississippi, who live where immense herds of buffalo are yet to be found, and who follow those animals in their periodic migrations, could more easily than any others recur to the habits of their ancestors, and live without the white man or any of his manufactures. But the buffalo is constantly receding. The smaller animals, the bear, the deer, the beaver, the otter, the musk-rat, &c. principally minister to the comfort and support of the Indians; and these cannot be taken without guns, ammunition, and traps.

"Among the North-western Indians particularly, the labour of supplying a family with food is excessive. Day after day is spent by the hunter without success, and during this interval his

wants of the natives were thus increasing, their resources continued to diminish.

From the moment when an European settlement is formed in the neighbourhood of the territory occupied by the Indians, the beasts of chase take the alarm¹. Thousands of savages, wandering in the forests and destitute of any fixed dwelling, did not disturb them; but as soon as the continuous sounds of European labour are heard in their neighbourhood, they begin to flee away, and retire to the west, where their instinct teaches them that they will find deserts of immeasurable extent. "The buffalo is constantly receding," say Messrs. Clarke and Cass in their Report of the year 1829; "a few years since they approached the base of the Alleg-

family must subsist upon bark or roots, or perish. Want and misery are around them and among them. Many die every winter from actual starvation."

The Indians will not live as Europeans live; and yet they can neither subsist without them, nor exactly after the fashion of their fathers. This is demonstrated by a fact which I likewise give upon official authority. Some Indians of a tribe on the banks of Lake Superior had killed an European; the American Government interdicted all traffic with the tribe to which the guilty parties belonged, until they were delivered up to justice. This measure had the desired effect.

¹ "Five years ago," (says Volney in his *Tableau des Etats Unis*, p. 370,) "in going from Vincennes to Kaskaskia, a territory which now forms part of the State of Illinois, but which at the time I mention was completely wild (1797), you could not cross a prairie without seeing herds of from four to five hundred buffaloes. There are now none remaining; they swam across the Mississippi, to escape from the hunters, and more particularly from the bells of the American cows.

hany; and a few years hence they may even be rare upon the immense plains which extend to the base of the Rocky Mountains." I have been assured that this effect of the approach of the Whites is often felt at two hundred leagues' distance from their frontier. Their influence is thus exerted over tribes whose name is unknown to them, and who suffer the evils of usurpation long before they are acquainted with the authors of their distress¹.

Bold adventurers soon penetrate into the country the Indians have deserted, and when they have advanced about fifteen or twenty leagues from the extreme frontiers of the Whites, they begin to build habitations for civilized beings in the midst of the wilderness. This is done without difficulty, as the territory of a hunting-nation is ill defined; it is the common property of the tribe, and belongs to no one in particular, so that individual interests are not concerned in the protection of any part of it.

A few European families settled in different situations at a considerable distance from each other, soon drive away the wild animals which remain between their places of abode. The Indians, who had

¹ The truth of what I here advance may be easily proved by consulting the Tabular Statement of Indian Tribes inhabiting the United States and their territories. (Legislative Documents, 20th Congress, No. 117. p. 90-105.) It is there shown that the tribes in the centre of America are rapidly decreasing, although the Europeans are still at a considerable distance from them.

previously lived in a sort of abundance, then find it difficult to subsist, and still more difficult to procure the articles of barter which they stand in need of.

To drive away their game is to deprive them of the means of existence, as effectually as if the fields of our agriculturists were stricken with barrenness ; and they are reduced, like famished wolves, to prowl through the forsaken woods in quest of prey. Their instinctive love of their country attaches them to the soil which gave them birth¹, even after it has ceased to yield anything but misery and death. At length they are compelled to acquiesce, and to depart : they follow the traces of the elk, the buffalo, and the beaver, and are guided by these wild animals in the choice of their future country. Properly speaking, therefore, it is not the Europeans who drive away the native inhabitants of America ; it is famine which compels them to recede ; a happy distinction which had escaped the casuists of former times, and for which we are indebted to modern discovery ! *

It is impossible to conceive the extent of the suf-

¹ "The Indians," say Messrs. Clarke and Cass in their Report to Congress, p. 15, "are attached to their country by the same feelings which bind us to ours ; and, besides, there are certain superstitious notions connected with the alienation of what the Great Spirit gave to their ancestors, which operate strongly upon the tribes who have made few or no cessions, but which are gradually weakened as our intercourse with them is extended. 'We will not sell the spot which contains the bones of our fathers,' is almost always the first answer to a proposition for a sale." *

ferings which attend these forced emigrations. They are undertaken by a people already exhausted and reduced ; and the countries to which the new comers betake themselves are inhabited by other tribes which receive them with jealous hostility. Hunger is in the rear, war awaits them, and misery besets them on all sides. In the hope of escaping from such a host of enemies, they separate, and each individual endeavours to procure the means of supporting his existence in solitude and secrecy, living in the immensity of the desert like an outcast in civilized society. The social tie, which distress had long since weakened, is then dissolved : they have lost their country, and their people soon deserts them ; their very families are obliterated ; the names they bore in common are forgotten, their language perishes, and all traces of their origin disappear. Their nation has ceased to exist, except in the recollection of the antiquaries of America and a few of the learned of Europe.

I should be sorry to have my reader suppose that I am colouring the picture too highly : I saw with my own eyes several of the cases of misery which I have been describing ; and I was the witness of sufferings which I have not the power to pourtray.

At the end of the year 1831, whilst I was on the left bank of the Mississippi at a place named by Europeans Memphis, there arrived a numerous band of Choctaws (or Chactas, as they are called by the French in Louisiana). These savages had

left their country, and were endeavouring to gain the right bank of the Mississippi, where they hoped to find an asylum which had been promised them by the American Government. It was then the middle of winter, and the cold was unusually severe; the snow had frozen hard upon the ground, and the river was drifting huge masses of ice. The Indians had their families with them; and they brought in their train the wounded and the sick, with children newly born, and old men upon the verge of death. They possessed neither tents nor waggons, but only their arms and some provisions. I saw them embark to pass the mighty river, and never will that solemn spectacle fade from my remembrance. No cry, no sob was heard amongst the assembled crowd: all were silent. Their calamities were of ancient date, and they knew them to be irremediable. The Indians had all stepped into the bark which was to carry them across, but their dogs remained upon the bank. As soon as these animals perceived that their masters were finally leaving the shore, they set up a dismal howl, and, plunging all together into the icy waters of the Mississippi, they swam after the boat.

The ejection of the Indians very often takes place at the present day, in a regular, and, as it were, a legal manner. When the European population begins to approach the limit of the desert inhabited by a savage tribe, the Government of the United States usually dispatches envoys to them,

who assemble the Indians in a large plain, and having first eaten and drunk with them, accost them in the following manner: "What have you to do in the land of your fathers? Before long you must dig up their bones in order to live. In what respect is the country you inhabit better than another? Are there no woods, marshes, or prairies, except where you dwell? And can you live nowhere but under your own sun? Beyond those mountains which you see at the horizon, beyond the lake which bounds your territory on the West, there lie vast countries where beasts of chase are found in great abundance; sell your lands to us, and go to live happily in those solitudes." After holding this language, they spread before the eyes of the Indians fire-arms, woollen garments, kegs of brandy, glass necklaces, bracelets of tinsel, ear-rings, and looking-glasses¹. If, when they have beheld all these riches,

¹ See in the Legislative Documents of Congress (Doc. 117.) the narrative of what takes place on these occasions. This curious passage is from the above-mentioned Report, made to Congress by Messrs. Clarke and Cass in February 1829. Mr. Cass is now the Secretary at War.

"The Indians," says the Report, "reach the treaty-ground poor, and almost naked. Large quantities of goods are taken there by the traders, and are seen and examined by the Indians. The women and children become importunate to have their wants supplied, and their influence is soon exerted to induce a sale. Their improvidence is habitual and unconquerable. The gratification of his immediate wants and desires is the ruling passion of an Indian: the expectation of future advantages seldom produces much effect. The experience of the past is lost, and the prospects of the future disregarded. It would be utterly hopeless

they still hesitate, it is insinuated that they have not the means of refusing their required consent, and that the Government itself will not long have the power of protecting them in their rights. What are they to do? Half convinced, and half compelled, they go to inhabit new deserts, where the importunate Whites will not let them remain ten years in tranquillity. In this manner do the Americans obtain at a very low price whole provinces, which the richest sovereigns of Europe could not purchase¹.

to demand a cession of land, unless the means were at hand of gratifying their immediate wants; and when their condition and circumstances are fairly considered, it ought not to surprise us that they are so anxious to relieve themselves."

¹ On the 19th of May 1830, Mr. Edward Everett affirmed before the House of Representatives, that the Americans had already acquired by *treaty*, to the east and west of the Mississippi, 230,000,000 of acres. In 1808 the Ovages gave up 48,000,000 acres for an annual payment of 1000 dollars. In 1818 the Quapaws yielded up 29,000,000 acres for 4000 dollars. They reserved for themselves a territory of 1,000,000 acres, for a hunting-ground. A solemn oath was taken that it should be respected: but before long it was invaded like the rest.

Mr. Bell, in his 'Report of the Committee on Indian affairs,' February 24, 1830, has these words: "To pay an Indian tribe what their ancient hunting-grounds are worth to them, after the game is fled or destroyed, as a mode of appropriating wild lands claimed by Indians, has been found more convenient, and certainly it is more agreeable to the forms of justice, as well as more merciful, than to assert the possession of them by the sword. Thus the practice of buying Indian titles is but the substitute which humanity and expediency have imposed, in place of the sword, in arriving at the actual enjoyment of property claimed by the right of discovery, and sanctioned by the natural superiority allowed to the claims of civilized communities over those of

These are great evils, and it must be added that they appear to me to be irremediable. I believe that the Indian nations of North America are doomed to perish; and that whenever the Europeans shall be established on the shores of the Pacific Ocean, that race of men will be no more'. The Indians had only the two alternatives of war or civilization; in other words, they must either have destroyed the Europeans or become their equals.

At the first settlement of the colonies they might have found it possible, by uniting their forces, to deliver themselves from the small bodies of strangers who landed on their continent². They several times attempted to do it, and were on the point of succeeding; but the disproportion of their resources,

savage tribes. Up to the present time, so invariable has been the operation of certain causes, first in diminishing the value of forest lands to the Indians, and secondly in disposing them to sell readily, that the plan of buying their right of occupancy has never threatened to retard, in any perceptible degree the prosperity of any of the States." (Legislative Documents, 21st Congress, No. 227, p. 6.)

¹ This seems, indeed, to be the opinion of almost all American statesmen. "Judging of the future by the past," says Mr. Cass, "we cannot err in anticipating a progressive diminution of their numbers, and their eventual extinction, unless our border should become stationary, and they be removed beyond it, or unless some radical change should take place in the principles of our intercourse with them, which it is easier to hope for than to expect."

² Amongst other warlike enterprises, there was one of the Wampanaogs, and other confederate tribes, under Metacom in 1675, against the colonists of New England; the English were also engaged in war in Virginia in 1622.

at the present day, when compared with those of the Whites, is too great to allow such an enterprise to be thought of. Nevertheless there do arise from time to time among the Indians men of penetration, who foresee the final destiny which awaits the native population, and who exert themselves to unite all the tribes in common hostility to the Europeans; but their efforts are unavailing. Those tribes which are in the neighbourhood of the Whites, are too much weakened to offer an effectual resistance; whilst the others, giving way to that childish carelessness of the morrow which characterizes savage life, wait for the near approach of danger before they prepare to meet it: some are unable, the others are unwilling, to exert themselves.

It is easy to foresee that the Indians will never conform to civilization; or that it will be too late, whenever they may be inclined to make the experiment.

Civilization is the result of a long social process which takes place in the same spot, and is handed down from one generation to another, each one profiting by the experience of the last. Of all nations, those submit to civilization with the most difficulty, which habitually live by the chase. Pastoral tribes, indeed, often change their place of abode; but they follow a regular order in their migrations, and often return again to their old stations, whilst the dwelling of the hunter varies with that of the animals he pursues.

Several attempts have been made to diffuse know-

ledge amongst the Indians, without controlling their wandering propensities; by the Jesuits in Canada, and by the Puritans in New England¹; but none of these endeavours were crowned by any lasting success. Civilization began in the cabin, but it soon retired to expire in the woods. The great error of these legislators of the Indians was their not understanding, that in order to succeed in civilizing a people, it is first necessary to fix it; which cannot be done without inducing it to cultivate the soil: the Indians ought in the first place to have been accustomed to agriculture. But not only are they destitute of this indispensable preliminary to civilization, they would even have great difficulty in acquiring it. Men who have once abandoned themselves to the restless and adventurous life of the hunter, feel an insurmountable disgust for the constant and regular labour which tillage requires. We see this proved in the bosom of our own society; but it is far more visible among peoples whose partiality for the chase is a part of their national character.

• Independently of this general difficulty, there is another which applies peculiarly to the Indians; they consider labour not merely as an evil, but as a disgrace; so that their pride prevents them from becoming civilized, as much as their indolence².

¹ See the 'Histoire de la Nouvelle France' by Charlevoix, and the work entitled 'Lettres édifiantes'.

² "In all the tribes," says Volney in his 'Tableau des Etats-

There is no Indian so wretched as not to retain, under his hut of bark, a lofty idea of his personal worth ; he considers the cares of industry and labour as degrading occupations ; he compares the husbandman to the ox which traces the furrow ; and even in our most ingenious handicraft, he can see nothing but the labour of slaves. Not that he is devoid of admiration for the power and intellectual greatness of the Whites ; but although the result of our efforts surprises him, he contemns the means by which we obtain it ; and while he acknowledges our ascendancy, he still believes in his superiority. War and hunting are the only pursuits which appear to him worthy to be the occupations of a man¹. The Indian, in the dreary solitudes of his woods, cherishes the same ideas, the same opinions as the noble of the Middle Ages in his castle, and he only requires to become a conqueror to complete the resemblance : thus, however strange it may seem, it is in the forests of the New World, and not amongst the Europeans who people its coasts, that

Unis,' p. 423, "there still exists a generation of old warriors who cannot forbear, when they see their countrymen using the hoe, from exclaiming against the degradation of ancient manners, and asserting that the savages owe their decline to these innovations ; adding, that they have only to return to their primitive habits, in order to recover their power and their glory."

¹ The following description occurs in an official document. "Until a young man has been engaged with an enemy, and has performed some acts of valour, he gains no consideration, but is regarded nearly as a woman. In their great war-dances, all

the ancient prejudices of Europe are still in existence.

More than once, in the course of this work, I have endeavoured to explain the prodigious influence which the social condition appears to exercise upon the laws and the manners of men ; and I beg to add a few words on the same subject.

When I perceive the resemblance which exists between the political institutions of our ancestors, the Germans, and of the wandering tribes of North America ; between the customs described by Tacitus, and those of which I have sometimes been a witness, I cannot help thinking that the same cause has brought about the same results in both hemispheres ; and that in the midst of the apparent diversity of human affairs, a certain number of primary facts may be discovered, from which all the others are derived. In what we usually call the German institutions, then, I am inclined only to perceive barbarian habits ; and the opinions of savages, in what we style feudal principles.

the warriors in succession strike the post, as it is called, and recount their exploits. On these occasions their auditory consists of the kinsmen, friends, and comrades of the narrator. The profound impression which his discourse produces on them is manifested by the silent attention it receives, and by the loud shouts which hail its termination. The young man who finds himself at such a meeting without anything to recount, is very unhappy ; and instances have sometimes occurred of young warriors, whose passions had been thus inflamed, quitting the war-dance suddenly, and going off alone to seek for trophies which they might exhibit, and adventures which they might be allowed to relate."

However strongly the vices and prejudices of the North American Indians may be opposed to their becoming agricultural and civilized, necessity sometimes obliges them to it. Several of the Southern nations, and amongst others the Cherokees and the Creeks¹, were surrounded by Europeans, who had landed on the shores of the Atlantic; and who, either descending the Ohio or proceeding up the Mississippi, arrived simultaneously upon their borders. These tribes have not been driven from place to place, like their Northern brethren; but they have been gradually inclosed within narrow limits, like the game within the thicket before the huntsmen plunge into the interior. The Indians, who were thus placed between civilization and death, found themselves obliged to live by ignominious labour like the Whites. They took to agriculture, and, without entirely forsaking their old habits or manners, sacrificed only as much as was necessary to their existence.

¹ These nations are now swallowed up in the States of Georgia, Tennessee, Alabama, and Mississippi. There were formerly in the South four great nations, (remnants of which still exist,) the Choctaws, the Chikasaws, the Creeks, and the Cherokees. The remnants of these four nations amounted in 1830 to about 75,000 individuals. It is computed that there are now remaining in the territory occupied or claimed by the Anglo-American Union about 300,000 Indians. (See Proceedings of the Indian Board in the city of New York.) The official documents supplied to Congress make the number amount to 313,130. The reader who is curious to know the names and numerical strength of all the tribes which inhabit the Anglo-American territory, should consult the documents I refer to. (Legislative Documents, 20th Congress, No. 117. p. 90-105.)

The Cherokees went further ; they created a written language ; established a permanent form of government ; and as everything proceeds rapidly in the New World, before they had all of them clothes, they set up a newspaper¹.

The growth of European habits has been remarkably accelerated among these Indians by the mixed race which has sprung up². Deriving intelligence from the father's side, without entirely losing the savage customs of the mother, the half-blood forms the natural link between civilization and barbarism. Wherever this race has multiplied, the savage state has become modified, and a great change has taken place in the manners of the people³.

The success of the Cherokees proves that the Indians are capable of civilization, but it does not prove that they will succeed in it. This difficulty

¹ I brought back with me to France one or two copies of this singular publication.

² See in the Report of the Committee on Indian affairs, 21st Congress, No. 227, p. 23, the reasons for the multiplication of Indians of mixed blood among the Cherokees. The principal cause dates from the War of Independence. Many Anglo-Americans of Georgia, having taken the side of England, were obliged to retreat among the Indians, where they married.

³ Unhappily the mixed race has been less numerous and less influential in North America than in any other country. The American continent was peopled by two great nations of Europe, the French and the English. The former were not slow in connecting themselves with the daughters of the natives ; but there was an unfortunate affinity between the Indian character and their own ; instead of giving the tastes and habits of civilized

which the Indians find in submitting to civilization proceeds from the influence of a general cause, which it is almost impossible for them to escape. An attentive survey of history demonstrates that, in general, barbarous nations have raised themselves to civilization by degrees, and by their own efforts. Whenever they derived knowledge from a foreign people, they stood towards it in the relation of conquerors, and not of a conquered nation. When the conquered nation is enlightened, and the conquerors are half savage, as in the case of the invasion of Rome by the Northern nations or that of China by the Moguls, the power which victory bestows upon the barbarian is sufficient to keep up

life to the savages, the French too often grew passionately fond of the state of wild freedom they found them in. They became the most dangerous of the inhabitants of the desert, and won the friendship of the Indian by exaggerating his vices and his virtues. M. de Senonville, the Governor of Canada, wrote thus to Louis XIV. in 1685: "It has long been believed that in order to civilize the savages we ought to draw them nearer to us. But there is every reason to suppose we have been mistaken. Those which have been brought into contact with us have not become French, and the French who have lived among them are changed into savages, affecting to dress and live like them. (History of New France, by Charlevoix, vol. ii. p. 345.) The Englishman, on the contrary, continuing obstinately attached to the customs and the most insignificant habits of his forefathers, has remained in the midst of the American solitudes just what he was in the bosom of European cities; he would not allow of any communication with savages whom he despised, and avoided with care the union of his race with theirs. Thus, while the French exercised no salutary influence over the Indians, the English have always remained alien from them.

his importance among civilized men, and permit him to rank as their equal, until he becomes their rival: the one has might on his side, the other has intelligence; the former admires the knowledge and the arts of the conquered, the latter envies the power of the conquerors. The barbarians at length admit civilized man into their palaces, and he in turn opens his schools to the barbarians. But when the side on which the physical force lies, also possesses an intellectual preponderance, the conquered party seldom becomes civilized; it retreats, or is destroyed. It may therefore be said, in a general way, that savages go forth in arms to seek knowledge, but that they do not receive it when it comes to them.

If the Indian tribes which now inhabit the heart of the continent could summon up energy enough to attempt to civilize themselves, they might possibly succeed. Superior already to the barbarous nations which surround them, they would gradually gain strength and experience; and when the Europeans should appear upon their borders, they would be in a state, if not to maintain their independence, at least to assert their right to the soil, and to incorporate themselves with the conquerors. But it is the misfortune of Indians to be brought into contact with a civilized people, which is also (it must be owned) the most avaricious nation on the globe, whilst they are still semi-barbarian: to find despots in their instructors, and to receive know-

ledge from the hand of oppression. Living in the freedom of the woods, the North American Indian was destitute, but he had no feeling of inferiority towards any one; as soon, however, as he desires to penetrate into the social scale of the Whites, he takes the lowest rank in society, for he enters ignorant and poor within the pale of science and wealth. After having led a life of agitation, beset with evils and dangers, but at the same time filled with proud emotions¹, he is obliged to submit to a

¹ There is in the adventurous life of the hunter a certain irresistible charm, which seizes the heart of man, and carries him away in spite of reason and experience. This is plainly shown by the Memoirs of Tanner. Tanner is a European who was carried away at the age of six by the Indians, and has remained thirty years with them in the woods. Nothing can be conceived more appalling than the miseries which he describes. He tells us of tribes without a chief, families without a nation to call their own, men in a state of isolation, wrecks of powerful tribes wandering at random amid the ice and snow and desolate solitudes of Canada. Hunger and cold pursue them; every day their life is in jeopardy. Amongst these men, manners have lost their empire, traditions are without power. They become more and more savage. Tanner shared in all these miseries; he was aware of his European origin; he was not kept away from the Whites by force; on the contrary, he came every year to trade with them, entered their dwellings, and witnessed their enjoyments; he knew that whenever he chose to return to civilized life, he was perfectly able to do so,—and he remained thirty years in the deserts. When he came into civilized society, he declared that the rude existence, which he described, had a secret charm for him which he was unable to define. he returned to it again and again: at length he abandoned it with poignant regret: and when he was at length fixed among the Whites, several of his children refused to share his tranquil and easy situation. I saw Tanner myself at

wearisome, obscure, and degraded state; and to gain the bread which nourishes him by hard and ignoble labour; such are in his eyes the only results of which civilization can boast: and even this much he is not sure to obtain.

When the Indians undertake to imitate their European neighbours, and to till the earth like the settlers, they are immediately exposed to a very formidable competition. The white man is skilled in the craft of agriculture; the Indian is a rough beginner in an art with which he is unacquainted. The former reaps abundant crops without difficulty, the latter meets with a thousand obstacles in raising the fruits of the earth.

The European is placed amongst a population whose wants he knows and partakes. The savage is isolated in the midst of a hostile people, with whose manners, language, and laws he is imperfectly acquainted, but without whose assistance he cannot live. He can only procure the materials of comfort by bartering his commodities against the goods of the European, for the assistance of his countrymen is wholly insufficient to supply his wants. When the Indian wishes to sell the produce of his labour, he cannot always meet with a pur-

the lower end of Lake Superior: he seemed to me to be more like a savage than a civilized being. His book is written without either taste or order; but he gives, even unconsciously, a lively picture of the prejudices, the passions, the vices, and, above all, of the destitution in which he lived.

chaser, whilst the European readily finds a market ; and the former can only produce at a considerable cost, that which the latter vend^s at a very low rate. Thus the Indian has no sooner escaped those evils to which barbarous nations are exposed, than he is subjected to the still greater miseries of civilized communities ; and he finds it scarcely less difficult to live in the midst of our abundance, than in the depth of his own wilderness.

