

INTRODUCTION

Among the new objects that attracted my attention during my stay in the United States, none struck my eye more vividly than the equality of conditions. I discovered without difficulty the enormous influence that this primary fact exerts on the course of society; it gives a certain direction to public spirit, a certain turn to the laws, new maxims to those who govern, and particular habits to the governed.

Soon I recognized that this same fact extends its influence well beyond political mores and laws, and that it gains no less dominion over civil society than over government: it creates opinions, gives birth to sentiments, suggests usages, and modifies everything it does not produce.

So, therefore, as I studied American society, more and more I saw in equality of conditions the generative fact from which each particular fact seemed to issue, and I found it before me constantly as a central point at which all my observations came to an end.

Then I brought my thinking back to our hemisphere, and it seemed to me I distinguished something in it analogous to the spectacle the New World offered me. I saw the equality of conditions that, without having reached its extreme limits as it had in the United States, was approaching them more each day; and the same democracy reigning in American societies