He has not yet lost the habits of his erratic life ; the traditions of his fathers and his passion for the chase are still alive within him. The wild enjoyments which formerly animated him in the woods painfully excite his troubled imagination ; and his former privations appear to be less keen, his former perils less appalling. He contrasts the independence which he possessed amongst his equals with the servile position which he occupies in civilized society. On the other hand, the solitudes which were so long his free home are still at hand ; a few hours' march will bring him back to them once more. The Whites offer him a sum, which seems to him to be considerable, for the ground which he has begun to clear. This money of the Europeans may possibly furnish him with the means of a happy and peaceful subsistence in remoter regions ; and he quits the plough, resumes his native arms, and returns to the wilderness for ever¹. The condition of

¹ The destructive influence of highly civilized nations upon others which are less so, has been exemplified by the Euro-

the Creeks and Cherokees, to which I have already alluded, sufficiently corroborates the truth of this deplorable picture.

peans themselves. About a century ago the French founded the town of Vincennes upon the Wabash, in the middle of the desert; and they lived there in great plenty, until the arrival of the American settlers, who first ruined the previous inhabitants by their competition, and afterwards purchased their lands at a very low rate. At the time when M. de Volney, from whom I borrow these details, passed through Vincennes, the number of the French was reduced to a hundred individuals, most of whom were about to pass over to Louisiana or to Canada. These French settlers were worthy people, but idle and uneducated: they had contracted many of the habits of savages. The Americans, who were perhaps their inferiors in a moral point of view, were immeasurably superior to them in intelligence: they were industrious, well-informed, rich, and accustomed to govern their own community.

I myself saw in Canada, where the intellectual difference between the two races is less striking, that the English are the masters of commerce and manufacture in the Canadian country, that they spread on all sides, and confine the French within limits which scarcely suffice to contain them. In like manner, in Louisiana, almost all activity in commerce and manufacture centres in the hands of the Anglo-Americans.

But the case of Texas is still more striking: the State of Texas is a part of Mexico, and lies upon the frontier between that country and the United States. In the course of the last few years the Anglo-Americans have penetrated into this province, which is still thinly peopled; they purchase land, they produce the commodities of the country, and supplant the original population. It may easily be foreseen that if Mexico takes no steps to check this change, the province of Texas will very shortly cease to belong to that Government.

If the different degrees—comparatively so slight—which exist in European civilization produce results of such magnitude, the consequences which must ensue from the collision of the most perfect European civilization with Indian savages may readily be conceived.

The Indians, in the little which they have done, have unquestionably displayed as much natural genius as the peoples of Europe in their most important designs ; but nations as well as men require time to learn, whatever may be their intelligence and their zeal. Whilst the savages were engaged in the work of civilization, the Europeans continued to surround them on every side, and to confine them within narrower limits ; the two races gradually met, and they are now in immediate juxtaposition to each other. The Indian is already superior to his barbarous parent, but he is still very far below his white neighbour. With their resources and acquired knowledge, the Europeans soon appropriated to themselves most of the advantages which the natives might have derived from the possession of the soil : they have settled in the country, they have purchased land at a very low rate or have occupied it by force, and the Indians have been ruined by a competition which they had not the means of resisting. They were isolated in their own country, and their race only constituted a colony of troublesome aliens in the midst of a numerous and domineering people¹.

¹ See in the Legislative Documents (21st Congress, No. 89.) instances of excesses of every kind committed by the Whites upon the territory of the Indians, either in taking possession of a part of their lands, until compelled to retire by the troops of Congress, or carrying off their cattle, burning their houses, cutting down their corn, and doing violence to their persons.

It appears, nevertheless, from all these documents that the

Washington said in one of his messages to Congress, "We are more enlightened and more powerful than the Indian nations, we are therefore bound in honour to treat them with kindness and even with generosity." But this virtuous and high-minded policy has not been followed. The rapacity of the settlers is usually backed by the tyranny of the Government. Although the Cherokees and the Creeks are established upon the territory which they inhabited before the settlement of the Europeans, and although the Americans have frequently treated with them as with foreign nations, the surrounding States have not consented to acknowledge them as independent peoples, and attempts have been made to subject these children of the woods to Anglo-American magistrates, laws, and customs¹.

claims of the natives are constantly protected by the Government from the abuse of force. The Union has a representative agent continually employed to reside among the Indians; and the report of the Cherokee agent, which is among the documents I have referred to, is almost always favourable to the Indians. "The intrusion of Whites," he says, "upon the lands of the Cherokee would cause ruin to the poor, helpless and inoffensive inhabitants." And he further remarks upon the attempt of the State of Georgia to establish a division line for the purpose of limiting the boundaries of the Cherokees, that the line drawn having been made by the Whites, and entirely upon *ex parte* evidence of their several rights, was of no validity whatever.

¹ In 1829 the State of Alabama divided the Creek territory into counties, and subjected the Indian population to the power of European magistrates.

In 1830 the State of Mississippi assimilated the Choctaws and Chickasaws to the white population, and declared that any of them

Destitution had driven these unfortunate Indians to civilization, and oppression now drives them back to their former condition; many of them abandon the soil which they had begun to clear, and return to their savage course of life.

If we consider the tyrannical measures which have been adopted by the legislatures of the Southern States, the conduct of their Governors, and the decrees of their courts of justice, we shall be convinced that the entire expulsion of the Indians is the final result to which the efforts of their policy are directed. The Americans of that part of the Union look with jealousy upon the aborigines¹, they are aware that these tribes have not yet lost the traditions of savage life, and before civilization has permanently fixed them to the soil, it is intended to force them to recede by reducing them to despair. The Creeks and Cherokees, oppressed by the several States, have appealed to the central Government, which is by no means insensible to their misfortunes,

that should take the title of chief would be punished by a fine of 1000 dollars and a year's imprisonment. When these laws were enforced upon the Choctaws who inhabited that district, the tribe assembled, their chief communicated to them the intentions of the Whites, and read to them some of the laws to which it was intended that they should submit; and they unanimously declared that it was better at once to retreat again into the wilds.

¹ The Georgians, who are so much annoyed by the proximity of the Indians, inhabit a territory which does not at present contain more than seven inhabitants to the square mile. In France there are one hundred and sixty two inhabitants to the same extent of country.

and is sincerely desirous of saving the remnant of the natives, and of maintaining them in the free possession of that territory, which the Union is pledged to respect'. But the several States oppose so formidable a resistance to the execution of this design, that the Government is obliged to consent to the extirpation of a few barbarous tribes in order not to endanger the safety of the American Union.

But the Federal Government, which is not able to protect the Indians, would fain mitigate the hardships of their lot; and, with this intention, proposals have been made to transport them into more remote regions at the public cost.

Between the 33rd and 37th degrees of north latitude, a vast tract of country lies, which has taken the name of Arkansas, from the principal river that waters its extent. It is bounded on the one side by the confines of Mexico, on the other by the Mississippi. Numberless streams cross it in every direction; the climate is mild, and the soil productive, but it is only inhabited by a few wandering hordes of savages. The Government of the Union wishes to transport the broken remnants of the indigenous population of the South, to the portion of

ⁱ In 1818 Congress appointed commissioners to visit the Arkansas territory, accompanied by a deputation of Creeks, Choctaws, and Chickasaws. This expedition was commanded by Messrs. Kennerly, M'Coy, Wash Hood, and John Bell. See the different Reports of the Commissioners, and their journal, in the Documents of Congress, No. 87. House of Representatives.

this country which is nearest to Mexico, and at a great distance from the American settlements.

We were assured, towards the end of the year 1831, that 10,000 Indians had already gone down to the shores of the Arkansas; and fresh detachments were constantly following them; but Congress has been unable to excite a unanimous determination in those whom it is disposed to protect. Some, indeed, are willing to quit the seat of oppression, but the most enlightened members of the community refuse to abandon their recent dwellings and their springing crops; they are of opinion that the work of civilization, once interrupted, will never be resumed; they fear that those domestic habits which have been so recently contracted, may be irrecoverably lost in the midst of a country which is still barbarous, and where nothing is prepared for the subsistence of an agricultural people; they know that their entrance into those wilds will be opposed by inimical hordes, and that they have lost the energy of barbarians, without acquiring the resources of civilization to resist their attacks. Moreover, the Indians readily discover that the settlement which is proposed to them is merely a temporary expedient. Who can assure them that they will at length be allowed to dwell in peace in their new retreat? The United States pledge themselves to the observance of the obligation; but the territory which they at present occupy was formerly secured to them by the most

solemn oaths of Anglo-American faith'. The American Government does not indeed rob them of their lands, but it allows perpetual incursions to be made on them. In a few years the same white population which now flocks around them, will track them to the solitudes of the Arkansas ; they will then be exposed to the same evils without the same remedies ; and as the limits of the earth will at last fail them, their only refuge is the grave.

The Union treats the Indians with less cupidity and rigour than the policy of the several States, but the two Governments are alike destitute of good faith. The States extend what they are pleased to term the benefits of their laws to the Indians, with a belief that the tribes will recede rather than submit ; and the central Government, which promises a permanent refuge to these unhappy beings, is well aware of its inability to secure it to them².

¹ The fifth article of the treaty made with the Creeks in August 1790, is in the following words: "The United States solemnly guarantee to the Creek nation, all their land within the limits of the United States."

The seventh article of the treaty concluded in 1791 with the Cherokees says: "The United States solemnly guarantee to the Cherokee nation all their lands not hereby ceded." The following article declared that if any citizen of the United States or other settler not of the Indian race, should establish himself upon the territory of the Cherokees, the United States would withdraw their protection from that individual, and give him up to be punished as the Cherokee nation should think fit.

² This does not prevent them from promising in the most solemn manner to do so. See the letter of the President addressed

Thus the tyranny of the States obliges the savages to retire, the Union, by its promises and resources, facilitates their retreat; and these measures tend to precisely the same end'. "By the will of our Father in Heaven, the Governor of the whole world," said the Cherokees in their petition to Congress*, "the red man of America has become small, and the white man great and renowned. When the ancestors of the people of these United

to the Creek Indians, 23rd March, 1829. ('Proceedings of the Indian Board, in the city of New York,' p. 5.) "Beyond the great river Mississippi, where a part of your nation has gone, your father has provided a country large enough for all of you, and he advises you to remove to it. There your white brothers will not trouble you; they will have no claim to the land, and you can live upon it, you and all your children, as long as the grass grows or the water runs, in peace and plenty. *It will be yours for ever.*"

The Secretary of War, in a letter written to the Cherokees, April 18th, 1829, (see the same work, page 6,) declares to them that they cannot expect to retain possession of the lands, at that time occupied by them, but gives them the most positive assurance of uninterrupted peace if they would remove beyond the Mississippi: as if the power which could not grant them protection then, would be able to afford it them hereafter!

* To obtain a correct idea of the policy pursued by the several States and the Union with respect to the Indians, it is necessary to consult, 1st, 'The laws of the Colonial and State Governments relating to the Indian inhabitants,' (See the Legislative Documents, 21st Congress, No. 319.) 2nd, 'The Laws of the Union on the same subject, and especially that of March 30th, 1802,' (See Story's 'Laws of the United States.')

3rd, 'The Report of Mr. Cass, Secretary of War, relative to Indian affairs, November 29th, 1823.'

² December 18th, 1829.

States first came to the shores of America, they found the red man strong: though he was ignorant and savage, yet he received them kindly, and gave them dry land to rest their weary feet. They met in peace, and shook hands in token of friendship. Whatever the white man wanted and asked of the Indian, the latter willingly gave. At that time the Indian was the lord, and the white man the suppliant. But now the scene has changed. The strength of the red man has become weakness. As his neighbours increased in numbers, his power became less and less, and now, of the many and powerful tribes who once covered these United States, only a few are to be seen—a few whom a sweeping pestilence has left. The northern tribes, who were once so numerous and powerful, are now nearly extinct. Thus it has happened to the red man of America. Shall we, who are remnants, share the same fate?

“The land on which we stand we have received as an inheritance from our fathers, who possessed it from time immemorial, as a gift from our common Father in Heaven. They bequeathed it to us as their children, and we have sacredly kept it, as containing the remains of our beloved men. This right of inheritance we have never ceded, nor ever forfeited. Permit us to ask what better right can the people have to a country than the right of inheritance and immemorial peaceable possession? We know it is said of late by the State of Georgia

and by the Executive of the United States, that we have forfeited this right ; but we think this is said gratuitously. At what time have we made the forfeit? What great crime have we committed, whereby we must for ever be divested of our country and rights? Was it when we were hostile to the United States, and took part with the King of Great Britain, during the struggle for independence? If so, why was not this forfeiture declared in the first treaty of peace between the United States and our beloved men? Why was not such an article as the following inserted in the treaty : ‘The United States give peace to the Cherokees, but for the part they took in the late war, declare them to be but tenants at will, to be removed when the convenience of the States, within whose chartered limits they live, shall require it.’? That was the proper time to assume such a possession. But it was not thought of, nor would our forefathers have agreed to any treaty, whose tendency was to deprive them of their rights and their country.”

Such is the language of the Indians: their assertions are true, their forebodings inevitable. From whichever side we consider the destinies of the aborigines of North America, their calamities appear to be irremediable : if they continue barbarous, they are forced to retire ; if they attempt to civilize their manners, the contact of a more civilized community subjects them to oppression and destitution. They perish if they continue to wander from waste

to waste, and if they attempt to settle, they still must perish ; the assistance of Europeans is necessary to instruct them, but the approach of Europeans corrupts and repels them into savage life ; they refuse to change their habits as long as their solitudes are their own, and it is too late to change them when they are constrained to submit.

The Spaniards pursued the Indians with bloodhounds, like wild beasts ; they sacked the New World with no more temper or compassion than a city taken by storm : but destruction must cease, and frenzy be stayed ; the remnant of the Indian population, which had escaped the massacre, mixed with its conquerors, and adopted in the end their religion and their manners¹. The conduct of the Americans of the United States towards the aborigines is characterized, on the other hand, by a singular attachment to the formalities of law. Provided that the Indians retain their barbarous condition, the Americans take no part in their affairs ; they treat them as independent nations, and do not possess themselves of their hunting-grounds without a treaty of purchase : and if an Indian nation happens to be so encroached upon as to be unable to subsist upon its territory, they afford it brotherly

¹ The honour of this result is, however, by no means due to the Spaniards. If the Indian tribes had not been tillers of the ground at the time of the arrival of the Europeans, they would unquestionably have been destroyed in South as well as in North America.

assistance in transporting it to a grave sufficiently remote from the land of its fathers.

The Spaniards were unable to exterminate the Indian race by those unparalleled atrocities which brand them with indelible shame, nor did they even succeed in wholly depriving it of its rights; but the Americans of the United States have accomplished this twofold purpose with singular felicity; tranquilly, legally, philanthropically, without shedding blood, and without violating a single great principle of morality in the eyes of the world¹. It is impossible to destroy men with more respect for the laws of humanity.

¹ See, amongst other documents, the Report made by Mr. Bell in the name of the Committee on Indian affairs, Feb. 24th, 1830, in which is most logically established and most learnedly proved, that "the fundamental principle, that the Indians had no right by virtue of their ancient possession either of will or sovereignty, has never been abandoned either expressly or by implication."

In perusing this Report, which is evidently drawn up by an experienced hand, one is astonished at the facility with which the author gets rid of all arguments founded upon reason and natural right, which he designates as abstract and theoretical principles. The more I contemplate the difference between civilized and uncivilized man with regard to the principles of justice, the more I observe that the former contests the justice of those rights, which the latter simply violates.

SITUATION OF THE BLACK POPULATION IN THE
UNITED STATES, AND DANGERS WITH WHICH ITS
PRESENCE THREATENS THE WHITES.

Why it is more difficult to abolish slavery, and to efface all vestiges of it amongst the moderns, than it was amongst the ancients.—In the United States the prejudices of the Whites against the Blacks seem to increase in proportion as slavery is abolished.—Situation of the Negroes in the northern and southern States.—Why the Americans abolish slavery.—Servitude, which debases the slave, impoverishes the master.—Contrast between the left and the right bank of the Ohio.—To what attributable.—The black race, as well as slavery, recedes towards the South.—Explanation of this fact.—Difficulties attendant upon the abolition of slavery in the South.—Dangers to come.—General anxiety.—Foundation of a black colony in Africa.—Why the Americans of the South increase the hardships of slavery, whilst they are distressed at its continuance.

THE Indians will perish in the same isolated condition in which they have lived ; but the destiny of the Negroes is in some measure interwoven with that of the Europeans. These two races are attached to each other without intermingling ; and they are alike unable entirely to separate or to combine. The most formidable of all the ills which threaten the future existence of the Union, arises from the presence of a black population upon its territory ; and in contemplating the cause of the present embarrassments or of the future dangers of the United States, the observer is invariably led to consider this as a primary fact.

The permanent evils to which mankind is sub-

jected are usually produced by the vehement or the increasing efforts of men ; but there is one calamity which penetrated furtively into the world, and which was at first scarcely distinguishable amidst the ordinary abuses of power : it originated with an individual whose name-history has not preserved ; it was wafted like some accursed germ upon a portion of the soil, but it afterwards nurtured itself, grew without effort, and spreads naturally with the society to which it belongs. I need scarcely add that this calamity is slavery. Christianity suppressed slavery, but the Christians of the sixteenth century reestablished it,—as an exception, indeed, to their social system, and restricted to one of the races of mankind ; but the wound thus inflicted upon humanity, though less extensive, was at the same time rendered far more difficult of cure.

It is important to make an accurate distinction between slavery itself, and its consequences. The immediate evils which are produced by slavery were very nearly the same in antiquity as they are amongst the moderns ; but the consequences of these evils were different. The slave, amongst the ancients, belonged to the same race as his master, and he was often the superior of the two in education¹ and instruction. Freedom was the only di-

¹ It is well known that several of the most distinguished authors of antiquity, and amongst them *Æsop* and *Terence*, were, or had been slaves. Slaves were not always taken from barbarous nations, and the chances of war reduced highly civilized men to servitude.

stinction between them ; and when freedom was conferred, they were easily confounded together. The ancients, then, had a very simple means of avoiding slavery and its evil consequences, which was that of affranchisement ; and they succeeded as soon as they adopted this measure generally. Not but, in ancient States, the vestiges of servitude subsisted, for some time after servitude itself was abolished. There is a natural prejudice which prompts men to despise whomsoever has been their inferior long after he is become their equal ; and the real inequality which is produced by fortune or by law, is always succeeded by an imaginary inequality which is implanted in the manners of the people. Nevertheless, this secondary consequence of slavery was limited to a certain term amongst the ancients ; for the freedman bore so entire a resemblance to those born free, that it soon became impossible to distinguish him from amongst them.

The greatest difficulty in antiquity was that of altering the law ; amongst the moderns it is that of altering the manners ; and, as far as we are concerned, the real obstacles begin where those of the ancients left off. This arises from the circumstance that, amongst the moderns, the abstract and transient fact of slavery is fatally united to the physical and permanent fact of colour. The tradition of slavery dishonours the race, and the peculiarity of the race perpetuates the tradition of slavery. No

African has ever voluntarily emigrated to the shores of the New World; whence it must be inferred, that all the blacks who are now to be found in that hemisphere are either slaves or freedmen. Thus the negro transmits the eternal mark of his ignominy to all his descendants; and although the law may abolish slavery, God alone can obliterate the traces of its existence.

The modern slave differs from his master not only in his condition, but in his origin. You may set the negro free, but you cannot make him otherwise than an alien to the European. Nor is this all; we scarcely acknowledge the common features of mankind in this child of debasement whom slavery has brought amongst us. His physiognomy is to our eyes hideous, his understanding weak, his tastes low; and we are almost inclined to look upon him as a being intermediate between man and the brutes¹. The moderns, then, after they have abolished slavery, have three prejudices to contend against, which are less easy to attack, and far less easy to conquer, than the mere fact of servitude: the prejudice of the master, the prejudice of the race, and the prejudice of colour.

It is difficult for us, who have had the good fortune to be born amongst men like ourselves by na-

¹ To induce the whites to abandon the opinion they have conceived of the moral and intellectual inferiority of their former slaves, the negroes must change; but as long as this opinion subsists, to change is impossible.

ture, and equal to ourselves by law, to conceive the irreconcilable differences which separate the negro from the European in America. But we may derive some faint notion of them from analogy. France was formerly a country in which numerous distinctions of rank existed, that had been created by the legislation. Nothing can be more fictitious than a purely legal inferiority ; nothing more contrary to the instinct of mankind than these permanent divisions which had been established between beings evidently similar. Nevertheless these divisions subsisted for ages ; they still subsist in many places ; and on all sides they have left imaginary vestiges, which time alone can efface. If it be so difficult to root out an inequality which solely originates in the law, how are those distinctions to be destroyed which seem to be based upon the immutable laws of Nature herself? When I remember the extreme difficulty with which aristocratic bodies, of whatever nature they may be, are commingled with the mass of the people ; and the exceeding care which they take to preserve the ideal boundaries of their caste inviolate, I despair of seeing an aristocracy disappear which is founded upon visible and indelible signs. Those who hope that the Europeans will ever mix with the negroes, appear to me to delude themselves ; and I am not led to any such conclusion by my own reason, or by the evidence of facts.

Hitherto, wherever the whites have been the

most powerful, they have maintained the blacks in a subordinate or a servile position ; wherever the negroes have been strongest, they have destroyed the whites ; such has been the only retribution which has ever taken place between the two races.

I see that in a certain portion of the territory of the United States at the present day, the legal barrier which separated the two races is tending to fall away, but not that which exists in the manners of the country ; slavery recedes, but the prejudice to which it has given birth remains stationary. Whosoever has inhabited the United States must have perceived, that in those parts of the Union in which the negroes are no longer slaves, they have in nowise drawn nearer to the whites. On the contrary, the prejudice of the race appears to be stronger in the States which have abolished slavery, than in those where it still exists ; and nowhere is it so intolerant as in those States where servitude has never been known.

It is true, that in the North of the Union, marriages may be legally contracted between negroes and whites ; but public opinion would stigmatize a man who should connect himself with a negress as infamous, and it would be difficult to meet with a single instance of such a union. The electoral franchise has been conferred upon the negroes in almost all the States in which slavery has been abolished ; but if they come forward to vote, their lives are in danger. If oppressed, they may bring

an action at law, but they will find none but whites amongst their judges ; and although they may legally serve as jurors, prejudice repulses them from that office. The same schools do not receive the child of the black and of the European. In the theatres, gold cannot procure a seat for the servile race beside their former masters ; in the hospitals they lie apart ; and although they are allowed to invoke the same Divinity as the whites, it must be at a different altar, and in their own churches with their own clergy. The gates of Heaven are not closed against these unhappy beings ; but their inferiority is continued to the very confines of the other world ; when the negro is defunct, his bones are cast aside, and the distinction of condition prevails even in the equality of death. The negro is free, but he can share neither the rights, nor the pleasures, nor the labour, nor the afflictions, nor the tomb of him whose equal he has been declared to be ; and he cannot meet him upon fair terms in life or in death.

In the South, where slavery still exists, the negroes are less carefully kept apart ; they sometimes share the labour and the recreations of the whites ; the whites consent to intermix with them to a certain extent, and although the legislation treats them more harshly, the habits of the people are more tolerant and compassionate. In the South the master is not afraid to raise his slave to his own standing, because he knows that he can in a

moment reduce him to the dust, at pleasure. In the North the white no longer distinctly perceives the barrier which separates him from the degraded race, and he shuns the negro with the more pertinacity, since he fears lest they should some day be confounded together.

Amongst the Americans of the South, Nature sometimes re-asserts her rights, and restores a transient equality between the blacks and the whites ; but in the North, pride restrains the most imperious of human passions. The American of the Northern States would perhaps allow the negress to share his licentious pleasures, if the laws of his country did not declare that she may aspire to be the legitimate partner of his bed ; but he recoils with horror from her who might become his wife.

Thus it is, in the United States, that the prejudice which repels the negroes seems to increase in proportion as they are emancipated, and inequality is sanctioned by the manners whilst it is effaced from the laws of the country. But if the relative position of the two races which inhabit the United States is such as I have described, it may be asked why the Americans have abolished slavery in the North of the Union, why they maintain it in the South, and why they aggravate its hardships there? The answer is easily given. It is not for the good of the negroes, but for that of the whites, that measures are taken to abolish slavery in the United States.

The first negroes were imported into Virginia about the year 1621¹. In America, therefore, as well as in the rest of the globe, slavery originated in the South. Thence it spread from one settlement to another; but the number of slaves diminished towards the Northern States, and the negro population was always very limited in New England².

A century had scarcely elapsed since the foundation of the colonies, when the attention of the planters was struck by the extraordinary fact, that the provinces which were comparatively destitute of slaves, increased in population, in wealth, and in prosperity more rapidly than those which contained the greatest number of negroes. In the former, however, the inhabitants were obliged to

¹ See Beverley's History of Virginia. See also in Jefferson's Memoirs some curious details concerning the introduction of negroes into Virginia, and the first act which prohibited the importation of them in 1778.

² The number of slaves was less considerable in the North, but the advantages resulting from slavery were not more contested there than in the South. In 1740, the legislature of the State of New York declared that the direct importation of slaves ought to be encouraged as much as possible, and smuggling severely punished in order not to discourage the fair trader. (Kent's Commentaries, vol. ii. p. 206.) Curious researches, by Belknap, upon slavery in New England are to be found in the Historical Collection of Massachusetts, vol. iv. p. 193. It appears that negroes were introduced there in 1630, but that the legislation and manners of the people were opposed to slavery from the first; see also, in the same work, the manner in which public opinion, and afterwards the laws, finally put an end to slavery.

cultivate the soil themselves, or by hired labourers ; in the latter they were furnished with hands for which they paid no wages ; yet although labour and expense were on the one side, and ease with œconomy on the other, the former were in possession of the most advantageous system. This consequence seemed to be the more difficult to explain, since the settlers, who all belonged to the same European race, had the same habits, the same civilization, the same laws, and their shades of difference were extremely slight.

Time, however, continued to advance ; and the Anglo-Americans, spreading beyond the coasts of the Atlantic Ocean, penetrated further and further into the solitudes of the West ; they met with a new soil and an unwonted climate ; the obstacles which opposed them were of the most various character ; their races intermingled, the inhabitants of the South went up towards the North, those of the North descended to the South : but in the midst of all these causes, the same result recurred at every step ; and in general, the colonies in which there were no slaves became more populous and more rich than those in which slavery flourished. The more progress was made, the more was it shown, that slavery, which is so cruel to the slave, is prejudicial to the master.

But this truth was most satisfactorily demonstrated when civilization reached the banks of the Ohio. The stream which the Indians had distinguished by

the name of Ohio, or Beautiful River, waters one of the most magnificent valleys which has ever been made the abode of man. Undulating lands extend upon both shores of the Ohio, whose soil affords inexhaustible treasures to the labourer; on either bank the air is wholesome and the climate mild; and each of them forms the extreme frontier of a vast State: that which follows the numerous windings of the Ohio upon the left is called Kentucky; that upon the right bears the name of the river. These two States only differ in a single respect; Kentucky has admitted slavery, but the State of Ohio has prohibited the existence of slaves within its borders¹.

Thus the traveller who floats down the current of the Ohio, to the spot where that river falls into the Mississippi, may be said to sail between liberty and servitude; and a transient inspection of the surrounding objects will convince him as to which of the two is most favourable to mankind.

Upon the left bank of the stream the population is rare; from time to time one descries a troop of slaves loitering in the half-desert fields; the primæval forest recurs at every turn; society seems to be asleep, man to be idle, and nature alone offers a scene of activity and of life.

From the right bank, on the contrary, a con-

¹ Not only is slavery prohibited in Ohio, but no free negroes are allowed to enter the territory of that State, or to hold property in it. See the Statutes of Ohio.

fused hum is heard which proclaims the presence of industry; the fields are covered with abundant harvests; the elegance of the dwellings announces the taste and activity of the labourer; and man appears to be in the enjoyment of that wealth and contentment which is the reward of labour'.

The State of Kentucky was founded in 1775, the State of Ohio only twelve years later; but twelve years are more in America than half a century in Europe, and, at the present day, the population of Ohio exceeds that of Kentucky by 250,000 souls*.

These opposite consequences of slavery and freedom may readily be understood; and they suffice to explain many of the differences which we remark between the civilization of antiquity, and that of our own time.

Upon the left bank of the Ohio labour is con-founded with the idea of slavery, upon the right bank it is identified with that of prosperity and improvement; on the one side it is degraded, on the other it is honoured; on the former territory no white labourers can be found, for they would be

* The activity of Ohio is not confined to individuals, but the undertakings of the State are surprisingly great: a canal has been established between Lake Erie and the Ohio, by means of which the valley of the Mississippi communicates with the river of the North, and the European commodities which arrive at New York may be forwarded by water to New Orleans across five hundred leagues of continent.

² The exact numbers given by the census of 1830 were: Kentucky, 688,844; Ohio, 937,679.

afraid of assimilating themselves to the negroes; on the latter no one is idle, for the white population extends its activity and its intelligence to every kind of employment. Thus the men whose task it is to cultivate the rich soil of Kentucky are ignorant and lukewarm; whilst those who are active and enlightened either do nothing, or pass over into the State of Ohio, were they may work without dishonour.

It is true that in Kentucky the planters are not obliged to pay wages to the slaves whom they employ; but they derive small profits from their labour, whilst the wages paid to free workmen would be returned with interest in the value of their services. The free workman is paid, but he does his work quicker than the slave; and rapidity of execution is one of the great elements of œconomy. The white sells his services, but they are only purchased at the times at which they may be useful; the black can claim no remuneration for his toil, but the expense of his maintenance is perpetual; he must be supported in his old age as well as in the prime of manhood, in his profitless infancy as well as in the productive years of youth. Payment must equally be made in order to obtain the services of either class of men; the free workman receives his wages in money; the slave in education, in food, in care, and in clothing. The money which a master spends in the maintenance of his slaves, goes gradually and in detail, so that it is scarcely

perceived ; the salary of the free workman is paid in a round sum, which appears only to enrich the individual who receives it ; but in the end the slave has cost more than the free servant, and his labour is less productive¹.

The influence of slavery extends still further ; it affects the character of the master, and imparts a peculiar tendency to his ideas and his tastes. Upon both banks of the Ohio, the character of the inhabitants is enterprising and energetic ; but this vigour is very differently exercised in the two States. The white inhabitant of Ohio, who is obliged to subsist by his own exertions, regards temporal prosperity as the principal aim of his existence ; and as the country which he occupies presents inexhaustible resources to his industry, and ever-varying lures

¹ Independently of these causes, which, wherever free workmen abound, render their labour more productive and more economical than that of slaves, another cause may be pointed out which is peculiar to the United States: the sugar-cane has hitherto been cultivated with success only upon the banks of the Mississippi, near the mouth of that river in the Gulf of Mexico. In Louisiana the cultivation of the sugar-cane is exceedingly lucrative ; and nowhere does a labourer earn so much by his work, and, as there is always a certain relation between the cost of production and the value of the produce, the price of slaves is very high in Louisiana. But Louisiana is one of the confederate States, and slaves may be carried thither from all parts of the Union ; the price given for slaves in New Orleans consequently raises the value of slaves in all the other markets. The consequence of this is, that in the countries where the land is less productive, the cost of slave-labour is still very considerable, which gives an additional advantage to the competition of free labour.

to his activity, his acquisitive ardour surpasses the ordinary limits of human cupidity : he is tormented by the desire of wealth, and he boldly enters upon every path which fortune opens to him ; he becomes a sailor, a pioneer, an artisan, or a labourer with the same indifference, and he supports, with equal constancy, the fatigues and the dangers incidental to these various professions ; the resources of his intelligence are astonishing, and his avidity in the pursuit of gain amounts to a species of heroism.

But the Kentuckian scorns not only labour, but all the undertakings which labour promotes ; as he lives in an idle independence, his tastes are those of an idle man ; money loses a portion of its value in his eyes ; he covets wealth much less than pleasure and excitement ; and the energy which his neighbour devotes to gain, turns with him to a passionate love of field sports and military exercises ; he delights in violent bodily exertion, he is familiar with the use of arms, and is accustomed from a very early age to expose his life in single combat. Thus slavery not only prevents the whites from becoming opulent, but even from desiring to become so.

As the same causes have been continually producing opposite effects for the last two centuries in the British colonies of North America, they have established a very striking difference between the commercial capacity of the inhabitants of the South and those of the North. At the present day, it is

only the Northern States which are in possession of shipping, manufactures, rail-roads, and canals. This difference is perceptible not only in comparing the North with the South, but in comparing the several Southern States. Almost all the individuals who carry on commercial operations, or who endeavour to turn slave-labour to account in the most Southern districts of the Union, have emigrated from the North. The natives of the Northern States are constantly spreading over that portion of the American territory, where they have less to fear from competition; they discover resources there, which escaped the notice of the inhabitants; and, as they comply with a system which they do not approve, they succeed in turning it to better advantage than those who first founded, and who still maintain it.

Were I inclined to continue this parallel, I could easily prove that almost all the differences, which may be remarked between the characters of the Americans in the Southern and in the Northern States, have originated in slavery; but this would divert me from my subject, and my present intention is not to point out all the consequences of servitude, but these effects which it has produced upon the prosperity of the countries which have admitted it.

The influence of slavery upon the production of wealth must have been very imperfectly known in antiquity, as slavery then obtained throughout the

civilized world, and the nations which were unacquainted with it were barbarous. And indeed Christianity only abolished slavery by advocating the claims of the slave; at the present time it may be attacked in the name of the master: and, upon this point, interest is reconciled with morality.

As these truths became apparent in the United States, slavery receded before the progress of experience. Servitude had begun in the South, and had thence spread towards the North; but it now retires again. Freedom, which started from the North, now descends uninterruptedly towards the South. Amongst the great States, Pennsylvania now constitutes the extreme limit of slavery to the North; but even within those limits the slave-system is shaken: Maryland, which is immediately below Pennsylvania, is preparing for its abolition; and Virginia, which comes next to Maryland, is already discussing its utility and its dangers¹.

No great change takes place in human institutions, without involving amongst its causes the law

¹ A peculiar reason contributes to detach the two last-mentioned States from the cause of slavery. The former wealth of this part of the Union was principally derived from the cultivation of tobacco. This cultivation is specially carried on by slaves; but within the last few years the market-price of tobacco has diminished, whilst the value of the slaves remains the same. Thus the ratio between the cost of production, and the value of the produce is changed. The natives of Maryland and Virginia are therefore more disposed than they were thirty years ago, to give up slave-labour in the cultivation of tobacco, or to give up slavery and tobacco at the same time.

of inheritance. When the law of primogeniture obtained in the South, each family was represented by a wealthy individual, who was neither compelled nor induced to labour; and he was surrounded, as by parasitic plants, by the other members of his family who were then excluded by law from sharing the common inheritance, and who led the same kind of life as himself. The very same thing then occurred in all the families of the South as still happens in the wealthy families of some countries in Europe, namely, that the younger sons remain in the same state of idleness as their elder brother, without being as rich as he is. This identical result seems to be produced in Europe and in America by wholly analogous causes. In the South of the United States, the whole race of whites formed an aristocratic body, which was headed by a certain number of privileged individuals, whose wealth was permanent, and whose leisure was hereditary. These leaders of the American nobility kept alive the traditional prejudices of the white race in the body of which they were the representatives, and maintained the honour of inactive life. This aristocracy contained many who were poor, but none who would work; its members preferred want to labour; consequently no competition was set on foot against negro labourers and slaves, and, whatever opinion might be entertained as to the utility of their efforts, it was indispensable to employ them, since there was no one else to work.

No sooner was the law of primogeniture abolished than fortunes began to diminish, and all the families of the country were simultaneously reduced to a state in which labour became necessary to procure the means of subsistence: several of them have since entirely disappeared; and all of them learned to look forward to the time at which it would be necessary for every one to provide for his own wants. Wealthy individuals are still to be met with, but they no longer constitute a compact and hereditary body, nor have they been able to adopt a line of conduct in which they could persevere, and which they could infuse into all ranks of society. The prejudice which stigmatized labour was in the first place abandoned by common consent; the number of needy men was increased, and the needy were allowed to gain a laborious subsistence without blushing for their exertions. Thus one of the most immediate consequences of the partible quality of estates has been to create a class of free labourers. As soon as a competition was set on foot between the free labourer and the slave, the inferiority of the latter became manifest, and slavery was attacked in its fundamental principle, which is, the interest of the master.

As slavery recedes, the black population follows its retrograde course, and returns with it towards those tropical regions from which it originally came. However singular this fact may at first appear to be, it may readily be explained. Although

the Americans abolish the principle of slavery, they do not set their slaves free. To illustrate this remark I will quote the example of the State of New York. In 1788, the State of New York prohibited the sale of slaves within its limits; which was an indirect method of prohibiting the importation of blacks. Thenceforward the number of negroes could only increase according to the ratio of the natural increase of population. But eight years later a more decisive measure was taken, and it was enacted that all children born of slave parents after the 4th of July, 1799, should be free. No increase could then take place, and although slaves still existed, slavery might be said to be abolished.

From the time at which a Northern State prohibited the importation of slaves, no slaves were brought from the South to be sold in its markets. On the other hand, as the sale of slaves was forbidden in that State, an owner was no longer able to get rid of his slave (who thus became a burdensome possession,) otherwise than by transporting him to the South. But when a Northern State declared that the son of the slave should be born free, the slave lost a large portion of his market-value, since his posterity was no longer included in the bargain, and the owner had then a strong interest in transporting him to the South. Thus the same law prevents the slaves of the South from coming to the Northern States, and drives those of the North to the South.

The want of free hands is felt in a State in proportion as the number of slaves decreases. But in proportion as labour is performed by free hands, slave labour becomes less productive ; and the slave is then a useless or an onerous possession, whom it is important to export to those Southern States where the same competition is not to be feared. Thus the abolition of slavery does not set the slave free, but it merely transfers him from one master to another, and from the North to the South.

The emancipated negroes, and those born after the abolition of slavery, do not, indeed, migrate from the North to the South ; but their situation with regard to the Europeans is not unlike that of the aborigines of America ; they remain half civilized, and deprived of their rights in the midst of a population which is far superior to them in wealth and in knowledge ; where they are exposed to the tyranny of the laws¹, and the intolerance of the people. On some accounts they are still more to be pitied than the Indians, since they are haunted by the reminiscence of slavery, and they cannot claim possession of a single portion of the soil : many of them perish miserably², and the rest

¹ The States in which slavery is abolished usually do what they can to render their territory disagreeable to the negroes as a place of residence ; and as a kind of emulation exists between the different States in this respect, the unhappy blacks can only choose the least of the evils which beset them.

² There is a very great difference between the mortality of the blacks and of the whites in the States in which slavery is abo-

congregate in the great towns, where they perform the meanest offices, and lead a wretched and precarious existence.

But even if the number of negroes continued to increase as rapidly as when they were still in a state of slavery, as the number of whites augments with twofold rapidity since the abolition of slavery, the blacks would soon be, as it were, lost in the midst of a strange population.

A district which is cultivated by slaves is in general more scantily peopled than a district cultivated by free labour : moreover, America is still a new country, and a State is therefore not half peopled at the time when it abolishes slavery. No sooner is an end put to slavery, than the want of free labour is felt, and a crowd of enterprising adventurers immediately arrive from all parts of the country, who hasten to profit by the fresh resources which are then opened to industry. The soil is soon divided amongst them, and a family of white settlers takes possession of each tract of country. Besides which, European emigration is exclusively directed to the free States ; for what would be the fate of a poor emigrant who crosses

lished ; from 1820 to 1831 only one out of forty-two individuals of the white population died in Philadelphia : but one negro out of twenty-one individuals of the black population died in the same space of time. The mortality is by no means so great amongst the negroes who are still slaves. (See Emmerson's *Medical Statistics*, p. 28.)

the Atlantic in search of ease and happiness, if he were to land in a country where labour is stigmatized as degrading ?

Thus the white population grows by its natural increase, and at the same time by the immense influx of emigrants ; whilst the black population receives no emigrants, and is upon its decline. The proportion which existed between the two races is soon inverted. The negroes constitute a scanty remnant, a poor tribe of vagrants, which is lost in the midst of an immense people in full possession of the land ; and the presence of the blacks is only marked by the injustice and the hardships of which they are the unhappy victims.

In several of the Western States the negro race never made its appearance ; and in all the Northern States it is rapidly declining. Thus the great question of its future condition is confined within a narrow circle, where it becomes less formidable, though not more easy of solution.

The more we descend towards the South, the more difficult does it become to abolish slavery with advantage : and this arises from several physical causes which it is important to point out.

The first of these causes is the climate : it is well known that in proportion as Europeans approach the Tropics, they suffer more from labour. Many of the Americans even assert, that within a certain latitude the exertions which a negro can make with-

out danger are fatal to them¹; but I do not think that this opinion, which is so favourable to the indolence of the inhabitants of southern regions, is confirmed by experience. The southern parts of the Union are not hotter than the South of Italy and of Spain²; and it may be asked why the European cannot work as well there as in the two latter countries. If slavery has been abolished in Italy and in Spain without causing the destruction of the masters, why should not the same thing take place in the Union? I cannot believe that Nature has prohibited the Europeans in Georgia and the Floridas, under pain of death, from raising the means of subsistence from the soil; but their labour would unquestionably be more irksome and less productive³ to them than to the inhabitants of New England. As the free workman thus loses a

¹ This is true of the spots in which rice is cultivated; rice-grounds, which are unwholesome in all countries, are particularly dangerous in those regions which are exposed to the beams of a tropical sun. Europeans would not find it easy to cultivate the soil in that part of the New World if it must necessarily be made to produce rice; but may they not subsist without rice-grounds?

² These States are nearer to the equator than Italy and Spain, but the temperature of the continent of America is very much lower than that of Europe.

³ The Spanish Government formerly caused a certain number of peasants from the Açores to be transported into a district of Louisiana called Attakapas, by way of experiment. These settlers still cultivate the soil without the assistance of slaves, but their industry is so languid as scarcely to supply their most necessary wants.

portion of his superiority over the slave in the Southern States, there are fewer inducements to abolish slavery.

All the plants of Europe grow in the northern parts of the Union; the South has special productions of its own. It has been observed that slave-labour is a very expensive method of cultivating corn. The farmer of corn-land in a country where slavery is unknown, habitually retains a small number of labourers in his service, and at seed-time and harvest he hires several additional hands, who only live at his cost for a short period. But the agriculturist in a slave State is obliged to keep a large number of slaves the whole year round, in order to sow his fields and to gather in his crops, although their services are only required for a few weeks; but slaves are unable to wait till they are hired, and to subsist by their own labour in the mean time like free labourers: in order to have their services, they must be bought. Slavery, independently of its general disadvantages, is therefore still more inapplicable to countries in which corn is cultivated than to those which produce crops of a different kind.

The cultivation of tobacco, of cotton, and especially of the sugar-cane, demands, on the other hand, unremitting attention: and women and children are employed in it, whose services are of but little use in the cultivation of wheat. Thus slavery is naturally

more fitted to the countries from which these productions are derived.

Tobacco, cotton, and the sugar-cane are exclusively grown in the South, and they form one of the principal sources of the wealth of those States. If slavery were abolished, the inhabitants of the South would be constrained to adopt one of two alternatives: they must either change their system of cultivation, and then they would come into competition with the more active and more experienced inhabitants of the North; or, if they continued to cultivate the same produce without slave-labour, they would have to support the competition of the other States of the South, which might still retain their slaves. Thus, peculiar reasons for maintaining slavery exist in the South which do not operate in the North.

But there is yet another motive which is more cogent than all the others; the South might indeed, rigorously speaking, abolish slavery, but how should it rid its territory of the black population? Slaves and slavery are driven from the North by the same law, but this twofold result cannot be hoped for in the South.

The arguments which I have adduced to show that slavery is more natural and more advantageous in the South than in the North, sufficiently prove that the number of slaves must be far greater in the former districts. It was to the southern settle-

ments that the first Africans were brought, and it is there that the greatest number of them have always been imported. As we advance towards the South, the prejudice which sanctions idleness increases in power. In the States nearest to the Tropics there is not a single white labourer; the negroes are consequently much more numerous in the South than in the North. And, as I have already observed, this disproportion increases daily, since the negroes are transferred to one part of the Union as soon as slavery is abolished in the other. Thus the black population augments in the South, not only by its natural fecundity, but by the compulsory emigration of the negroes from the North; and the African race has causes of increase in the South very analogous to those which so powerfully accelerate the growth of the European race in the North.

In the State of Maine there is one negro in three hundred inhabitants; in Massachusetts, one in one hundred; in New York, two in one hundred; in Pennsylvania, three in the same number; in Maryland, thirty-four; in Virginia, forty-two; and lastly, in South Carolina¹ fifty-five per cent. Such was

¹ We find it asserted in an American work, entitled 'Letters on the Colonization Society,' by Mr. Carey, 1833, "That for the last forty years the black race has increased more rapidly than the white race in the State of South Carolina; and that if we take the average population of the five States of the South into which slaves were first introduced, viz. Maryland, Virginia, South Carolina, North Carolina, and Georgia, we shall find that from 1790

the proportion of the black population to the whites, in the year 1830. But this proportion is perpetually changing, as it constantly decreases in the North and augments in the South.

It is evident that the most Southern States of the Union cannot abolish slavery without incurring very great dangers, which the North had no reason to apprehend when it emancipated its black population. We have already shown the system by which the Northern States secure the transition from slavery to freedom, by keeping the present generation in chains, and setting their descendants free ; by this means the negroes are gradually introduced into society ; and whilst the men who might abuse their freedom are kept in a state of servitude, those who are emancipated may learn the art of being free before they become their own masters. But it would be difficult to apply this method in the South. To declare that all the negroes born after a certain period shall be free, is to introduce the principle and the notion of liberty into the heart of slavery ; the blacks, whom the law thus maintains in a state of slavery from which their children are delivered, are astonished at so unequal a fate, and their astonishment is only the prelude to their impatience and

to 1830 the whites have augmented in the proportion of 80 to 100, and the blacks in that of 112 to 100.

In the United States, in 1830, the population of the two races stood as follows :

States where slavery is abolished, 6,565,434 whites ; 120,520 blacks. Slave States, 3,960,814 whites ; 2,208,102 blacks.

irritation. Thenceforward slavery loses, in their eyes, that kind of moral power which it derived from time and habit ; it is reduced to a mere palpable abuse of force. The Northern States had nothing to fear from the contrast, because in them the blacks were few in number, and the white population was very considerable. But if this faint dawn of freedom were to show two millions of men their true position, the oppressors would have reason to tremble. After having affranchised the children of their slaves, the Europeans of the Southern States would very shortly be obliged to extend the same benefit to the whole black population.

In the North, as I have already remarked, a twofold migration ensues upon the abolition of slavery, or even precedes that event when circumstances have rendered it probable ; the slaves quit the country to be transported southwards ; and the whites of the Northern States as well as the emigrants from Europe hasten to fill up their place. But these two causes cannot operate in the same manner in the Southern States. On the one hand, the mass of slaves is too great for any expectation of their ever being removed from the country to be entertained ; and on the other hand, the Europeans and Anglo-Americans of the North are afraid to come to inhabit a country, in which labour has not yet been reinstated in its rightful honours. Besides, they very justly look upon the States in which the proportion of the negroes equals or exceeds that of

the whites, as exposed to very great dangers ; and they refrain from turning their activity in that direction.

Thus the inhabitants of the South would not be able, like their northern countrymen, to initiate the slaves gradually into a state of freedom, by abolishing slavery ; they have no means of perceptibly diminishing the black population, and they would remain unsupported to repress its excesses. So that in the course of a few years, a great people of free negroes would exist in the heart of a white nation of equal size.

The same abuses of power which still maintain slavery, would then become the source of the most alarming perils, which the white population of the South might have to apprehend. At the present time the descendants of the Europeans are the sole owners of the land ; the absolute masters of all labour ; and the only persons who are possessed of wealth, knowledge, and arms. The black is destitute of all these advantages, but he subsists without them because he is a slave. If he were free, and obliged to provide for his own subsistence, would it be possible for him to remain without these things and to support life ? Or would not the very instruments of the present superiority of the white, whilst slavery exists, expose him to a thousand dangers if it were abolished ?

As long as the negro remains a slave, he may be kept in a condition not very far removed from that

of the brutes ; but, with his liberty, he cannot but acquire a degree of instruction which will enable him to appreciate his misfortunes, and to discern a remedy for them. Moreover, there exists a singular principle of relative justice which is very firmly implanted in the human heart. Men are much more forcibly struck, by those inequalities which exist within the circle of the same class, than with those which may be remarked between different classes. It is more easy for them to admit slavery, than to allow several millions of citizens to exist under a load of eternal infamy and hereditary wretchedness. In the North the population of freed negroes feels these hardships and resents these indignities ; but its members and its powers are small, whilst in the South it would be numerous and strong.

As soon as it is admitted that the whites and the emancipated blacks are placed upon the same territory in the situation of two alien communities, it will readily be understood that there are but two alternatives for the future ; the negroes and the whites must either wholly part or wholly mingle. I have already expressed the conviction which I entertain as to the latter event¹. I do not imagine that the white and the black races will ever live in any country upon an equal footing. But I believe

¹ This opinion is sanctioned by authorities infinitely weightier than anything that I can say : thus, for instance, it is stated in the Memoirs of Jefferson (as collected by M. Conseil), "Nothing is more clearly written in the book of destiny than the emanci-

the difficulty to be still greater in the United States than elsewhere. An isolated individual may surmount the prejudices of religion, of his country, or of his race, and if this individual is a king he may effect surprising changes in society; but a whole people cannot rise, as it were, above itself. A despot who should subject the Americans and their former slaves to the same yoke, might perhaps succeed in commingling their races; but as long as the American democracy remains at the head of affairs, no one will undertake so difficult a task; and it may be foreseen that the freer the white population of the United States becomes, the more isolated will it remain¹.

I have previously observed that the mixed race is the true bond of union between the Europeans and the Indians; just so the mulattoes are the true means of transition between the white and the negro; so that wherever mulattoes abound, the intermixture of the two races is not impossible. In some parts of America, the European and the negro races are so crossed by one another, that it is rare to meet with a man who is entirely black, or entirely white: when they are arrived at this point,

pation of the blacks; and it is equally certain that the two races will never live in a state of equal freedom under the same government, so insurmountable are the barriers which nature, habit, and opinions have established between them."

¹ If the British West India planters had governed themselves, they would assuredly not have passed the Slave Emancipation Bill which the mother-country has recently imposed upon them.

the two races may really be said to be combined ; or rather to have been absorbed in a third race, which is connected with both without being identical with either.

Of all the Europeans the English are those who have mixed least with the negroes. More mulattoes are to be seen in the South of the Union than in the North, but still they are infinitely more scarce than in any other European colony : mulattoes are by no means numerous in the United States ; they have no force peculiar to themselves, and when quarrels originating in differences of colour take place, they generally side with the whites ; just as the lacqueys of the great, in Europe, assume the contemptuous airs of nobility to the lower orders.

The pride of origin, which is natural to the English, is singularly augmented by the personal pride which democratic liberty fosters amongst the Americans : the white citizen of the United States is proud of his race, and proud of himself. But if the whites and the negroes do not intermingle in the North of the Union, how should they mix in the South ? Can it be supposed for an instant, that an American of the Southern States, placed, as he must for ever be, between the white man with all his physical and moral superiority, and the negro, will ever think of preferring the latter ? The Americans of the Southern States have two powerful passions which will always keep them aloof ; the first is the fear of being assimilated to the negroes,

their former slaves ; and the second, the dread of sinking below the whites, their neighbours.

If I were called upon to predict what will probably occur at some future time, I should say, that the abolition of slavery in the South will, in the common course of things, increase the repugnance of the white population for the men of colour. I found this opinion upon the analogous observation which I already had occasion to make in the North. I there remarked that the white inhabitants of the North avoid the negroes with increasing care, in proportion as the legal barriers of separation are removed by the legislature ; and why should not the same result take place in the South ? In the North, the whites are deterred from intermingling with the blacks by the fear of an imaginary danger ; in the South, where the danger would be real, I cannot imagine that the fear would be less general.

If, on the one hand, it be admitted (and the fact is unquestionable) that the coloured population perpetually accumulates in the extreme South, and that it increases more rapidly than that of the whites ; and if, on the other hand, it be allowed that it is impossible to foresee a time at which the whites and the blacks will be so intermingled as to derive the same benefits from society ; must it not be inferred, that the blacks and the whites will, sooner or later, come to open strife in the Southern States of the Union ? But if it be asked what the issue of the

struggle is likely to be, it will readily be understood that we are here left to form a very vague surmise of the truth. The human mind may succeed in tracing a wide circle, as it were, which includes the course of future events ; but within that circle a thousand various chances and circumstances may direct it in as many different ways ; and in every picture of the future there is a dim spot, which the eye of the understanding cannot penetrate. It appears, however, to be extremely probable, that in the West India Islands the white race is destined to be subdued, and the black population to share the same fate upon the continent.

In the West India Islands the white planters are surrounded by an immense black population ; on the continent, the blacks are placed between the ocean and an innumerable people, which already extends over them in a dense mass, from the icy confines of Canada to the frontiers of Virginia, and from the banks of the Missouri to the shores of the Atlantic. If the white citizens of North America remain united, it cannot be supposed that the negroes will escape the destruction with which they are menaced ; they must be subdued by want or by the sword. But the black population which is accumulated along the coast of the Gulf of Mexico, has a chance of success, if the American Union is dissolved when the struggle between the two races begins. If the Federal tie were broken, the citizens of the South would be wrong to rely

upon any lasting succour from their Northern countrymen. The latter are well aware that the danger can never reach them ; and unless they are constrained to march to the assistance of the South by a positive obligation, it may be foreseen that the sympathy of colour will be insufficient to stimulate their exertions.

Yet, at whatever period the strife may break out, the whites of the South, even if they are abandoned to their own resources, will enter the lists with an immense superiority of knowledge and of the means of warfare : but the blacks will have numerical strength and the energy of despair upon their side ; and these are powerful resources to men who have taken up arms. The fate of the white population of the Southern States will, perhaps, be similar to that of the Moors in Spain. After having occupied the land for centuries, it will perhaps be forced to retire to the country whence its ancestors came, and to abandon to the negroes the possession of a territory, which Providence seems to have more peculiarly destined for them, since they can subsist and labour in it more easily than the whites.

The danger of a conflict between the white and the black inhabitants of the Southern States of the Union,—a danger which, however remote it may be, is inevitable,—perpetually haunts the imagination of the Americans. The inhabitants of the North make it a common topic of conversation, although they have no direct injury to fear from the

struggle ; but they vainly endeavour to devise some means of obviating the misfortunes which they foresee. In the Southern States the subject is not discussed : the planter does not allude to the future in conversing with strangers ; the citizen does not communicate his apprehensions to his friends ; he seeks to conceal them from himself : but there is something more alarming in the tacit forebodings of the South, than in the clamorous fears of the Northern States.

This all-pervading disquietude has given birth to an undertaking which is but little known, but which may have the effect of changing the fate of a portion of the human race. From apprehension of the dangers which I have just been describing, a certain number of American citizens have formed a society for the purpose of exporting to the coast of Guinea, at their own expense, such free negroes as may be willing to escape from the oppression to which they are subject¹.

In 1820, the society to which I allude formed a settlement in Africa upon the 7th degree of north latitude, which bears the name of Liberia. The most recent intelligence informs us that two thousand five hundred negroes are collected there ; they have in-

¹ This society assumed the name of " the Society for the Colonization of the Blacks." See its Annual Reports ; and more particularly the fifteenth. See also the pamphlet, to which allusion has already been made, entitled, " Letters on the Colonization Society, and on its probable results," by Mr. Carey, Philadelphia, April, 1833.

roduced the democratic institutions of America into the country of their forefathers; and Liberia has a representative system of government, negro jurymen, negro magistrates, and negro priests; churches have been built, newspapers established, and, by a singular change in the vicissitudes of the world, white men are prohibited from sojourning within the settlement¹.

This is indeed a strange caprice of fortune. Two hundred years have now elapsed since the inhabitants of Europe undertook to tear the negro from his family and his home, in order to transport him to the shores of North America; at the present day, the European settlers are engaged in sending back the descendants of those very negroes, to the continent from which they were originally taken; and the barbarous Africans have been brought into contact with civilization in the midst of bondage, and have become acquainted with free political institutions in slavery. Up to the present time Africa has been closed against the arts and sciences of the whites; but the inventions of Europe will perhaps penetrate into those regions, now that they are introduced by Africans themselves. The settlement of Liberia is founded upon a lofty and a most fruitful idea; but whatever may be its results with regard

¹ This last regulation was laid down by the founders of the settlement; they apprehended that a state of things might arise in Africa, similar to that which exists on the frontiers of the United States, and that if the negroes, like the Indians, were brought into collision with a people more enlightened than themselves, they would be destroyed before they could be civilized.

to the continent of Africa, it can afford no remedy to the New World.

In twelve years the Colonization Society has transported two thousand five hundred negroes to Africa; in the same space of time about seven hundred thousand blacks were born in the United States. If the colony of Liberia were so situated as to be able to receive thousands of new inhabitants every year, and if the negroes were in a state to be sent thither with advantage; if the Union were to supply the society with annual subsidies¹, and to transport the negroes to Africa in the vessels of the State, it would still be unable to counterpoise the natural increase of population amongst the blacks; and as it could not remove as many men in a year as are born upon its territory within the same space of time, it would fail in suspending the growth of the evil which is daily increasing in the States². The negro race will never leave those shores of the American continent, to

¹ Nor would these be the only difficulties attendant upon the undertaking; if the Union undertook to buy up the negroes now in America, in order to transport them to Africa, the price of slaves, increasing with their scarcity, would soon become enormous, and the States of the North would never consent to expend such great sums, for a purpose which would procure such small advantages to themselves. If the Union took possession of the slaves in the Southern States by force, or at a rate determined by law, an insurmountable resistance would arise in that part of the country. Both alternatives are equally impossible.

² In 1830 there were in the United States 2,010,327 slaves and 319,439 free blacks, in all 2,329,766 negroes; which formed about one fifth of the total population of the United States at that time.

which it was brought by the passions and the vices of Europeans ; and it will not disappear from the New World as long as it continues to exist. The inhabitants of the United States may retard the calamities which they apprehend, but they cannot now destroy their efficient cause.

I am obliged to confess that I do not regard the abolition of slavery as a means of warding off the struggle of the two races in the United States. The negroes may long remain slaves without complaining ; but if they are once raised to the level of free men, they will soon revolt at being deprived of all their civil rights ; and as they cannot become the equals of the whites, they will speedily declare themselves as enemies. In the North everything contributed to facilitate the emancipation of the slaves ; and slavery was abolished, without placing the free negroes in a position which could become formidable, since their number was too small for them ever to claim the exercise of their rights. But such is not the case in the South. The question of slavery was a question of commerce and manufacture for the slave-owners in the North ; for those of the South, it is a question of life and death. God forbid that I should seek to justify the principle of negro slavery, as has been done by some American writers ! But I only observe that all the countries which formerly adopted that execrable principle are not equally able to abandon it at the present time.

When I contemplate the condition of the South,

I can only discover two alternatives which may be adopted by the white inhabitants of those States ; viz. either to emancipate the negroes, and to intermingle with them ; or, remaining isolated from them, to keep them in a state of slavery as long as possible. All intermediate measures seem to me likely to terminate, and that shortly, in the most horrible of civil wars, and perhaps in the extirpation of one or other of the two races. Such is the view which the Americans of the South take of the question, and they act consistently with it. As they are determined not to mingle with the negroes, they refuse to emancipate them.

Not that the inhabitants of the South regard slavery as necessary to the wealth of the planter ; for on this point many of them agree with their Northern countrymen in freely admitting that slavery is prejudicial to their interests ; but they are convinced that, however prejudicial it may be, they hold their lives upon no other tenure. The instruction which is now diffused in the South has convinced the inhabitants that slavery is injurious to the slave-owner, but it has also shown them, more clearly than before, that no means exist of getting rid of its bad consequences. Hence arises a singular contrast ; the more the utility of slavery is contested, the more firmly is it established in the laws ; and whilst the principle of servitude is gradually abolished in the North, that selfsame principle gives rise to more and more rigorous consequences in the South.

The legislation of the Southern States, with regard to slaves, presents at the present day such unparalleled atrocities, as suffice to show how radically the laws of humanity have been perverted, and to betray the desperate position of the community in which that legislation has been promulgated. The Americans of this portion of the Union have not, indeed, augmented the hardships of slavery ; they have, on the contrary, bettered the physical condition of the slaves. The only means by which the ancients maintained slavery were fetters and death ; the Americans of the South of the Union have discovered more intellectual securities for the duration of their power. They have employed their despotism and their violence against the human mind. In antiquity, precautions were taken to prevent the slave from breaking his chains ; at the present day measures are adopted to deprive him even of the desire of freedom. The ancients kept the bodies of their slaves in bondage, but they placed no restraint upon the mind and no check upon education ; and they acted consistently with their established principle, since a natural termination of slavery then existed, and one day or other the slave might be set free, and become the equal of his master. But the Americans of the South, who do not admit that the Negroes can ever be commingled with themselves, have forbidden them to be taught to read or to write, under severe penalties ; and as they will not raise them to their own level, they

sink them as nearly as possible to that of the brutes.

The hope of liberty had always been allowed to the slave to cheer the hardships of his condition. But the Americans of the South are well aware that emancipation cannot but be dangerous, when the freed man can never be assimilated to his former master. To give a man his freedom, and to leave him in wretchedness and ignominy, is nothing less than to prepare a future chief for a revolt of the slaves. Moreover, it has long been remarked, that the presence of a free negro vaguely agitates the minds of his less fortunate brethren, and conveys to them a dim notion of their rights. The Americans of the South have consequently taken measures to prevent slave-owners from emancipating their slaves in most cases; not indeed by a positive prohibition, but by subjecting that step to various forms which it is difficult to comply with.

I happened to meet with an old man, in the South of the Union, who had lived in illicit intercourse with one of his negresses, and had had several children by her, who were born the slaves of their father. He had indeed frequently thought of bequeathing to them at least their liberty; but years had elapsed without his being able to surmount the legal obstacles to their emancipation, and in the meanwhile his old age was come, and he was about to die. He pictured to himself his sons dragged from market to market, and passing from the au-

thority of a parent to the rod of the stranger, until these horrid anticipations worked his expiring imagination into frenzy. When I saw him he was a prey to all the anguish of despair, and he made me feel how awful is the retribution of Nature upon those who have broken her laws.

These evils are unquestionably great; but they are the necessary and foreseen consequence of the very principle of modern slavery. When the Europeans chose their slaves from a race differing from their own, which many of them considered as inferior to the other races of mankind, and which they all repelled with horror from any notion of intimate connexion, they must have believed that slavery would last for ever; since there is no intermediate state which can be durable, between the excessive inequality produced by servitude, and the complete equality which originates in independence. The Europeans did imperfectly feel this truth, but without acknowledging it even to themselves. Whenever they have had to do with negroes, their conduct has either been dictated by their interest and their pride, or by their compassion. They first violated every right of humanity by their treatment of the negro, and they afterwards informed him that those rights were precious and inviolable. They affected to open their ranks to the slaves, but the negroes who attempted to penetrate into the community were driven back with scorn; and they have incautiously and involuntarily been led to ad-

mit of freedom instead of slavery, without having the courage to be wholly iniquitous, or wholly just.

If it be impossible to anticipate a period at which the Americans of the South will mingle their blood with that of the negroes, can they allow their slaves to become free without compromising their own security? And if they are obliged to keep that race in bondage, in order to save their own families, may they not be excused for availing themselves of the means best adapted to that end? The events which are taking place in the Southern States of the Union, appear to me to be at once the most horrible and the most natural results of slavery. When I see the order of nature overthrown, and when I hear the cry of humanity in its vain struggle against the laws, my indignation does not light upon the men of our own time who are the instruments of these outrages; but I reserve my execration for those who, after a thousand years of freedom, brought back slavery into the world once more.

Whatever may be the efforts of the Americans of the South to maintain slavery, they will not always succeed. Slavery, which is now confined to a single tract of the civilized earth, which is attacked by Christianity as unjust, and by political œconomy as prejudicial; and which is now contrasted with democratic liberties and the information of our age, cannot survive. By the choice of the master or by the will of the slave, it will cease; and in either case great calamities may be expected to en-

sue. If liberty be refused to the negroes of the South, they will in the end seize it for themselves by force; if it be given, they will abuse it ere long.

WHAT ARE THE CHANCES IN FAVOUR OF THE DURATION OF THE AMERICAN UNION, AND WHAT DANGERS THREATEN IT.

Reason for which the preponderating force lies in the States rather than in the Union.—The Union will only last as long as all the States choose to belong to it.—Causes which tend to keep them united.—Utility of the Union to resist foreign enemies, and to prevent the existence of foreigners in America.—No natural barriers between the several States.—No conflicting interests to divide them.—Reciprocal interests of the Northern, Southern, and Western States.—Intellectual ties of union.—Uniformity of opinions.—Dangers of the Union resulting from the different characters and the passions of its citizens.—Character of the citizens in the South and in the North.—The rapid growth of the Union one of its greatest dangers.—Progress of the population to the North-west.—Power gravitates in the same direction.—Passions originating from sudden turns of fortune.—Whether the existing Government of the Union tends to gain strength, or to lose it.—Various signs of its decrease.—Internal improvements.—Waste lands.—Indians.—The Bank.—The Tariff.—General Jackson.

THE maintenance of the existing institutions of the several States depends in some measure upon the maintenance of the Union itself. It is therefore important in the first instance to inquire into the probable fate of the Union. One point may indeed

be assumed at once ; if the present confederation were dissolved, it appears to me to be incontestable that the States of which it is now composed would not return to their original isolated condition ; but that several Unions would then be formed in the place of one. It is not my intention to inquire into the principles upon which these new Unions would probably be established, but merely to show what the causes are which may effect the dismemberment of the existing confederation.

With this object I shall be obliged to retrace some of the steps which I have already taken, and to revert to topics which I have before discussed. I am aware that the reader may accuse me of repetition, but the importance of the matter which still remains to be treated is my excuse ; I had rather say too much, than say too little to be thoroughly understood, and I prefer injuring the author to slighting the subject.

• The legislators who formed the Constitution of 1789, endeavoured to confer a distinct and preponderating authority upon the Federal power. But they were confined by the conditions of the task which they had undertaken to perform. They were not appointed to constitute the government of a single people, but to regulate the association of several States ; and, whatever their inclinations might be, they could not but divide the exercise of sovereignty in the end.

In order to understand the consequences of this

division, it is necessary to make a short distinction between the affairs of the Government. There are some objects which are national by their very nature, that is to say, which affect the nation as a body, and can only be entrusted to the man or the assembly of men who most completely represent the entire nation. Amongst these may be reckoned war and diplomacy. There are other objects which are provincial by their very nature, that is to say, which only affect certain localities, and which can only be properly treated in that locality. Such, for instance, is the budget of a municipality. Lastly, there are certain objects of a mixed nature, which are national in as much as they affect all the citizens who compose the nation, and which are provincial in as much as it is not necessary that the nation itself should provide for them all. Such are the rights which regulate the civil and political condition of the citizens. No society can exist without civil and political rights. These rights therefore interest all the citizens alike; but it is not always necessary to the existence and the prosperity of the nation that these rights should be uniform, nor consequently, that they should be regulated by the central authority.

There are, then, two distinct categories of objects which are submitted to the direction of the sovereign power; and these categories occur in all well-constituted communities, whatever the basis of the political constitution may otherwise be. Between

these two extremes, the objects which I have termed mixed may be considered to lie. As these objects are neither exclusively national nor entirely provincial, they may be attained by a national or by a provincial government, according to the agreement of the contracting parties, without in any way impairing the contract of association.

The sovereign power is usually formed by the union of separate individuals, who compose a people ; and individual powers or collective forces, each representing a very small portion of the sovereign authority, are the sole elements which are subjected to the general Government of their choice. In this case the general Government is more naturally called upon to regulate, not only those affairs which are of essential national importance, but those which are of a more local interest ; and the local governments are reduced to that small share of sovereign authority which is indispensable to their prosperity.

But sometimes the sovereign authority is composed of pre-organized political bodies, by virtue of circumstances anterior to their union ; and in this case the provincial Governments assume the control, not only of those affairs which more peculiarly belong to their province, but of all, or of a part of the mixed affairs to which allusion has been made. For the confederate nations which were independent sovereign States before their union, and which still represent a very considerable share of the sovereign power, have only consented to cede to the

general Government the exercise of those rights which are indispensable to the Union.

When the National Government, independently of the prerogatives inherent in its nature, is invested with the right of regulating the affairs which relate partly to the general and, partly to the local interests, it possesses a preponderating influence. Not only are its own rights extensive, but all the rights which it does not possess exist by its sufferance, and it may be apprehended, that the provincial Governments may be deprived of their natural and necessary prerogatives by its influence.

When, on the other hand, the provincial Governments are invested with the power of regulating those same affairs of mixed interest, an opposite tendency prevails in society. The preponderating force resides in the province, not in the nation; and it may be apprehended that the National Government may in the end be stripped of the privileges which are necessary to its existence.

Independent nations have therefore a natural tendency to centralization, and confederations to dismemberment.

It now only remains for us to apply these general principles to the American Union. The several States were necessarily possessed of the right of regulating all exclusively provincial affairs. Moreover these same States retained the rights of determining the civil and political competency of the citizens, or regulating the reciprocal relations of

the members of the community, and of dispensing justice ; rights which are of a general nature, but which do not necessarily appertain to the national government. We have shown that the Government of the Union is invested with the power of acting in the name of the whole nation, in those cases in which the nation has to appear as a single and undivided power ; as, for instance, in foreign relations, and in offering a common resistance to a common enemy ; in short, in conducting those affairs which I have styled exclusively national.

In this division of the rights of sovereignty, the share of the Union seems at first sight to be more considerable than that of the States ; but a more attentive investigation shows it to be less so. The undertakings of the Government of the Union are more vast, but their influence is more rarely felt. Those of the provincial Governments are comparatively small, but they are incessant, and they serve to keep alive the authority which they represent. The Government of the Union watches the general interests of the country ; but the general interests of a people have a very questionable influence upon individual happiness ; whilst provincial interests produce a most immediate effect upon the welfare of the inhabitants. The Union secures the independence and the greatness of the nation, which do not immediately affect private citizens ; but the several States maintain the liberty, regulate the rights, protect the fortune, and secure

the life and the whole future prosperity of every citizen.

The Federal Government is very far removed from its subjects, whilst the provincial Governments are within the reach of them all, and are ready to attend to the smallest appeal. The central Government has upon its side the passions of a few superior men who aspire to conduct it ; but upon the side of the provincial Governments are the interests of all those second-rate individuals who can only hope to obtain power within their own State, and who nevertheless exercise the largest share of authority over the people because they are placed nearest to its level.

The Americans have therefore much more to hope and to fear from the States than from the Union ; and, in conformity with the natural tendency of the human mind, they are more likely to attach themselves to the former than to the latter. In this respect their habits and feelings harmonize with their interests.

When a compact nation divides its sovereignty, and adopts a confederate form of government, the traditions, the customs, and the manners of the people are for a long time at variance with their legislation ; and the former tend to give a degree of influence to the central government which the latter forbids. When a number of confederate States unite to form a single nation, the same causes operate in an opposite direction. I have no doubt

that if France were to become a confederate republic like that of the United States, the Government would at first display more energy than that of the Union ; and if the Union were to alter its constitution to a monarchy like that of France, I think that the American Government would be a long time in acquiring the force which now rules the latter nation. When the national existence of the Anglo-Americans began, their provincial existence was already of long standing ; necessary relations were established between the townships and the individual citizens of the same States ; and they were accustomed to consider some objects as common to them all, and to conduct other affairs as exclusively relating to their own special interests.

The Union is a vast body which presents no definite object to patriotic feeling. The forms and limits of the State are distinct and circumscribed ; since it represents a certain number of objects which are familiar to the citizens and beloved by all. It is identified with the very soil, with the right of property and the domestic affections, with the recollections of the past, the labours of the present, and the hopes of the future. Patriotism, then, which is frequently a mere extension of individual egotism, is still directed to the State, and is not excited by the Union. Thus the tendency of the interests, the habits, and the feelings of the people is to centre political activity in the States, in preference to the Union.

It is easy to estimate the different forces of the two Governments, by remarking the manner in which they fulfil their respective functions. Whenever the Government of a State has occasion to address an individual or an assembly of individuals, its language is clear and imperative; and such is also the tone of the Federal Government in its intercourse with individuals; but no sooner has it anything to do with a State, than it begins to parley, to explain its motives and to justify its conduct, to argue, to advise, and in short anything but to command. If doubts are raised as to the limits of the constitutional powers of each Government, the provincial Government prefers its claim with boldness, and takes prompt and energetic steps to support it. In the mean while the Government of the Union reasons, it appeals to the interests, to the good sense, to the glory of the nation; it temporizes, it negotiates, and does not consent to act until it is reduced to the last extremity. At first sight it might readily be imagined that it is the provincial Government which is armed with the authority of the nation, and that Congress represents a single State.

The Federal Government is, therefore, notwithstanding the precautions of those who founded it, naturally so weak, that it more peculiarly requires the free consent of the governed to enable it to subsist. It is easy to perceive that its object is to enable the States to realize with facility their determination of remaining united; and, as long as this

preliminary condition exists, its authority is great, temperate, and effective. The Constitution fits the Government to control individuals, and easily to surmount such obstacles as they may be inclined to offer, but it was by no means established with a view to the possible separation of one or more of the States from the Union.

If the sovereignty of the Union were to engage in a struggle with that of the States, at the present day, its defeat may be confidently predicted; and it is not probable that such a struggle would be seriously undertaken. As often as a steady resistance is offered to the Federal Government it will be found to yield. Experience has hitherto shown that whenever a State has demanded anything with perseverance and resolution, it has invariably succeeded; and that if a separate Government has distinctly refused to act, it was left to do as it thought fit¹.

But even if the Government of the Union had any strength inherent in itself, the physical situation of the country would render the exercise of that strength very difficult². The United States³

¹ See the conduct of the Northern States in the war of 1812. "During that war," says Jefferson in a letter to General Lafayette, "four of the Eastern States were only attached to the Union, like so many inanimate bodies to living men."

² The profound peace of the Union affords no pretext for a standing army; and without a standing army a Government is not prepared to profit by a favourable opportunity to conquer resistance, and take the sovereign power by surprise.

cover an immense territory ; they are separated from each other by great distances ; and the population is disseminated over the surface of a country which is still half a wilderness. If the Union were to undertake to enforce the allegiance of the confederate States by military means, it would be in a position very analogous to that of England at the time of the War of Independence.

However strong a government may be, it cannot easily escape from the consequences of a principle which it has once admitted as the foundation of its constitution. The Union was formed by the voluntary agreement of the States ; and, in uniting together, they have not forfeited their nationality, nor have they been reduced to the condition of one and the same people. If one of the States chose to withdraw its name from the contract, it would be difficult to disprove its right of doing so ; and the Federal Government would have no means of maintaining its claims directly, either by force or by right. In order to enable the Federal Government easily to conquer the resistance which may be offered to it by any one of its subjects, it would be necessary that one or more of them should be specially interested in the existence of the Union, as has frequently been the case in the history of confederations.

If it be supposed that amongst the States which are united by the Federal tie, there are some which exclusively enjoy the principal advantages of union,

or whose prosperity depends on the duration of that union, it is unquestionable that they will always be ready to support the central Government in enforcing the obedience of the others. But the Government would then be exerting a force not derived from itself, but from a principle contrary to its nature. States form confederations in order to derive equal advantages from their union; and in the case just alluded to, the Federal Government would derive its power from the unequal distribution of those benefits amongst the States.

If one of the confederate States have acquired a preponderance sufficiently great to enable it to take exclusive possession of the central authority, it will consider the other States as subject provinces, and it will cause its own supremacy to be respected under the borrowed name of the sovereignty of the Union. Great things may then be done in the name of the Federal Government, but in reality that Government will have ceased to exist¹. In both these cases, the power which acts in the name of the confederation becomes stronger, the more it abandons the natural state and the acknowledged principles of confederations.

In America the existing Union is advantageous to all the States, but it is not indispensable to any

¹ Thus the province of Holland in the republic of the Low Countries, and the Emperor in the Germanic Confederation have sometimes put themselves in the place of the union, and have employed the Federal authority to their own advantage.

one of them. Several of them might break the Federal tie without compromising the welfare of the others, although their own prosperity would be lessened. As the existence and the happiness of none of the States are wholly dependent on the present Constitution, they would none of them be disposed to make great personal sacrifices to maintain it. On the other hand, there is no State which seems, hitherto, to have its ambition much interested in the maintenance of the existing Union. They certainly do not all exercise the same influence in the Federal Councils, but no one of them can hope to domineer over the rest, or to treat them as its inferiors or as its subjects.

It appears to me unquestionable, that if any portion of the Union seriously desired to separate itself from the other States, they would not be able, nor indeed would they attempt, to prevent it ; and that the present Union will only last as long as the States which compose it choose to continue members of the confederation. If this point be admitted, the question becomes less difficult ; and our object is not to inquire whether the States of the existing Union are capable of separating, but whether they will choose to remain united.

Amongst the various reasons which tend to render the existing Union useful to the Americans, two principal causes are peculiarly evident to the observer. Although the Americans are, as it were, alone upon their continent, their commerce makes them

the neighbours of all the nations with which they trade. Notwithstanding their apparent isolation, the Americans require a certain degree of strength, which they cannot retain otherwise than by remaining united to each other. If the States were to split, they would not only diminish the strength which they are now able to display towards foreign nations, but they would soon create foreign powers upon their own territory. A system of inland custom-houses would then be established; the valleys would be divided by imaginary boundary-lines; the courses of the rivers would be confined by territorial distinctions; and a multitude of hindrances would prevent the Americans from exploring the whole of that vast continent which Providence has allotted to them for a dominion. At present they have no invasion to fear, and consequently no standing armies to maintain, no taxes to levy. If the Union were dissolved, all these burdensome measures might ere long be required. The Americans are then very powerfully interested in the maintenance of their Union. On the other hand, it is almost impossible to discover any sort of material interest which might at present tempt a portion of the Union to separate from the other States.

When we cast our eyes upon the map of the United States, we perceive the chain of the Alleghany mountains, running from the north-east to the south-west, and crossing nearly one thousand miles of country; and we are led to imagine that

the design of Providence was to raise, between the valley of the Mississippi and the coasts of the Atlantic Ocean, one of those natural barriers which break the mutual intercourse of men, and form the necessary limits of different States. But the average height of the Alleghanies does not exceed 2500 feet; their greatest elevation is not above 4000 feet; their rounded summits, and the spacious valleys which they conceal within their passes, are of easy access from several sides. Besides which, the principal rivers which fall into the Atlantic Ocean, the Hudson, the Susquehannah, and the Potomac, take their rise beyond the Alleghanies, in an open district, which borders upon the valley of the Mississippi. These streams quit this tract of country¹, make their way through the barrier which would seem to turn them westward, and as they wind through the mountains, they open an easy and natural passage to man.

No natural barrier exists in the regions which are now inhabited by the Anglo-Americans; the Alleghanies are so far from serving as a boundary to separate nations, that they do not even serve as a frontier to the States. New York, Pennsylvania, and Virginia comprise them within their borders, and extend as much to the west as to the east of the line.

The territory now occupied by the twenty-four States of the Union, and the three great districts

¹ See Darby's View of the United States, pp. 64 and 79.

which have not yet acquired the rank of States, although they already contain inhabitants, covers a surface of 1,002,600 square miles¹, which is about equal to five times the extent of France. Within these limits the qualities of the soil, the temperature, and the produce of the country, are extremely various. The vast extent of territory occupied by the Anglo-American republics has given rise to doubts as to the maintenance of their Union. Here a distinction must be made; contrary interests sometimes arise in the different provinces of a vast empire, which often terminate in open dissensions; and the extent of the country is then most prejudicial to the power of the State. But if the inhabitants of these vast regions are not divided by contrary interests, the extent of the territory may be favourable to their prosperity; for the unity of the Government promotes the interchange of the different productions of the soil, and increases their value by facilitating their consumption.

It is indeed easy to discover different interests in the different parts of the Union, but I am unacquainted with any which are hostile to each other. The Southern States are almost exclusively agricultural: the Northern States are more peculiarly commercial and manufacturing: the States of the

¹ See Darby's View of the United States, p. 435. [In Carey and Lea's Geography of America, the United States are said to form an area of 2,076,400 square miles.—*Translator's Note.*]

West are at the same time agricultural and manufacturing. In the South the crops consist of tobacco, of rice, of cotton, and of sugar ; in the North and the West, of wheat and maize : these are different sources of wealth ; but union is the means by which these sources are opened to all, and rendered equally advantageous to the several districts.

The North, which ships the produce of the Anglo-Americans to all parts of the world, and brings back the produce of the globe to the Union, is evidently interested in maintaining the confederation in its present condition, in order that the number of American producers and consumers may remain as large as possible. The North is the most natural agent of communication between the South and the West of the Union on the one hand, and the rest of the world upon the other ; the North is therefore interested in the union and prosperity of the South and the West, in order that they may continue to furnish raw materials for its manufactures, and cargoes for its shipping.

The South and the West, on their side, are still more directly interested in the preservation of the Union, and the prosperity of the North. The produce of the South is for the most part exported beyond seas ; the South and the West consequently stand in need of the commercial resources of the North. They are likewise interested in the maintenance of a powerful fleet by the Union, to pro-

tect them efficaciously. The South and the West have no vessels, but they cannot refuse a willing subsidy to defray the expenses of the navy; for if the fleets of Europe were to blockade the ports of the South and the delta of the Mississippi, what would become of the rice of the Carolinas, the tobacco of Virginia, and the sugar and cotton which grow in the valley of the Mississippi? Every portion of the Federal budget does therefore contribute to the maintenance of material interests which are common to all the confederate States.

Independently of this commercial utility, the South and the West of the Union derive great political advantages from their connexion with the North. The South contains an enormous slave population; a population which is already alarming, and still more formidable for the future. The States of the West lie in the remoter parts of a single valley; and all the rivers which intersect their territory rise in the Rocky Mountains or in the Alleghanies, and fall into the Mississippi, which bears them onwards to the Gulf of Mexico. The Western States are consequently entirely cut off, by their position, from the traditions of Europe and the civilization of the Old World. The inhabitants of the South, then, are induced to support the Union in order to avail themselves of its protection against the Blacks; and the inhabitants of the West, in order not to be excluded from a free communication with the rest of the globe, and shut up

in the wilds of central America. The North cannot but desire the maintenance of the Union, in order to remain, as it now is, the connecting link between that vast body and the other parts of the world.

• The temporal interests of all the several parts of the Union are, then, intimately connected; and the same assertion holds true respecting those opinions and sentiments which may be termed the immaterial interests of men.

The inhabitants of the United States talk a great deal of their attachment to their country; but I confess that I do not rely upon that calculating patriotism which is founded upon interest, and which a change in the interests at stake may obliterate. Nor do I attach much importance to the language of the Americans, when they manifest, in their daily conversation, the intention of maintaining the Federal system adopted by their forefathers. A government retains its sway over a great number of citizens, far less by the voluntary and rational consent of the multitude, than by that instinctive, and to a certain extent involuntary agreement, which results from similarity of feelings and resemblances of opinion. I will never admit that men constitute a social body, simply because they obey the same head and the same laws. Society can only exist when a great number of men consider a great number of things in the same point of view; when they hold the same opinions upon many sub-

jects, and when the same occurrences suggest the same thoughts and impressions to their minds.

The observer who examines the present condition of the United States upon this principle, will readily discover, that although the citizens are divided into twenty-four distinct sovereignties, they nevertheless constitute a single people; and he may perhaps be led to think that the state of the Anglo-American Union is more truly a state of society, than that of certain nations of Europe which live under the same legislation and the same prince.

Although the Anglo-Americans have several religious sects, they all regard religion in the same manner. They are not always agreed upon the measures which are most conducive to good government, and they vary upon some of the forms of government which it is expedient to adopt; but they are unanimous upon the general principles which ought to rule human society. From Maine to the Floridas, and from the Missouri to the Atlantic Ocean, the people is held to be the legitimate source of all power. The same notions are entertained respecting liberty and equality, the liberty of the press, the right of association, the jury, and the responsibility of the agents of Government.

If we turn from their political and religious opinions to the moral and philosophical principles which regulate the daily actions of life, and govern their conduct, we shall still find the same uniformity.

The Anglo-Americans¹ acknowledge the absolute moral authority of the reason of the community, as they acknowledge the political authority of the mass of citizens; and they hold that public opinion is the surest arbiter of what is lawful or forbidden, true or false. The majority of them believe, that a man will be led to do what is just and good by following his own interests, rightly understood. They hold that every man is born in possession of the right of self-government, and that no one has the right of constraining his fellow-creatures to be happy. They have all a lively faith in the perfectibility of man; they are of opinion that the effects of the diffusion of knowledge must necessarily be advantageous, and the consequences of ignorance fatal; they all consider society as a body in a state of improvement, humanity as a changing scene, in which nothing is, or ought to be, permanent; and they admit that what appears to them to be good today may be superseded by something better tomorrow. I do not give all these opinions as true, but I quote them as characteristic of the Americans.

The Anglo-Americans are not only united together by these common opinions, but they are separated from all other nations by a common feeling

¹ It is scarcely necessary for me to observe that by the expression *Anglo-Americans*, I only mean to designate the great majority of the nation; for a certain number of isolated individuals are of course to be met with holding very different opinions.

of pride. For the last fifty years no pains have been spared to convince the inhabitants of the United States that they constitute the only religious, enlightened, and free people. They perceive that, for the present, their own democratic institutions succeed, whilst those of other countries fail; hence they conceive an overweening opinion of their superiority, and they are not very remote from believing themselves to belong to a distinct race of mankind.

The dangers which threaten the American Union do not originate in the diversity of interests or of opinions; but in the various characters and passions of the Americans. The men who inhabit the vast territory of the United States are almost all the issue of a common stock; but the effects of the climate, and more especially of slavery, have gradually introduced very striking differences between the British settler of the Southern States, and the British settler of the North. In Europe it is generally believed that slavery has rendered the interests of one part of the Union contrary to those of another part; but I by no means remarked this to be the case: slavery has not created interests in the South contrary to those of the North, but it has modified the character and changed the habits of the natives of the South.

I have already explained the influence which slavery has exercised upon the commercial ability of the Americans in the South; and this same influ-

ence equally extends to their manners. The slave is a servant who never remonstrates, and who submits to everything without complaint. He may sometimes assassinate, but he never withstands, his master. In the South there are no families so poor as not to have slaves. The citizen of the Southern States of the Union is invested with a sort of domestic dictatorship from his earliest years; the first notion he acquires in life is, that he is born to command, and the first habit which he contracts is that of being obeyed without resistance. His education tends, then, to give him the character of a supercilious and a hasty man; irascible, violent, and ardent in his desires, impatient of obstacles, but easily discouraged if he cannot succeed upon his first attempt.

The American of the Northern States is surrounded by no slaves in his childhood; he is even unattended by free servants; and is usually obliged to provide for his own wants. No sooner does he enter the world than the idea of necessity assails him on every side: he soon learns to know exactly the natural limit of his authority; he never expects to subdue those who withstand him, by force; and he knows that the surest means of obtaining the support of his fellow-creatures, is to win their favour. He therefore becomes patient, reflecting, tolerant, slow to act, and persevering in his designs.

In the Southern States the more immediate wants

of life are always supplied ; the inhabitants of those parts are not busied in the material cares of life, which are always provided for by others ; and their imagination is diverted to more captivating and less definite objects. The American of the South is fond of grandeur, luxury, and renown, of gaiety, of pleasure, and above all of idleness ; nothing obliges him to exert himself in order to subsist ; and as he has no necessary occupations, he gives way to indolence, and does not even attempt what would be useful.

But the equality of fortunes, and the absence of slavery in the North, plunge the inhabitants in those same cares of daily life which are disdained by the white population of the South. They are taught from infancy to combat want ; and to place comfort above all the pleasures of the intellect or the heart. The imagination is extinguished by the trivial details of life ; and the ideas become less numerous and less general, but far more practical and more precise. As prosperity is the sole aim of exertion, it is excellently well attained ; nature and mankind are turned to the best pecuniary advantage ; and society is dexterously made to contribute to the welfare of each of its members, whilst individual egotism is the source of general happiness.

The citizen of the North has not only experience, but knowledge : nevertheless he sets but little value upon the pleasures of knowledge ; he esteems it as

the means of attaining a certain end, and he is only anxious to seize its more lucrative applications. The citizen of the South is more given to act upon impulse ; he is more clever, more frank, more generous, more intellectual, and more brilliant. The former, with a greater degree of activity, of common sense, of information, and of general aptitude, has the characteristic good and evil qualities of the middle classes. The latter has the tastes, the prejudices, the weaknesses, and the magnanimity of all aristocracies.

If two men are united in society, who have the same interests, and to a certain extent the same opinions, but different characters, different acquirements, and a different style of civilization, it is probable that these men will not agree. The same remark is applicable to a society of nations.

Slavery, then, does not attack the American Union directly in its interests, but indirectly in its manners.

The States which gave their assent to the Federal Contract in 1790 were thirteen in number ; the Union now consists of twenty-four members. The population which amounted to nearly four millions in 1790, had more than tripled in the space of forty years ; and in 1830 it amounted to nearly thirteen millions¹. Changes of such magnitude cannot take place without some danger.

¹ Census of 1790 3,929,328.
 ——— 1830 12,856,165.

A society of nations, as well as a society of individuals, derives its principal chances of duration from the wisdom of its members, their individual weakness, and their limited number. The Americans who quit the coasts of the Atlantic Ocean to plunge into the western wilderness, are adventurers impatient of restraint, greedy of wealth, and frequently men expelled from the States in which they were born. When they arrive in the deserts, they are unknown to each other ; and they have neither traditions, family feeling, nor the force of example to check their excesses. The empire of the laws is feeble amongst them ; that of morality is still more powerless. The settlers who are constantly peopling the valley of the Mississippi are, then, in every respect very inferior to the Americans who inhabit the older parts of the Union. Nevertheless, they already exercise a great influence in its councils ; and they arrive at the government of the commonwealth before they have learnt to govern themselves¹.

The greater the individual weakness of each of the contracting parties, the greater are the chances of the duration of the contract ; for their safety is then dependent upon their union. When, in 1790, the most populous of the American republics did

¹ This indeed is only a temporary danger. I have no doubt that in time society will assume as much stability and regularity in the West, as it has already done upon the coast of the Atlantic Ocean.

not contain 500,000 inhabitants¹, each of them felt its own insignificance as an independent people, and this feeling rendered compliance with the Federal authority more easy. But when one of the confederate States reckons, like the State of New York, two millions of inhabitants, and covers an extent of territory equal in surface to a quarter of France², it feels its own strength; and although it may continue to support the Union as advantageous to its prosperity, it no longer regards that body as necessary to its existence; and, as it continues to belong to the Federal compact, it soon aims at preponderance in the Federal assemblies. The probable unanimity of the States is diminished as their number increases. At present the interests of the different parts of the Union are not at variance; but who is able to foresee the multifarious changes of the future, in a country in which towns are founded from day to day, and States almost from year to year?

Since the first settlement of the British Colonies, the number of inhabitants has about doubled every twenty-two years. I perceive no causes which are likely to check this progressive increase of the Anglo-American population for the next hundred years; and before that space of time has elapsed, I believe that the territories and dependencies of the United States will be covered by more than a hun-

¹ Pennsylvania contained 431,373 inhabitants in 1790.

² The area of the State of New York is about 46,000 square miles. See Carey and Lea's American Geography, p. 142.

dred millions of inhabitants, and divided into forty States¹. I admit that these hundred millions of men have no hostile interests; I suppose, on the contrary, that they are all equally interested in the maintenance of the Union; but I am still of opinion, that where there are a hundred millions of men, and forty distinct nations, unequally strong, the continuance of the Federal Government can only be a fortunate accident.

Whatever faith I may have in the perfectibility of man, until human nature is altered, and men wholly transformed, I shall refuse to believe in the duration of a government which is called upon to hold together forty different peoples, disseminated over a territory equal to one half of Europe in extent; to avoid all rivalry, ambition, and struggles between them; and to direct their indepen-

¹ If the population continues to double every twenty-two years, as it has done for the last two hundred years, the number of inhabitants in the United States in 1852 will be twenty millions; in 1874, forty-eight millions; and in 1896, ninety-six millions. This may still be the case even if the lands on the western slope of the Rocky Mountains should be found to be unfit for cultivation. The territory which is already occupied can easily contain this number of inhabitants. One hundred millions of men disseminated over the surface of the twenty-four States, and the three dependencies, which constitute the Union, would only give 762 inhabitants to the square league; this would be far below the mean population of France, which is 1068 to the square league; or of England, which is 1457; and it would even be below the population of Switzerland, for that country, notwithstanding its lakes and mountains, contains 783 inhabitants to the square league. (See Maltebrun, vol. vi. p. 92.)

dent activity to the accomplishment of the same designs.

But the greatest peril to which the Union is exposed by its increase, arises from the continual changes which take place in the position of its internal strength. The distance from Lake Superior to the Gulf of Mexico, extends from the 47th to the 30th degree of latitude, a distance of more than twelve hundred miles, as the bird flies. The frontier of the United States winds along the whole of this immense line; sometimes falling within its limits, but more frequently extending far beyond it, into the waste. It has been calculated that the whites advance every year a mean distance of seventeen miles along the whole of this vast boundary¹. Obstacles, such as an unproductive district, a lake, or an Indian nation unexpectedly encountered, are sometimes met with. The advancing column then halts for a while; its two extremities fall back upon themselves, and as soon as they are re-united they proceed onwards. This gradual and continuous progress of the European race towards the Rocky Mountains has the solemnity of a providential event; it is like a deluge of men rising unabatedly, and daily driven onwards by the hand of God.

Within this first line of conquering settlers, towns are built, and vast States founded. In 1790

¹ See Legislative Documents, 20th Congress, No. 117, p. 105.

there were only a few thousand pioneers sprinkled along the valleys of the Mississippi; and at the present day these valleys contain as many inhabitants as were to be found in the whole Union in 1790. Their population amounts to nearly four millions'. The city of Washington was founded in 1800, in the very centre of the Union; but such are the changes which have taken place, that it now stands at one of the extremities; and the delegates of the most remote Western States are already obliged to perform a journey as long as that from Vienna to Paris*.

All the States are borne onwards at the same time in the path of fortune, but of course they do not all increase and prosper in the same proportion. To the North of the Union the detached branches of the Alleghany chain, which extend as far as the Atlantic Ocean, form spacious roads and ports, which are constantly accessible to vessels of the greatest burden. But from the Potomac to the mouth of the Mississippi, the coast is sandy and flat. In this part of the Union the mouths of almost all the rivers are obstructed; and the few harbours which exist amongst these lagunes, afford much shallower water to vessels, and much fewer commercial advantages than those of the North.

* 3,672,317; Census of 1830.

² The distance from Jefferson, the capital of the State of Missouri, to Washington is 1019 miles. (American Almanac, 1831, p. 48.)

This first natural cause of inferiority is united to another cause proceeding from the laws. We have already seen that slavery, which is abolished in the North, still exists in the South; and I have pointed out its fatal consequences upon the prosperity of the planter himself.

The North is therefore superior to the South both in commerce and manufacture; the natural

The following statements will suffice to show the difference which exists between the commerce of the South and that of the North.

In 1829 the tonnage of all the merchant-vessels belonging to Virginia, the two Carolinas, and Georgia, (the four great Southern States,) amounted to only 5243 tons. In the same year the tonnage of the vessels of the State of Massachusetts alone, amounted to 17,322 tons. (See Legislative Documents, 21st Congress, 2nd Session, No. 140, p. 244.) Thus the State of Massachusetts had three times as much shipping as the four above-mentioned States. Nevertheless the area of the State of Massachusetts is only 7335 square miles, and its population amounts to 610,014 inhabitants; whilst the area of the four other States I have quoted is 210,000 square miles, and their population 3,047,767. Thus the area of the State of Massachusetts forms only one thirtieth part of the area of the four States; and its population is five times smaller than theirs. (See Darby's View of the United States.) Slavery is prejudicial to the commercial prosperity of the South in several different ways; by diminishing the spirit of enterprise amongst the whites, and by preventing them from meeting with as numerous a class of sailors as they require. Sailors are usually taken from the lowest ranks of the population. But in the Southern States these lowest ranks are composed of slaves, and it is very difficult to employ them at sea. They are unable to serve as well as a white crew, and apprehensions would always be entertained of their mutinying in the middle of the ocean, or of their escaping in the foreign countries at which they might touch.

consequence of which is the more rapid increase of population and of wealth within its borders. The States situated upon the shores of the Atlantic Ocean are already half-peopled. Most of the land is held by an owner; and these districts cannot therefore receive so many emigrants as the Western States, where a boundless field is still open to their exertions. The valley of the Mississippi is far more fertile than the coast of the Atlantic Ocean. This reason, added to all the others, contributes to drive the Europeans westward,—a fact which may be rigorously demonstrated by figures. It is found that the sum total of the population of all the United States has about tripled in the course of forty years. But in the recent States adjacent to the Mississippi, the population has increased thirty-one fold, within the same space of time¹.

The relative position of the central Federal power is continually displaced. Forty years ago the majority of the citizens of the Union was established upon the coast of the Atlantic, in the environs of the spot upon which Washington now stands; but the great body of the people is now advancing inland and to the North, so that in twenty years the majority will unquestionably be on the western side of the Alleghanys. If the Union goes on to subsist, the basin of the Mississippi is evidently marked out, by its fertility and its extent, as the future centre of the Federal Government. In

¹ Darby's View of the United States, p. 444.

thirty or forty years, that tract of country will have assumed the rank which naturally belongs to it. It is easy to calculate that its population, compared to that of the coast of the Atlantic, will be, in round numbers, as 40 to 11. In a few years the States which founded the Union will lose the direction of its policy, and the population of the valleys of the Mississippi will preponderate in the Federal assemblies.

This constant gravitation of the Federal power and influence towards the North-west, is shown every ten years, when a general census of the population is made, and the number of delegates which each State sends to Congress is settled afresh¹. In 1790 Virginia had nineteen representatives in Congress. This number continued to increase until the year 1813, when it reached to twenty-three: from that time it began to decrease, and in 1833 Virginia elected only twenty-one representatives². During

¹ It may be seen that in the course of the last ten years (1820-1830) the population of one district, as, for instance, the State of Delaware, has increased in the proportion of 5 per cent.; whilst that of another, as the territory of Michigan, has increased 250 per cent. Thus the population of Virginia had augmented 13 per cent., and that of the border State of Ohio 61 per cent., in the same space of time. The general table of these changes, which is given in the National Calendar, displays a striking picture of the unequal fortunes of the different States.

² It has just been said that in the course of the last term the population of Virginia has increased 13 per cent.; and it is necessary to explain how the number of representatives for a State may decrease, when the population of that State, far from diminishing, is actually upon the increase. I take the State of Vir-

the same period the State of New York progressed in the contrary direction ; in 1790 it had ten representatives in Congress ; in 1813, twenty-seven ; in 1823, thirty-four ; and in 1833, forty. The State of Ohio had only one representative in 1803, and in 1833 it had already nineteen.

It is difficult to imagine a durable union of a people which is rich and strong, with one which is poor and weak, even if it were proved that the strength and wealth of the one are not the causes of the weakness and poverty of the other. But union is still more difficult to maintain at a time at which one party is losing strength, and the other is

ginia, to which I have already alluded, as my term of comparison. The number of representatives of Virginia in 1823 was proportionate to the total number of the representatives of the Union, and to the relation which its population bore to that of the whole Union ; in 1833, the number of representatives of Virginia was likewise proportionate to the total number of the representatives of the Union, and to the relation which its population, augmented in the course of ten years, bore to the augmented population of the Union in the same space of time. The new number of Virginian representatives will then be to the old number, on the one hand, as the new number of all the representatives is to the old number ; and, on the other hand, as the augmentation of the population of Virginia is to that of the whole population of the country. Thus, if the increase of the population of the lesser country be to that of the greater, in an exact inverse ratio of the proportion between the new and the old numbers of all the representatives, the number of the representatives of Virginia will remain stationary ; and if the increase of the Virginian population be to that of the whole Union in a feebler ratio than the new number of the representatives of the Union to the old number, the number of the representatives of Virginia must decrease.

gaining it. This rapid and disproportionate increase of certain States threatens the independence of the others. New York might perhaps succeed, with its two millions of inhabitants and its forty representatives, in dictating to the other States in Congress. But even if the more powerful States make no attempt to bear down the lesser ones, the danger still exists; for there is almost as much in the possibility of the act as in the act itself. The weak generally mistrust the justice and the reason of the strong. The States which increase less rapidly than the others, look upon those which are more favoured by fortune with envy and suspicion. Hence arise the deep-seated uneasiness and ill-defined agitation which are observable in the South, and which form so striking a contrast to the confidence and prosperity which are common to other parts of the Union. I am inclined to think that the hostile measures taken by the Southern provinces upon a recent occasion, are attributable to no other cause. The inhabitants of the Southern States are, of all the Americans, those who are most interested in the maintenance of the Union; they would assuredly suffer most from being left to themselves; and yet they are the only citizens who threaten to break the tie of confederation. But it is easy to perceive that the South, which has given four Presidents, Washington, Jefferson, Madison, and Monroe, to the Union; which perceives that it is losing its Federal influence, and that the number of its representatives in Congress is diminishing from year to

year, whilst those of the Northern, and Western States are increasing ; the South, which is peopled with ardent and irascible beings, is becoming more and more irritated and alarmed. The citizens reflect upon their present position and remember their past influence, with the melancholy uneasiness of men who suspect oppression ; if they discover a law of the Union which is not unequivocally favourable to their interests, they protest against it as an abuse of force ; and if their ardent remonstrances are not listened to, they threaten to quit an association which loads them with burdens whilst it deprives them of their due profits. “The Tariff,” said the inhabitants of Carolina in 1832, “enriches the North, and ruins the South ; for if this were not the case, to what can we attribute the continually increasing power and wealth of the North, with its inclement skies and arid soil ; whilst the South, which may be styled the garden of America, is rapidly declining¹.”

• If the changes which I have described were gradual, so that each generation at least might have time to dissappear with the order of things under which it had lived, the danger would be less ; but the progress of society in America is precipitate, and almost revolutionary. The same citizen may have lived to see his State take the lead in the Union, and afterwards, become powerless in the Federal assemblies ; and an Anglo-American re-

¹ See the report of its committee to the Convention, which proclaimed the nullification of the Tariff in South Carolina.

public has been known to grow as rapidly as a man, passing from birth and infancy to maturity in the course of thirty years. It must not be imagined, however that the States which lose their preponderance, also lose their population or their riches: no stop is put to their prosperity, and they even go on to increase more rapidly than any kingdom in Europe¹. But they believe themselves to be impoverished because their wealth does not augment as rapidly as that of their neighbours; and they think that their power is lost, because they suddenly come into collision with a power greater than their own²: thus they are more hurt in their feelings and their passions, than in their interests. But this is amply sufficient to endanger the maintenance of the Union. If kings and peoples had only had their true interests in view, ever since the beginning of the world, the name of war would scarcely be known among mankind.

¹ The population of a country assuredly constitutes the first element of its wealth. In the ten years (1820-1830), during which Virginia lost two of its representatives in Congress, its population increased in the proportion of 13·7 per cent.; that of Carolina in the proportion of 15 per cent.; and that of Georgia 51·5 per cent. (See the American Almanac, 1832, p. 162.) But the population of Russia, which increases more rapidly than that of any other European country, only augments in ten years at the rate of 9·5 per cent.; in France at the rate of 7 per cent.; and in Europe in general at the rate of 4·7 per cent. (See Malthus, vol. vi. p. 95.)

² It must be admitted, however, that the depreciation which has taken place in the value of tobacco, during the last fifty years, has notably diminished the opulence of the Southern planters: but this circumstance is as independent of the will of their Northern brethren, as it is of their own.

Thus the prosperity of the United States is the source of the most serious dangers that threaten them, since it tends to create in some of the confederate States that over-excitement which accompanies a rapid increase of fortune; and to awaken in others those feelings of envy, mistrust, and regret which usually attend upon the loss of it. The Americans contemplate this extraordinary and hasty progress with exultation; but they would be wiser to consider it with sorrow and alarm. The Americans of the United States must inevitably become one of the greatest nations in the world; their offset will cover almost the whole of North America; the continent which they inhabit is their dominion, and it cannot escape them. What urges them to take possession of it so soon? Riches, power, and renown cannot fail to be theirs at some future time, but they rush upon their fortune as if but a moment remained for them to make it their own.

I think that I have demonstrated, that the existence of the present confederation depends entirely on the continued assent of all the confederates; and, starting from this principle, I have inquired into the causes which may induce the several States to separate from the others. The Union may, however, perish in two different ways: one of the confederate States may choose to retire from the compact, and so forcibly to sever the Federal tie; and it is to this supposition that most of the

remarks that I have made apply : or the authority of the Federal Government may be progressively intrenched on by the simultaneous tendency of the united republics to resume their independence. The central power, successively stripped of all its prerogatives, and reduced to impotence by tacit consent, would become incompetent to fulfill its purpose ; and the second Union would perish, like the first, by a sort of senile inaptitude. The gradual weakening of the Federal tie, which may finally lead to the dissolution of the Union, is a distinct circumstance, that may produce a variety of minor consequences before it operates so violent a change. The confederation might still subsist, although its Government were reduced to such a degree of inanition as to paralyze the nation, to cause internal anarchy, and to check the general prosperity of the country.

After having investigated the causes which may induce the Anglo-Americans to disunite, it is important to inquire whether, if the Union continued to subsist, their Government will extend or contract its sphere of action, and whether it will become more energetic or more weak.

The Americans are evidently disposed to look upon their future condition with alarm. They perceive that in most of the nations of the world, the exercise of the rights of sovereignty tends to fall under the control of a few individuals, and they are dismayed by the idea that such will also be the

case in their own country. Even the statesmen feel, or affect to feel, these fears; for, in America, centralization is by no means popular, and there is no surer means of courting the majority, than by inveighing against the encroachments of the central power. The Americans do not perceive that the countries in which this alarming tendency to centralization exists, are inhabited by a single people; whilst the fact of the Union being composed of different confederate communities, is sufficient to baffle all the inferences which might be drawn from analogous circumstances. I confess that I am inclined to consider the fears of a great number of Americans as purely imaginary; and far from participating in their dread of the consolidation of power in the hands of the Union, I think that the Federal Government is visibly losing strength.

To prove this assertion I shall not have recourse to any remote occurrences, but to circumstances which I have myself witnessed, and which belong to our own time.

An attentive examination of what is going on in the United States, will easily convince us that two opposite tendencies exist in that country, like two distinct currents flowing in contrary directions in the same channel. The Union has now existed for forty-five years, and in the course of that time a vast number of provincial prejudices, which were at first hostile to its power, have died away. The patriotic feeling which attached each of the Ameri-

caps to his own native State is become less exclusive; and the different parts of the Union have become more intimately connected the better they have become acquainted with each other. 'The Post', that great instrument of intellectual intercourse, now reaches into the back-woods, and steam-boats have established daily means of communication between the different points of the coast. An inland navigation of unexampled rapidity conveys commodities up and down the rivers of the country¹. And to these facilities of nature and art may be added those restless cravings, that busy-mindedness, and love of pelf, which are constantly urging the American into active life, and bringing him into contact with his fellow-citizens. He crosses the country in every direction; he visits all the various populations of the land; and there is not a province in France, in which the natives are so well known to each other, as the thirteen millions of men who cover the territory of the United States.

But whilst the Americans intermingle, they grow

¹ In 1832, the district of Michigan, which only contains 31,639 inhabitants, and is still an almost unexplored wilderness, possessed 940 miles of mail-roads. The territory of Arkansas, which is still more uncultivated, was already intersected by 1938 miles of mail-roads. (See the Report of the General Post Office, 30th November, 1833.) The postage of newspapers alone in the whole Union amounted to 254,796 dollars.

² In the course of ten years, from 1821 to 1831, 271 steam-boats have been launched upon the rivers which water the valley of the Mississippi alone. In 1829, 259 steam-boats existed in the United States. See Legislative Documents, No. 140, p. 274.

in resemblance of each other; the differences resulting from their climate, their origin, and their institutions, diminish; and they all draw nearer and nearer to the common type. Every year, thousands of men leave the North to settle in different parts of the Union: they bring with them their faith, their opinions, and their manners; and as they are more enlightened than the men amongst whom they are about to dwell, they soon rise to the head of affairs, and they adapt society to their own advantage. This continual emigration of the North to the South is peculiarly favourable to the fusion of all the different provincial characters into one national character. The civilization of the North appears to be the common standard, to which the whole nation will one day be assimilated.

The commercial ties which unite the confederate States are strengthened by the increasing manufactures of the Americans; and the union which began to exist in their opinions, gradually forms a part of their habits: the course of time has swept away the bugbear thoughts which haunted the imaginations of the citizens in 1789. The Federal power is not become oppressive; it has not destroyed the independence of the States; it has not subjected the confederates to monarchical institutions; and the Union has not rendered the lesser States dependent upon the larger ones: but the Confederation has continued to increase in population, in wealth, and in power. I am therefore convinced

that the natural obstacles to the continuance of the American Union are not so powerful at the present time as they were in 1789 ; and that the enemies of the Union are not so numerous.

Nevertheless, a careful examination of the history of the United States for the last forty-five years, will readily convince us that the Federal power is declining ; nor is it difficult to explain the causes of this phenomenon. When the Constitution of 1789 was promulgated, the nation was a prey to anarchy ; the Union, which succeeded this confusion, excited much dread and much animosity ; but it was warmly supported because it satisfied an imperious want. Thus, although it was more attacked than it is now, the Federal power soon reached the maximum of its authority, as is usually the case, with a government which triumphs after having braced its strength by the struggle. At that time the interpretation of the Constitution seemed to extend, rather than to repress, the Federal sovereignty ; and the Union offered, in several respects, the appearance of a single and undivided people, directed in its foreign and internal policy by a single Government. But to attain this point the people had risen, to a certain extent, above itself.

The Constitution had not destroyed the distinct sovereignty of the States ; and all communities, of whatever nature they may be, are impelled by a secret propensity to assert their independence.

This propensity is still more decided in a country like America, in which every village forms a sort of republic accustomed to conduct its own affairs. It therefore cost the States an effort to submit to the Federal supremacy; and all efforts, however successful they may be, necessarily subside with the causes in which they originated.

As the Federal Government consolidated its authority, America resumed its rank amongst the nations, peace returned to its frontiers, and public credit was restored; confusion was succeeded by a fixed state of things which was favourable to the full and free exercise of industrious enterprise. It was this very prosperity which made the Americans forget the cause to which it was attributable; and when once the danger was passed the energy and the patriotism which had enabled them to brave it disappeared from amongst them. No sooner were they delivered from the cares which oppressed them, than they easily returned to their ordinary habits, and gave themselves up without resistance to their natural inclinations. When a powerful Government no longer appeared to be necessary; they once more began to thank it irksome. The Union encouraged a general prosperity, and the States were not inclined to abandon the Union; but they desired to render the action of the power which represented that body, as light as possible. The general principle of union was adopted, but in every minor detail there was an actual tendency to

independence. The principle of confederation was every day more easily admitted and more rarely applied ; so that the Federal Government brought about its own decline, whilst it was creating order and peace.

As soon as this tendency of public opinion began to be manifested externally, the leaders of parties, who live by the passions of the people, began to work it to their own advantage. The position of the Federal Government then became exceedingly critical. Its enemies were in possession of the popular favour ; and they obtained the right of conducting its policy by pledging themselves to lessen its influence. From that time forwards, the Government of the Union has invariably been obliged to recede, as often as it has attempted to enter the lists with the Governments of the States. And whenever an interpretation of the terms of the Federal Constitution has been called for, that interpretation has most frequently been opposed to the Union, and favourable to the States.

The Constitution invested the Federal Government with the right of providing for the interests of the nation ; and it had been held that no other authority was so fit to superintend the ' internal improvements ' which affected the prosperity of the whole Union ; such, for instance, as the cutting of canals. But the States were alarmed at a power, distinct from their own, which could thus dispose of a portion of their territory ; and they were afraid

that the central Government would, by this means, acquire a formidable extent of patronage, within their own confines, and exercise a degree of influence which they intended to reserve exclusively to their own agents. The democratic party, which has constantly been opposed to the increase of the Federal authority, then accused the Congress of usurpation, and the Chief Magistrate of ambition. The central Government was intimidated by the opposition; and it soon acknowledged its error, promising exactly to confine its influence, for the future, within the circle which was prescribed to it.

The Constitution confers upon the Union the right of treating with foreign nations. The Indian tribes, which border upon the frontiers of the United States, had usually been regarded in this light. As long as these savages consented to retire before the civilized settlers, the Federal right was not contested; but as soon as an Indian tribe attempted to fix its dwelling upon a given spot, the adjacent States claimed possession of the lands and the rights of sovereignty over the natives. The central Government soon recognised both these claims; and after it had concluded treaties with the Indians as independent nations, it gave them up as subjects to the legislative tyranny of the States¹.

¹ See in the Legislative Documents already quoted in speaking of the Indians, the letter of the President of the United States to the Cherokees, his correspondence on this subject with his agents, and his messages to Congress.

Some of the States which had been founded upon the coast of the Atlantic, extended indefinitely to the West, into wild regions where no European had ever penetrated. The States whose confines were irrevocably fixed, looked with a jealous eye upon the unbounded regions which the future would enable their neighbours to explore. The latter then agreed, with a view to conciliate the others, and to facilitate the Act of Union, to lay down their own boundaries, and to abandon all the territory which lay beyond those limits to the confederation at large¹. Thenceforward the Federal Government became the owner of all the uncultivated lands which lie beyond the borders of the thirteen States first confederated. It was invested with the right of parcelling and selling them, and the sums derived from this source were exclusively reserved to the public treasure of the Union, in order to furnish supplies for purchasing tracts of country from the Indians, for opening roads to the remote settlements, and for accelerating the increase of civilization as much as possible. New States have however been formed in the course of time, in the midst of those wilds which were formerly ceded by the inhabitants of the shores of the Atlantic. Congress has gone on to sell, for the profit of the nation at

¹ The first act of cession was made by the State of New York in 1780; Virginia, Massachusetts, Connecticut, South and North Carolina, followed this example at different times, and lastly, the act of cession of Georgia was made as recently as 1802.

large, the uncultivated lands which those new States contained. But the latter at length asserted that, as they were now fully constituted, they ought to enjoy the exclusive right of converting the produce of these sales to their own use. As their remonstrances became more and more threatening, Congress thought fit to deprive the Union of a portion of the privileges which it had hitherto enjoyed ; and at the end of 1832 it passed a law by which the greatest part of the revenue derived from the sale of lands was made over to the new western Republics, although the lands themselves were not ceded to them¹.

The slightest observation in the United States enables one to appreciate the advantages which the country derives from the Bank. These advantages are of several kinds, but one of them is peculiarly striking to the stranger. The bank-notes of the United States are taken upon the borders of the desert for the same value as at Philadelphia, where the Bank conducts its operations².

The Bank of the United States is nevertheless

¹ It is true that the President refused his assent to this law ; but he completely adopted it in principle. See Message of 8th December, 1833.

² The present Bank of the United States was established in 1816, with a capital of 35,000,000 dollars ; its charter expires in 1836. Last year Congress passed a law to renew it, but the President put his veto upon the bill. The struggle is still going on with great violence on either side, and the speedy fall of the Bank may easily be foreseen.

the object of great animosity. Its directors have proclaimed their hostility to the President; and they are accused, not without some show of probability, of having abused their influence to thwart his election. The President therefore attacks the establishment which they represent, with all the warmth of personal enmity; and he is encouraged in the pursuit of his revenge by the conviction that he is supported by the secret propensities of the majority. The Bank may be regarded as the great monetary tie of the Union, just as Congress is the great legislative tie; and the same passions which tend to render the States independent of the central power, contribute to the overthrow of the Bank.

The Bank of the United States always holds a great number of the notes issued by the provincial banks, which it can at any time oblige them to convert into cash. It has itself nothing to fear from a similar demand, as the extent of its resources enables it to meet all claims. But the existence of the provincial banks is thus threatened, and their operations are restricted, since they are only able to issue a quantity of notes duly proportioned to their capital. They submit with impatience to this salutary control. The newspapers which they have bought over, and the President, whose interest renders him their instrument, attack the Bank with the greatest vehemence. They rouse the local passions, and the blind democratic instinct of the

country to aid their cause ; and they assert that the Bank-directors form a permanent aristocratic body, whose influence must ultimately be felt in the Government, and must affect those principles of equality upon which society rests in America.

The contest between the Bank and its opponents is only an incident in the great struggle which is going on in America between the provinces and the central power ; between the spirit of democratic independence, and the spirit of gradation and subordination. I do not mean that the enemies of the Bank are identically the same individuals, who, on other points, attack the Federal Government ; but I assert that the attacks directed against the Bank of the United States, originate in the same propensities which militate against the Federal Government ; and that the very numerous opponents of the former afford a deplorable symptom of the decreasing support of the latter.

The Union has never displayed so much weakness as in the celebrated question of the Tariff¹. The wars of the French revolution and of 1812 had created manufacturing establishments in the North of the Union, by cutting off all free communication between America and Europe. When peace was concluded, and the channel of intercourse reopened, by which the produce of Europe was trans-

¹ See principally for the details of this affair, the Legislative Documents, 22nd Congress, 2nd Session, No. 30.

mitted to the New World, the Americans thought fit to establish a system of import duties, for the twofold purpose of protecting their incipient manufactures, and of paying off the amount of the debt contracted during the war. The Southern States, which have no manufactures to encourage, and which are exclusively agricultural, soon complained of this measure. Such were the simple facts, and I do not pretend to examine in this place whether their complaints were well-founded or unjust.

As early as the year 1820, South Carolina declared, in a petition to Congress, that the Tariff was "unconstitutional, oppressive, and unjust." And the States of Georgia, Virginia, North Carolina, Alabama, and Mississippi, subsequently remonstrated against it with more or less vigour. But Congress, far from lending an ear to these complaints, raised the scale of Tariff duties in the years 1824 and 1828, and recognised anew the principle on which it was founded. A doctrine was then proclaimed, or rather revived, in the South, which took the name of Nullification.

I have shown in the proper place that the object of the Federal Constitution was not to form a league, but to create a national Government. The Americans of the United States form a sole and undivided people, in all the cases which are specified by that Constitution; and upon these points the will of the nation is expressed, as it is in all constitutional nations, by the voice of the majority.

When the majority has pronounced its decision, it is the duty of the minority to submit. Such is the sound legal doctrine, and the only one which agrees with the text of the Constitution, and the known intention of those who framed it.

The partisans of Nullification in the South maintain, on the contrary, that the intention of the Americans in uniting was not to reduce themselves to the condition of one and the same people; that they meant to constitute a league of independent States; and that each State, consequently, retains its entire sovereignty, if not *de facto*, at least *de jure*; and has the right of putting its own construction upon the laws of Congress, and of suspending their execution within the limits of its own territory, if they are held to be unconstitutional or unjust.

The entire doctrine of Nullification is comprised in a sentence uttered by Vice-President Calhoun, the head of that party in the South, before the Senate of the United States, in the year 1833. "The Constitution is a compact to which the States were parties in their sovereign capacity; now, whenever a compact is entered into by parties which acknowledge no tribunal above their authority to decide in the last resort, each of them has a right to judge for itself in relation to the nature, extent, and obligations of the instrument." It is evident that a similar doctrine destroys the very basis of the Federal Constitution, and brings back all the evils of the

old Confederation, from which the Americans were supposed to have had a safe deliverance.

• When South Carolina perceived that Congress turned a deaf ear to its remonstrances, it threatened to apply the doctrine of nullification to the Federal Tariff bill. Congress persisted in its former system; and at length the storm broke out. In the course of 1832 the citizens of South Carolina named a National Convention, to consult upon the extraordinary measures which they were called upon to take; and on the 24th November of the same year, this Convention promulgated a law, under the form of a decree, which annulled the Federal law of the Tariff, forbade the levy of the imposts which that law commands, and refused to recognise the appeal which might be made to the Federal courts of law¹. This decree was only to be put in execu-

¹ That is to say, the majority of the people; for the opposite party, called the Union party, always formed a very strong and active minority. Carolina may contain about 47,000 electors; 30,000 were in favour of nullification, and 17,000 opposed to it.

² This decree was preceded by a Report of the Committee by which it was framed, containing the explanation of the motives and object of the law. The following passage occurs in it, p. 34. "When the rights reserved by the Constitution to the different States are deliberately violated, it is the duty and the right of those States to interfere, in order to check the progress of the evil, to resist usurpation, and to maintain, within their respective limits, those powers and privileges which belong to them as *independent sovereign States*. If they were destitute of this right, they would not be sovereign. South Carolina declares that she acknowledges no tribunal upon earth above her authority. She has indeed entered into a solemn compact of union with the other

tion in the ensuing month of February, and it was intimated, that if Congress modified the Tariff before that period, South Carolina might be induced to proceed no further with her menaces; and a vague desire was afterwards expressed of submitting the question to an extraordinary assembly of all the confederate States.

In the mean time South Carolina armed her militia, and prepared for war. But Congress, which had slighted its suppliant subjects, listened to their complaints as soon as they were found to have taken up arms¹. A law was passed, by which the Tariff duties were to be progressively reduced for ten years, until they were brought so low as not to exceed the amount of supplies necessary to the Government². Thus Congress completely abandoned the principle of the Tariff; and substituted a mere fiscal impost to a system of protective duties³. The

States; but she demands, and will exercise, the right of putting her own construction upon it; and when this compact is violated by her sister States, and by the Government which they have created, she is determined to avail herself of the unquestionable right of judging what is the extent of the infraction, and what are the measures best fitted to obtain justice."

¹ Congress was finally decided to take this step by the conduct of the powerful State of Virginia, whose legislature offered to serve as a mediator between the Union and South Carolina. Hitherto the latter State had appeared to be entirely abandoned, even by the States which had joined in her remonstrances.

² This law was passed on the 2nd March, 1833.

³ This bill was brought in by Mr. Clay, and it passed in four days through both Houses of Congress, by an immense majority.

Government of the Union, in order to conceal its defeat, had recourse to an expedient which is very much in vogue with feeble governments. It yielded the point *de facto*, but it remained inflexible upon the principles in question; and whilst Congress was altering the Tariff law, it passed another bill, by which the President was invested with extraordinary powers, enabling him to overcome by force a resistance which was then no longer to be apprehended.

But South Carolina did not consent to leave the Union in the enjoyment of these scanty trophies of success: the same national Convention which had annulled the Tariff bill, met again, and accepted the proffered concession: but at the same time it declared its unabated perseverance in the doctrine of nullification; and to prove what it said, it annulled the law investing the President with extraordinary powers, although it was very certain that the clauses of that law would never be carried into effect.

Almost all the controversies of which I have been speaking have taken place under the Presidency of General Jackson; and it cannot be denied that in the question of the Tariff he has supported the claims of the Union with vigour and with skill. I am however of opinion that the conduct of the individual who now represents the Federal Government, may be reckoned as one of the dangers which threaten its continuance.

Some persons in Europe have formed an opinion

of the possible influence of General Jackson upon the affairs of his country, which appears highly extravagant to those who have seen more of the subject. We have been told that General Jackson has won sundry battles, that he is an energetic man, prone by nature and by habit to the use of force, covetous of power, and a despot by taste. All this may perhaps be true; but the inferences which have been drawn from these truths are exceedingly erroneous. It has been imagined that General Jackson is bent on establishing a dictatorship in America, on introducing a military spirit, and on giving a degree of influence to the central authority which cannot but be dangerous to provincial liberties. But in America, the time for similar undertakings, and the age for men of this kind is not yet come: if General Jackson had entertained a hope of exercising his authority in this manner, he would infallibly have forfeited his political station, and compromised his life; accordingly he has not been so imprudent as to make any such attempt.

Far from wishing to extend the Federal power; the President belongs to the party which is desirous of limiting that power to the bare and precise letter of the Constitution, and which never puts a construction upon that act, favourable to the Government of the Union; far from standing forth as the champion of centralization, General Jackson is the agent of all the jealousies of the States; and

he, was placed in the lofty station he occupies, by the passions of the people which are most opposed to the central Government. It is by perpetually flattering these passions, that he maintains his station and his popularity. Général Jackson is the 'slave of the majority: he yields' to its wishes, its propensities, and its demands; say rather, that he anticipates and forestalls them.

Whenever the governments of the States come into collision with that of the Union, the President is generally the first to question his own rights: he almost always outstrips the legislature; and when the extent of the Federal Power is controverted, he takes part, as it were, against himself; he conceals his official interests, and extinguishes his own natural inclinations. Not indeed that he is naturally weak or hostile to the Union; for when the majority decided against the claims of the partisans of nullification, he put himself at its head, asserted the doctrines which the nation held, distinctly and energetically, and was the first to recommend forcible measures: but General Jackson appears to me, if I may use the American expressions, to be a Federalist by taste, and a Republican by calculation.

Général Jackson stoops to gain the favour of the majority; but when he feels that his popularity is secure, he overthrows all obstacles in the pursuit of the objects which the community approves, or of those which it does not look upon with a jealous eye. He is supported by a power with which his

predecessors were unacquainted ; and he tramples on his personal enemies wherever they cross his path, with a facility which no former President ever enjoyed ; he takes upon himself the responsibility of measures which no one, before him, would have ventured to attempt ; he even treats the national representatives with disdain approaching to insult ; he puts his Veto upon the laws of Congress, and frequently neglects to reply to that powerful body. He is a favourite who sometimes treats his master roughly. The power of General Jackson perpetually increases ; but that of the President declines : in his hands the Federal Government is strong, but it will pass enfeebled into the hands of his successor.

I am strangely mistaken, if the Federal Government of the United States be not constantly losing strength, retiring gradually from public affairs, and narrowing its circle of action more and more. It is naturally feeble, but it now abandons even its pretensions to strength. On the other hand, I thought that I remarked a more lively sense of independence, and a more decided attachment to provincial government, in the States. The Union is to subsist, but to subsist as a shadow ; it is to be strong in certain cases, and weak in all others ; in time of warfare, it is to be able to concentrate all the forces of the nation and all the resources of the country in its hands ; and in time of peace its existence is to be scarcely perceptible : as if this

alternate debility and vigour were natural or possible.

I do not foresee anything for the present which may be able to check this general impulse of public opinion : the causes in which it originated do not cease to operate with the same effect. The change will therefore go on, and it may be predicted that, unless some extraordinary event occurs, the Government of the Union will grow weaker and weaker every day.

I think, however, that the period is still remote, at which the Federal Power will be entirely extinguished by its inability to protect itself and to maintain peace in the country. The Union is sanctioned by the manners and desires of the people ; its results are palpable, its benefits visible. When it is perceived that the weakness of the Federal Government compromises the existence of the Union, I do not doubt that a re-action will take place with a view to increase its strength.

The Government of the United States is, of all the Federal Governments which have hitherto been established, the one which is most naturally destined to act. As long as it is only indirectly assailed by the interpretation of its laws, and as long as its substance is not seriously altered, a change of opinion, an internal crisis, or a war, may restore all the vigour which it requires. The point which I have been most anxious to put in a clear light is simply this : Many people, especially in France,

imagine that a change in opinion is going on in the United States, which is favourable to a centralization of power in the hands of the President and the Congress. I hold that a contrary tendency may distinctly be observed. So far is the Federal Government from acquiring strength, and from threatening the sovereignty of the States, as it grows older, that I maintain it to be growing weaker and weaker, and that the sovereignty of the Union alone is in danger. Such are the facts which the present time discloses. The future conceals the final result of this tendency, and the events which may check, retard, or accelerate the changes I have described; but I do not affect to be able to remove the veil which hides them from our sight.

OF THE REPUBLICAN INSTITUTIONS OF THE UNITED STATES, AND WHAT THEIR CHANCES OF DURATION ARE.

The Union is accidental.—The republican institutions have more prospect of permanence.—A republic for the present the natural state of the Anglo-Americans.—Reason of this.—In order to destroy it, all the laws must be changed at the same time, and a great alteration take place in manners.—Difficulties experienced by the Americans in creating an aristocracy.

THE dismemberment of the Union, by the introduction of war into the heart of those States which are now confederate, with standing armies, a dic-

tyranny, and a heavy taxation, might, eventually, compromise the fate of the republican institutions. But we ought not to confound the future prospects of the republic with those of the Union. The Union is an accident, which will only last as long as circumstances are favourable to its existence ; but a republican form of Government seems to me to be the natural state of the Americans ; which nothing but the continued action of hostile causes, always acting in the same direction, could change into a monarchy. The Union exists principally in the law which formed it ; one revolution, one change in public opinion, might destroy it for ever ; but the republic has a much deeper foundation to rest upon.

What is understood by republican government in the United States, is the slow and quiet action of society upon itself. It is a regular state of things really founded upon the enlightened will of the people. It is a conciliatory government under which resolutions are allowed time to ripen ; and in which they are deliberately discussed, and executed with mature judgement. The republicans in the United States set a high value upon morality, respect religious belief, and acknowledge the existence of rights. They profess to think that a people ought to be moral, religious, and temperate, in proportion as it is free. What is called the republic in the United States, is the tranquil rule of the majority, which after having had time to examine itself, and to give

proof of its existence, is the common source of all the powers of the State. But the power of the majority is not of itself unlimited. In the moral world humanity, justice, and reason enjoy an undisputed supremacy; in the political world vested rights are treated with no less deference. The majority recognises these two barriers; and if it now and then overstep them, it is because, like individuals, it has passions, and like them, it is prone to do what is wrong, whilst it discerns what is right.

But the demagogues of Europe have made strange discoveries. A republic is not, according to them, the rule of the majority, as has hitherto been thought, but the rule of those who are strenuous partisans of the majority. It is not the people who preponderates in this kind of government, but those who are best versed in the good qualities of the people. A happy distinction, which allows men to act in the name of nations without consulting them, and to claim their gratitude whilst their rights are spurned. A republican government, moreover, is the only one which claims the right of doing whatever it chooses, and despising what men have hitherto respected, from the highest moral obligations, to the vulgar rules of common sense. It had been supposed, until our time, that despotism was odious, under whatever form it appeared. But it is a discovery of modern days that there are such things as legitimate tyranny and

highly injustice, provided they are exercised in the name of the people.

The ideas which the Americans have adopted respecting the republican form of government, render it easy for them to live under it, and ensure its duration. If, in their country, this form be often practically bad, at least it is theoretically good; and, in the end, the people always acts in conformity to it.

It was impossible, at the foundation of the States, and it would still be difficult, to establish a central administration in America. The inhabitants are dispersed over too great a space, and separated by too many natural obstacles, for one man to undertake to direct the details of their existence. America is therefore pre-eminently the country of provincial and municipal government. To this cause, which was plainly felt by all the Europeans of the New World, the Anglo-Americans added several others peculiar to themselves.

At the time of the settlement of the North American colonies, municipal liberty had already penetrated into the laws as well as the manners of the English, and the emigrants adopted it, not only as a necessary thing, but as a benefit which they knew how to appreciate. We have already seen the manner in which the Colonies were founded: every province, and almost every district, was peopled separately by men who were strangers to each other, or who associated with very different purposes. The

English settlers in the United States, therefore, early perceived that they were divided into a great number of small and distinct communities which belonged to no common centre; and that it was needful for each of these little communities to take care of its own affairs, since there did not appear to be any central authority which was naturally bound and easily enabled to provide for them. Thus, the nature of the country, the manner in which the British Colonies were founded, the habits of the first emigrants, in short everything, united to promote, in an extraordinary degree, municipal and provincial liberties.

In the United States, therefore, the mass of the institutions of the country is essentially republican; and in order permanently to destroy the laws which form the basis of the republic, it would be necessary to abolish all the laws at once. At the present day, it would be even more difficult for a party to succeed in founding a monarchy in the United States, than for a set of men to proclaim that France should henceforward be a republic. Royalty would not find a system of legislation prepared for it beforehand; and a monarchy would then exist, really surrounded by republican institutions. The monarchical principle would likewise have great difficulty in penetrating into the manners of the Americans.

In the United States, the sovereignty of the people is not an isolated doctrine bearing no relation

to the prevailing manners and ideas of the people : it may, on the contrary, be regarded as the last link of a chain of opinions which binds the whole Anglo-American world. That Providence has given to every human being the degree of reason necessary to direct himself in the affairs which interest him exclusively ; such is the grand maxim upon which civil and political society rests in the United States. The father of a family applies it to his children ; the master to his servants ; the township to its officers ; the province to its townships ; the State to the provinces ; the Union to the States : and when extended to the nation, it becomes the doctrine of the sovereignty of the people.

Thus, in the United States the fundamental principle of the republic is the same which governs the greater part of human actions ; republican notions insinuate themselves into all the ideas, opinions, and habits of the Americans, whilst they are formally recognised by the legislation : and before this legislation can be altered the whole community must undergo very serious changes. In the United States, even the religion of most of the citizens is republican, since it submits the truths of the other world to private judgement : as in politics the care of its temporal interests is abandoned to the good sense of the people. Thus every man is allowed freely to take that road which he thinks will lead him to heaven ; just as the law permits

every citizen to have the right of choosing his government.

It is evident that nothing but a long series of events, all having the same tendency, can substitute for this combination of laws, opinions, and manners, a mass of opposite opinions, manners, and laws.

If republican principles are to perish in America, they can only yield after a laborious social process, often interrupted, and as often resumed; they will have many apparent revivals, and will not become totally extinct until an entirely new people shall have succeeded to that which now exists. Now, it must be admitted that there is no symptom or presage of the approach of such a revolution. There is nothing more striking to a person newly arrived in the United States, than the kind of tumultuous agitation in which he finds political society. The laws are incessantly changing, and at first sight it seems impossible that a people so variable in its desires should avoid adopting, within a short space of time, a completely new form of government. Such apprehensions are, however, premature; the instability which affects political institutions is of two kinds, which ought not to be confounded: the first, which modifies secondary laws, is not incompatible with a very settled state of society; the other shakes the very foundations of the Constitution, and attacks the fundamental principles of legislation; this species of instability is always fol-

lowed by troubles and revolutions, and the nation which suffers under it, is in a state of violent transition.

Experience shows that these two kinds of legislative instability have no necessary connexion; for they have been found united or separate, according to times and circumstances. The first is common in the United States, but not the second: the Americans often change their laws, but the foundation of the Constitution is respected.

In our days the republican principle rules in America, as the monarchical principle did in France under Louis XIV. The French of that period were not only friends of the monarchy, but they thought it impossible to put anything in its place; they received it as we receive the rays of the sun and the return of the seasons. Amongst them the royal power had neither advocates nor opponents. In like manner does the republican Government exist in America, without contention or opposition; without proofs and arguments, by a tacit agreement, a sort of *consensus universalis*. It is, however, my opinion that by changing their administrative forms as often as they do, the inhabitants of the United States compromise the future stability of their Government.

It may be apprehended that men, perpetually thwarted in their designs by the mutability of the legislation, will learn to look upon republican institutions as an inconvenient form of society; the

evil resulting from the instability of the secondary enactments, might then raise a doubt as to the nature of the fundamental principles of the Constitution, and indirectly bring about a revolution ; but this epoch is still very remote.

It may, however, be foreseen even now, that when the Americans lose their republican institutions, they will speedily arrive at a despotic Government, without a long interval of limited monarchy. Montesquieu remarked, that nothing is more absolute than the authority of a prince who immediately succeeds a republic, since the powers which had fearlessly been entrusted to an elected magistrate are then transferred to an hereditary sovereign. This is true in general, but it is more peculiarly applicable to a democratic republic. In the United States, the magistrates are not elected by a particular class of citizens, but by the majority of the nation ; they are the immediate representatives of the passions of the multitude ; and as they are wholly dependent upon its pleasure, they excite neither hatred nor fear : hence, as I have already shown, very little care has been taken to limit their influence, and they are left in possession of a vast deal of arbitrary power. This state of things has engendered habits which would outlive itself ; the American magistrate would retain his power, but he would cease to be responsible for the exercise of it ; and it is impossible to say what bounds could then be set to tyranny.

Some of our European politicians expect to see an aristocracy arise in America, and they already predict the exact period at which it will be able to assume the reins of government. I have previously observed, and I repeat my assertion, that the present tendency of American society appears to me to become more and more democratic. Nevertheless, I do not assert that the Americans will not, at some future time, restrict the circle of political rights in their country, or confiscate those rights to the advantage of a single individual; but I cannot imagine that they will ever bestow the exclusive exercise of them upon a privileged class of citizens, or, in other words, that they will ever found an aristocracy.

An aristocratic body is composed of a certain number of citizens, who, without being very far removed from the mass of the people, are, nevertheless, permanently stationed above it: a body which it is easy to touch, and difficult to strike; with which the people are in daily contact, but with which they can never combine. Nothing can be imagined more contrary to nature and to the secret propensities of the human heart, than a subjection of this kind; and men, who are left to follow their own bent, will always prefer the arbitrary power of a king to the regular administration of an aristocracy. Aristocratic institutions cannot subsist without laying down the inequality of men as a fundamental principle, as a part and parcel of

the legislation, affecting the condition of the human family as much as it affects that of society; but these are things so repugnant to natural equity, that they can only be extorted from men by constraint.

I do not think a single people can be quoted, since human society began to exist, which has, by its own free will and by its own exertions, created an aristocracy within its own bosom. All the aristocracies of the Middle Ages were founded by military conquest: the conqueror was the noble, the vanquished became the serf. Inequality was then imposed by force; and after it had been introduced into the manners of the country, it maintained its own authority, and was sanctioned by the legislation. Communities have existed which were aristocratic from their earliest origin, owing to circumstances anterior to that event, and which became more democratic in each succeeding age. Such was the destiny of the Romans, and of the barbarians after them. But a people, having taken its rise in civilization and democracy, which should gradually establish an inequality of conditions until it arrived at inviolable privileges and exclusive castes, would be a novelty in the world; and nothing intimates that America is likely to furnish so singular an example.

REFLECTIONS ON THE CAUSES OF THE COMMERCIAL
PROSPERITY OF THE UNITED STATES.

The Americans destined by nature to be a great maritime people.—

• Extent of their coasts.—Depth of their ports.—Size of their rivers.—The commercial superiority of the Anglo-Americans less attributable, however, to physical circumstances than to moral and intellectual causes.—Reason of this opinion.—Future destiny of the Anglo-Americans as a commercial nation.—The dissolution of the Union would not check the maritime vigour of the States.—Reason of this.—Anglo-Americans will naturally supply the wants of the inhabitants of South America.—They will become, like the English, the factors of a great portion of the world.

THE coast of the United States, from the Bay of Fundy to the Sabine River in the Gulf of Mexico, is more than two thousand miles in extent. These shores form an unbroken line, and they are all subject to the same Government. No nation in the world possesses vaster, deeper, or more secure ports for shipping than the Americans.

The inhabitants of the United States constitute a great civilized people, which fortune has placed in the midst of an uncultivated country, at a distance of three thousand miles from the central point of civilization. America consequently stands in daily need of European trade. The Americans will, no doubt, ultimately succeed in producing or manufacturing at home most of the articles which they require; but the two continents can never be independent of each other, so numerous are the

natural ties which exist between their wants, their ideas, their habits, and their manners.

The Union produces peculiar commodities which are now become necessary to us, but which cannot be cultivated, or can only be raised at an enormous expense, upon the soil of Europe. The Americans only consume a small portion of this produce, and they are willing to sell us the rest. Europe is therefore the market of America, as America is the market of Europe; and maritime commerce is no less necessary to enable the inhabitants of the United States to transport their raw materials to the ports of Europe, than it is to enable us to supply them with our manufactured produce. The United States were therefore necessarily reduced to the alternative of increasing the business of other maritime nations to a great extent, if they had themselves declined to enter into commerce, as the Spaniards of Mexico have hitherto done; or, in the second place, of becoming one of the first trading powers of the globe.

The Anglo-Americans have always displayed a very decided taste for the sea. The Declaration of Independence broke the commercial restrictions which united them to England, and gave a fresh and powerful stimulus to their maritime genius. Ever since that time, the shipping of the Union has increased in almost the same rapid proportion as the number of its inhabitants. The Americans themselves now transport to their own shores nine tenths

of the European produce which they consume'. And they also 'bring three quarters of the exports of the New World to the European consumer'. The ships of the United States fill the docks of Havre and of Liverpool; whilst the number of English and French vessels which are to be seen at New York is comparatively small.

Thus, not only does the American merchant face the competition of his own countrymen, but he even supports that of foreign nations in their own ports with success. This is readily explained by the fact that the vessels of the United States can cross the seas at a cheaper rate than any other vessels in the

¹ The total value of goods imported during the year which ended on the 30th September 1832, was 101,129,266 dollars. The value of the cargoes of foreign vessels did not amount to 10,731,039 dollars, or about one tenth of the entire sum.

² The value of goods exported during the same year amounted to 87,176,943 dollars; the value of goods exported by foreign vessels amounted to 21,036,183 dollars, or about one quarter of the whole sum. (Williams's Register, 1833, p. 398.)

³ The tonnage of the vessels which entered all the ports of the Union in the years 1829, 1830, and 1831, amounted to 3,307,719 tons, of which 544,571 tons were foreign vessels; they stood therefore to the American vessels in a ratio of about 16 to 100. (National Calendar, 1833, p. 304.) The tonnage of the English vessels which entered the ports of London, Liverpool, and Hull. in the years 1820, 1826, and 1831, amounted to 443,800 tons. The foreign vessels which entered the same ports during the same years amounted to 159,431 tons. The ratio between them was therefore about 36 to 100. (Companion to the Almanac, 1834, p. 169.) In the year 1832 the ratio between the foreign and British ships which entered the ports of Great Britain was 29 to 100.

world. As long as the mercantile shipping of the United States preserves this superiority, it will not only retain what it has acquired, but it will constantly increase in prosperity.

It is difficult to say for what reason the Americans can trade at a lower rate than other nations; and one is at first led to attribute this circumstance to the physical or natural advantages which are within their reach; but this supposition is erroneous. The American vessels cost almost as much to build, as our own¹; they are not better built, and they generally last for a shorter time. The pay of the American sailor is more considerable than the pay on board European ships; which is proved by the great number of Europeans who are to be met with in the merchant-vessels of the United States. But I am of opinion, that the true cause of their superiority must not be sought for in physical advantages, but that it is wholly attributable to their moral and intellectual qualities.

The following comparison will illustrate my meaning. During the campaigns of the Revolution the French introduced a new system of tactics into the art of war, which perplexed the oldest generals, and very nearly destroyed the most ancient monarchies in Europe. They undertook (what had never before been attempted,) to make shift without a

¹Materials are, generally speaking, less expensive in America than in Europe, but the price of labour is much higher.

number of things which had always been held to be indispensable in warfare ; they required novel exertions on the part of their troops, which no civilized nations had ever thought of ; they achieved great actions in an incredibly short space of time ; and they risked human life without hesitation, to obtain the object in view. The French had less money and fewer men than their enemies ; their resources were infinitely inferior ; nevertheless they were constantly victorious, until their adversaries chose to imitate their example.

The Americans have introduced a similar system into their commercial speculations ; and they do for cheapness what the French did for conquest. The European sailor navigates with prudence ; he only sets sail when the weather is favourable ; if an unforeseen accident befalls him, he puts into port ; at night he furls a portion of his canvas ; and when the whitening billows intimate the vicinity of land, he checks his way, and takes an observation of the sun. But the American neglects these precautions and braves these dangers. He weighs anchor in the midst of tempestuous gales ; by night and by day he spreads his sheets to the wind ; he repairs as he goes along such damage as his vessel may have sustained from the storm ; and when he at last approaches the term of his voyage, he darts onward to the shore as if he already descried a port. The Americans are often shipwrecked, but no trader crosses the seas so rapidly. And as they perform

the same distance in a shorter time, they can perform it at a cheaper rate.

The European touches several times at different ports in the course of a long voyage; he loses a good deal of precious time in making the harbour, or in waiting for a favourable wind to leave it; and he pays daily dues to be allowed to remain there. The American starts from Boston to go to purchase tea in China: he arrives at Canton, stays there a few days, and then returns. In less than two years he has sailed as far as the entire circumference of the globe, and he has seen land but once. It is true that during a voyage of eight or ten months he has drunk brackish water, and lived upon salt meat; that he has been in a continual contest with the sea, with disease, and with a tedious existence; but, upon his return, he can sell a pound of his tea for a halfpenny less than the English merchant, and his purpose is accomplished.

I cannot better explain my meaning than by saying that the Americans affect a sort of heroism in their manner of trading. But the European merchant will always find it very difficult to imitate his American competitor, who, in adopting the system which I have just described, follows not only a calculation of his gain, but an impulse of his nature.

The inhabitants of the United States are subject to all the wants and all the desires which result from an advanced stage of civilization, but as they

are not surrounded by a community admirably adapted, like that of Europe, to satisfy their wants, they are often obliged to procure for themselves the various articles which education and habit have rendered necessities. In America it sometimes happens that the same individual tills his field, builds his dwelling, contrives his tools, makes his shoes, and weaves the coarse stuff of which his dress is composed. This circumstance is prejudicial to the excellence of the work ; but it powerfully contributes to awaken the intelligence of the workman. Nothing tends to materialize man, and to deprive his work of the faintest trace of mind, more than extreme division of labour. In a country like America, where men devoted to special occupations are rare, a long apprenticeship cannot be required from any one who embraces a profession. The Americans therefore change their means of gaining a livelihood very readily ; and they suit their occupations to the exigencies of the moment, in the manner most profitable to themselves. Men are to be met with who have successively been barristers, farmers, merchants, ministers of the Gospel, and physicians. If the American be less perfect in each craft than the European, at least there is scarcely any trade with which he is utterly unacquainted. His capacity is more general, and the circle of his intelligence is enlarged.

The inhabitants of the United States are never fettered by the axioms of their profession ; they

escape from all the prejudices of their present station ; they are not more attached to one line of operation than to another ; they are not more prone to employ an old method than a new one ; they have no rooted habits, and they easily shake off the influence which the habits of other nations might exercise upon their minds, from a conviction that their country is unlike any other, and that its situation is without a precedent in the world. America is a land of wonders, in which everything is in constant motion, and every movement seems an improvement. The idea of novelty is there indissolubly connected with the idea of amelioration. No natural boundary seems to be set to the efforts of man ; and what is not yet done is only what he has not yet attempted to do.

This perpetual change which goes on in the United States, these frequent vicissitudes of fortune, accompanied by such unforeseen fluctuations in private and in public wealth, serve to keep the minds of the citizens in a perpetual state of feverish agitation, which admirably invigorates their exertions, and keeps them in a state of excitement above the ordinary level of mankind. The whole life of an American is passed like a game of chance, a revolutionary crisis, or a battle. As the same causes are continually in operation throughout the country, they ultimately impart an irresistible impulse to the national character. The American, taken as a chance specimen of his countrymen, must then

be a man of singular warmth in his desires, enterprising, fond of adventure, and above all of innovation. The same bent is manifest in all that he does ; he introduces it into his political laws, his religious doctrines, his theories of social œconomy, and his domestic occupations ; he bears it with him in the depth of the back woods, as well as in the business of the city. It is this same passion, applied to maritime commerce, which makes him the cheapest and the quickest trader in the world.

As long as the sailors of the United States retain these inspiring advantages, and the practical superiority which they derive from them, they will not only continue to supply the wants of the producers and consumers of their own country, but they will tend more and more to become, like the English, the factors of all other peoples'. This prediction has already begun to be realised ; we perceive that the American traders are introducing themselves as intermediate agents in the commerce of several European nations^a ; and America will offer a still wider field to their enterprise.

¹ It must not be supposed that English vessels are exclusively employed in transporting foreign produce into England, or British produce to foreign countries : at the present day the merchant shipping of England may be regarded in the light of a vast system of public conveyances, ready to serve all the producers of the world, and to open communications between all peoples. The maritime genius of the Americans prompts them to enter into competition with the English.

² Part of the commerce of the Mediterranean is already carried on by American vessels.

The great colonies which were founded in South America by the Spaniards and the Portuguese have since become empires. Civil war and oppression now lay waste those extensive regions. Population does not increase, and the thinly-scattered inhabitants are too much absorbed in the cares of self-defence even to attempt any amelioration of their condition. Such, however, will not always be the case. Europe has succeeded by her own efforts in piercing the gloom of the Middle Ages; South America has the same Christian laws and Christian manners as we have; she contains all the germs of civilization which have grown amidst the nations of Europe or their offshoots, added to the advantages to be derived from our example: why then should she always remain uncivilized? It is clear that the question is simply one of time; at some future period, which may be more or less remote, the inhabitants of South America will constitute flourishing and enlightened nations.

But when the Spaniards and Portuguese of South America begin to feel the wants common to all civilized nations, they will still be unable to satisfy those wants for themselves; as the youngest children of civilization, they must perforce admit the superiority of their elder brethren. They will be agriculturists long before they succeed in manufactures or commerce, and they will require the mediation of strangers to exchange their produce be-

eyond seas for those articles for which a demand will begin to be felt.

It is unquestionable that the Americans of the North will one day supply the wants of the Americans of the South. Nature has placed them in contiguity; and has furnished the former with every means of knowing and appreciating those demands, of establishing a permanent connexion with those States, and of gradually filling their markets. The merchant of the United States could only forfeit these natural advantages if he were very inferior to *the merchant of Europe*; to whom he is, on the *contrary, superior in several respects*. The Americans of the United States already exercise a very considerable moral influence upon all the peoples of the New World. They are the source of intelligence, and all the nations which inhabit the same continent are already accustomed to consider them as the most enlightened, the most powerful, and the most wealthy members of the great American family. All eyes are therefore turned towards the Union; and the States of which that body is composed are the models which the other communities try to imitate, to the best of their power: it is from the United States that they borrow their political principles and their laws.

The Americans of the United States stand in precisely the same position with regard to the peoples of South America as their fathers, the English,

occupy with regard to the Italians, the Spaniards, the Portuguese, and all those nations of Europe which receive their articles of daily consumption from England, because they are less advanced in civilization and trade. England is at this time the natural emporium of almost all the nations which are within its reach ; the American Union will perform the same part in the other hemisphere ; and every community which is founded, or which prospers in the New World, is founded and prospers to the advantage of the Anglo-Americans. °

If the Union were to be dissolved, the commerce of the States which now compose it would undoubtedly be checked for a time ; but this consequence would be less perceptible than is generally supposed. It is evident that whatever may happen, the commercial States will remain united. They are all contiguous to each other ; they have identically the same opinions, interests, and manners ; and they are alone competent to form a very great maritime power. Even if the South of the Union were to become independent of the North, it would still require the services of those States. I have already observed that the South is not a commercial country, and nothing intimates that it is likely to become so. The Americans of the South of the United States will therefore be obliged, for a long time to come, to have recourse to strangers to export their produce, and to supply them with the commodities which are requisite to satisfy their

wants. But, the Northern States are undoubtedly able to act as their intermediate agents cheaper than any other merchants. They will therefore retain that employment, for cheapness is the sovereign law of commerce. National claims and national prejudices cannot resist the influence of cheapness. Nothing can be more virulent, than the hatred which exists between the Americans of the United States and the English. But notwithstanding these inimical feelings, the Americans derive the greater part of their manufactured commodities from England, because England supplies them at a cheaper rate than any other nation. Thus the increasing prosperity of America turns, notwithstanding the grudges of the Americans, to the advantage of British manufactures.

Reason shows and experience proves that no commercial prosperity can be durable if it cannot be united, in case of need, to naval force. This truth is as well understood in the United States as it can be anywhere else : the Americans are already able to make their flag respected ; in a few years they will be able to make it feared. I am convinced that the dismemberment of the Union would not have the effect of diminishing the naval power of the Americans, but that it would powerfully contribute to increase it. At the present time the commercial States are connected with others which have not the same interests, and which frequently yield an unwilling consent to the increase of a ma-

ritime power by which they are only indirectly benefited. If, on the contrary, the commercial States of the Union formed one independent nation, commerce would become the foremost of their national interests ; they would consequently be willing to make very great sacrifices to protect their shipping, and nothing would prevent them from pursuing their designs upon this point.

Nations, as well as men, almost always betray the most prominent features of their future destiny in their earliest years. When I contemplate the ardour with which the Anglo-Americans prosecute commercial enterprise, the advantages which befriend them, and the success of their undertakings, I cannot refrain from believing that they will one day become the first maritime power of the globe. They are born to rule the seas, as the Romans were to conquer the world.

CONCLUSION.

I HAVE now nearly reached the close of my inquiry : hitherto, in speaking of the future destiny of the United States, I have endeavoured to divide my subject into distinct portions, in order to study each of them with more attention. My present object is to embrace the whole from one single point ; the remarks I shall make will be less detailed, but they

will be more sure. I shall perceive each object less distinctly, but I shall descry the principal facts with more certainty. A traveller, who has just left the walls of an immense city, climbs the neighbouring hill; as he goes further off he loses sight of the men whom he has so recently quitted; their dwellings are confused in a dense mass; he can no longer distinguish the public squares, and he can scarcely trace out the great thoroughfares; but his eye has less difficulty in following the boundaries of the city, and for the first time he sees the shape of the vast whole. Such is the future destiny of the British race in North America to my eye; the details of the stupendous picture are overhung with shade, but I conceive a clear idea of the entire subject.

The territory now occupied or possessed by the United States of America forms about one twentieth part of the habitable earth. But extensive as these confines are, it must not be supposed that the Anglo-American race will always remain within them; indeed, it has already far overstepped them.

There was once a time at which we also might have created a great French nation in the American wilds, to counterbalance the influence of the English upon the destinies of the New World. France formerly possessed a territory in North America, scarcely less extensive than the whole of Europe. The three greatest rivers of that continent then flowed within her dominions. The Indian tribes which dwelt between the mouth of the

St. Lawrence and the delta of the Mississippi were unaccustomed to any other tongue but ours; and all the European settlements scattered over that immense region recalled the traditions of our country. Louisbourg, Montmorency, Duquesne, Saint-Louis, Vincennes, New Orleans, (for such were the names they bore,) are words dear to France and familiar to our ears.

But a concourse of circumstances, which it would be tedious to enumerate¹, have deprived us of this magnificent inheritance. Wherever the French settlers were numerically weak and partially established they have disappeared: those who remain are collected on a small extent of country, and are now subject to other laws. The 400,000 French inhabitants of Lower Canada constitute, at the present time, the remnant of an old nation lost in the midst of a new people. A foreign population is increasing around them unceasingly and on all sides, which already penetrates amongst the ancient masters of the country, predominates in their cities, and corrupts their language. This population is identical with that of the United States; it is therefore with truth that I asserted that the British race is not confined within the frontiers of

¹ The foremost of these circumstances is, that nations which are accustomed to free institutions and municipal government are better able than any others to found prosperous colonies. The habit of thinking and governing for oneself is indispensable in a new country, where success necessarily depends, in a great measure, upon the individual exertions of the settlers.

the Union, since it already extends to the North-east.

To the North-west nothing is to be met with but a few insignificant Russian settlements; but to the South-west, Mexico presents a barrier to the Anglo-Americans. Thus, the Spaniards and the Anglo-Americans are, properly speaking, the only two races which divide the possession of the New World. The limits of separation between them have been settled by a treaty; but although the conditions of that treaty are exceedingly favourable to the Anglo-Americans, I do not doubt that they will shortly infringe this arrangement. Vast provinces, extending beyond the frontiers of the Union towards Mexico, are still destitute of inhabitants. The natives of the United States will forestall the rightful occupants of these solitary regions. They will take possession of the soil, and establish social institutions, so that when the legal owner arrives at length, he will find the wilderness under cultivation, and strangers quietly settled in the midst of his inheritance.

The lands of the New World belong to the first occupant, and they are the natural reward of the swiftest pioneer. Even the countries which are already peopled will have some difficulty, in securing themselves from this invasion. I have already alluded to what is taking place in the province of Texas. The inhabitants of the United States are perpetually migrating to Texas, where they pur-

chase land ; and although they conform to the laws of the country, they are gradually founding the empire of their own language and their own manners. The province of Texas is still part of the Mexican dominions, but it will soon contain no Mexicans: the same thing has occurred whenever the Anglo-Americans have come into contact with populations of a different origin.

It cannot be denied that the British race has acquired an amazing preponderance over all the other European races in the New World ; and that it is very superior to them in civilization, in industry, and in power. As long as it is only surrounded by desert or thinly-peopled countries, as long as it encounters no dense populations upon its route, through which it cannot work its way, it will assuredly continue to spread. The lines marked out by treaties will not stop it ; but it will everywhere transgress these imaginary barriers.

The geographical position of the British race in the New World is peculiarly favourable to its rapid increase. Above its northern frontiers the icy regions of the Pole extend ; and a few degrees below its southern confines lies the burning climate of the Equator. The Anglo-Americans are therefore placed in the most temperate and habitable zone of the continent.

It is generally supposed that the prodigious increase of population in the United States is posterior to their Declaration of Independence. But this

is an error: the population increased as rapidly under the colonial system as it does at the present day; that is to say, it doubled in about twenty-two years. But this proportion, which is now applied to millions, was then applied to thousands, of inhabitants; and the same fact which was scarcely noticeable a century ago, is now evident to every observer.

The British subjects in Canada, who are dependent on a king, augment and spread almost as rapidly as the British settlers of the United States, who live under a republican Government. During the War of Independence, which lasted eight years, the population continued to increase without intermission in the same ratio. Although powerful Indian nations allied with the English existed, at that time, upon the western frontiers, the emigration westward was never checked. Whilst the enemy laid waste the shores of the Atlantic, Kentucky, the western parts of Pennsylvania, and the States of Vermont and of Maine were filling with inhabitants. Nor did the unsettled state of the Constitution, which succeeded the war, prevent the increase of the population, or stop its progress across the wilds. Thus, the difference of laws, the various conditions of peace and war, of order and of anarchy, have exercised no perceptible influence upon the gradual development of the Anglo-Americans. This may be readily understood; for the fact is, that no causes are sufficiently general

to exercise a simultaneous influence over the whole of so extensive a territory. One portion of the country always offers a sure retreat from the calamities which afflict another part; and however great may be the evil, the remedy which is at hand is greater still.

It must not, then, be imagined that the impulse of the British race in the New World can be arrested. The dismemberment of the Union, and the hostilities which might ensue, the abolition of republican institutions, and the tyrannical government which might succeed it, may retard this impulse, but they cannot prevent it from ultimately fulfilling the destinies to which that race is reserved. No power upon earth can close upon the emigrants that fertile wilderness which offers resources to all industry and a refuge from all want. Future events, of whatever nature they may be, will not deprive the Americans of their climate or of their inland seas, of their great rivers or of their exuberant soil. Nor will bad laws, revolutions, and anarchy, be able to obliterate that love of prosperity and that spirit of enterprise which seem to be the distinctive characteristics of their race, or to extinguish that knowledge which guides them on their way.

Thus, in the midst of the uncertain future, one event at least is sure. At a period which may be said to be near, (for we are speaking of the life of a nation,) the Anglo-Americans will alone cover the immense space contained between the Polar regions

and, the Tropics, extending from the coasts of the Atlantic to the shores of the Pacific Ocean. The territory which will probably be occupied by the Anglo-Americans at some future time, may be computed to equal three quarters of Europe in extent'. The climate of the Union is upon the whole, preferable to that of Europe, and its natural advantages are not less great; it is therefore evident that its population will at some future time be proportionate to our own. Europe, divided as it is between so many different nations, and torn as it has been by incessant wars and the barbarous manners of the Middle Ages, has notwithstanding attained a population of 410 inhabitants to the square league². What cause can prevent the United States from having as numerous a population in time?

Many ages must elapse before the divers offsets of the British race in America cease to present the same homogeneous characteristics: and the time cannot be foreseen at which a permanent inequality of conditions will be established in the New World. Whatever differences may arise, from peace or from war, from freedom or oppression, from prosperity or want, between the destinies of the different descendants of the great Anglo-American family, they

¹ The United States already extend over a territory equal to one half of Europe. The area of Europe is 500,000 square leagues, and its population 205,000,000 of inhabitants. (Maltebrun, liv. 114. vol. vi. p. 4.)

² See Maltebrun, liv. 116. vol. vi. p. 92.

will at least preserve an analogous social condition, and they will hold in common the customs and the opinions to which that social condition has given birth.

In the Middle Ages, the tie of religion was sufficiently powerful to imbue all the different populations of Europe with the same civilization. The British of the New World have a thousand other reciprocal ties; and they live at a time when the tendency to equality is general amongst mankind. The Middle Ages were a period when everything was broken up; when each people, each province, each city, and each family, had a strong tendency to maintain its distinct individuality. At the present time an opposite tendency seems to prevail, and the nations seem to be advancing to unity. Our means of intellectual intercourse unite the most remote parts of the earth; and it is impossible for men to remain strangers to each other, or to be ignorant of the events which are taking place in any corner of the globe. The consequence is that there is less difference, at the present day, between the Europeans and their descendants in the New World, than there was between certain towns in the thirteenth century, which were only separated by a river. If this tendency to assimilation brings foreign nations closer to each other, it must *à fortiori* prevent the descendants of the same people from becoming aliens to each other.

The time will therefore come when one hundred

and fifty millions of men will be living in North America¹, equal in condition, the progeny of one race, owing their origin to the same cause, and preserving the same civilization, the same language, the same religion, the same habits, the same manners, and imbued with the same opinions, propagated under the same forms. The rest is uncertain, but this is certain; and it is a fact new to the world, — a fact fraught with such portentous consequences as to baffle the efforts even of the imagination.

There are, at the present time, two great nations in the world, which seem to tend towards the same end, although they started from different points: I allude to the Russians and the Americans. Both of them have grown up unnoticed; and whilst the attention of mankind was directed elsewhere, they have suddenly assumed a most prominent place amongst the nations: and the world learned their existence and their greatness at almost the same time.

All other nations seem to have nearly reached their natural limits, and only to be charged with the maintenance of their power; but these are still in the act of growth²: all the others are stopped,

¹ This would be a population proportionate to that of Europe, taken at a mean rate of 410 inhabitants to the square league.

² Russia is the country in the Old World in which population

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or continue to advance with extreme difficulty ; these are proceeding with ease and with celerity along a path to which the human eye can assign no term. The American struggles against the natural obstacles which oppose him ; the adversaries of the Russian are men : the former combats the wilderness and savage life ; the latter, civilization with all its weapons and its arts : the conquests of the one are therefore gained by the ploughshare ; those of the other, by the sword. The Anglo-American relies upon personal interest to accomplish his ends, and gives free scope to the unguided exertions and common sense of the citizens ; the Russian centres all the authority of society in a single arm : the principal instrument of the former is freedom ; of the latter, servitude. Their starting-point is different, and their courses are not the same ; yet each of them seems to be marked out by the will of Heaven to sway the destinies of half the globe.

APPENDIX.

APPENDIX A.—Page 27.

THE first American journal appeared in April 1704, and was published at Boston. See *Collection of the Historical Society of Massachusetts*, vol. vi. p. 66.

It would be a mistake to suppose that the periodical press has always been entirely free in the American colonies: an attempt was made to establish something analogous to a censorship and preliminary security. Consult the Legislative Documents of Massachusetts of the 14th of January 1722.

The Committee appointed by the General Assembly (the legislative body of the province,) for the purpose of examining into circumstances connected with a paper entitled "The New England Courier," expresses its opinion that "the tendency of the said journal is to turn religion into derision, and bring it into contempt; that it mentions the sacred writers in a profane and irreligious manner; that it puts malicious interpretations upon the conduct of the ministers of the Gospel; and that the Government of His Majesty is insulted, and the peace and tranquillity of the province disturbed by the said journal. The Committee is consequently of opinion that the printer and publisher, James Franklin, should be forbidden to print and publish the said journal or any other work in future, without having previously submitted it to the Secretary of the

province; and that the justices of the peace for the county of Suffolk should be commissioned to require bail of the said James Franklin for his good conduct during the ensuing year.

The suggestion of the Committee was adopted and passed into a law, but the effect of it was null, for the journal eluded the prohibition by putting the name of Benjamin Franklin instead of James Franklin at the bottom of its columns, and this manœuvre was supported by public opinion.

APPENDIX B.—Page 194.

The Federal Constitution has introduced the jury into the tribunals of the Union in the same way as the States had introduced it into their own several courts: but as it has not established any fixed rules for the choice of jurors, the Federal Courts select them from the ordinary jury-list which each State makes for itself. The laws of the States must therefore be examined for the theory of the formation of juries. See *Story's Commentaries on the Constitution*, B. iii. chap. 38. p. 654—659; *Sergeant's Constitutional Law*, p. 165. See also the Federal Laws of the years 1789, 1800, and 1802, upon the subject.

For the purpose of thoroughly understanding the American principles with respect to the formation of juries, I examined the laws of States at a distance from one another, and the following observations were the result of my inquiries.

In America all the citizens who exercise the elective franchise have the right of serving upon a jury. The great State of New York, however, has made a slight difference

between the two privileges, but in a spirit quite contrary to that of the laws of France, for in the State of New York there are fewer persons eligible as jurymen than there are electors. It may be said in general that the right of forming part of a jury, like the right of electing representatives, is open to all the citizens: the exercise of this right, however, is not put indiscriminately into any hands.

Every year a body of municipal or county magistrates,—called *selectmen* in New England, *supervisors* in New York, *trustees* in Ohio, and *sheriffs of the parish* in Louisiana,—choose for each county a certain number of citizens who have the right of serving as jurymen, and who are supposed to be capable of exercising their functions. These magistrates, being themselves elective, excite no distrust; their powers, like those of most republican magistrates, are very extensive and very arbitrary, and they frequently make use of them to remove unworthy or incompetent jurymen.

The names of the jurymen thus chosen are transmitted to the county court: and the jury who have to decide any affair are drawn by lot from the whole list of names.

The Americans have contrived in every way to make the common people eligible to the jury, and to render the service as little onerous as possible. The sessions are held in the chief town of every county; and the jury are indemnified for their attendance either by the State or the parties concerned. They receive in general a dollar per day, besides their travelling expenses. In America the being placed upon the jury is looked upon as a burden, but it is a burden which is very supportable. See *Brevard's Digest of the Public Statute Law of South Carolina*, vol. i. pp. 446 and 454, vol. ii. pp. 218 and 338; *The general Laws of Massachusetts, revised and published by Authority of the Legislature*, vol. ii. pp. 187

and 331 ; *The Revised Statutes of the State of New York*, vol. ii. pp. 411, 613, 717, 720 ; *The Statute Law of the State of Tennessee*, vol. i. p. 209 ; *Acts of the State of Ohio*, pp. 95 and 210 ; and *Digeste général des Actes de la Législature de la Louisiane*.

APPENDIX C.—Page 199.

If we attentively examine the constitution of the jury as introduced into civil proceedings in England, we shall readily perceive that the jurors are under the immediate control of the judge. It is true that the verdict of the jury, in civil as well as in criminal cases, comprises the question of fact and the question of right in the same reply : thus, A house is claimed by Peter as having been purchased by him : this is the fact to be decided. The defendant puts in a plea of incompetency on the part of the vendor : this is the legal question to be resolved.

But the jury do not enjoy the same character of infallibility in civil cases, according to the practice of the English courts, as they do in criminal cases. The judge may refuse to receive the verdict ; and even after the first trial has taken place, a second or new trial may be awarded by the Court. See *Blackstone's Commentaries*, Book i. ch. 24.

THE END.

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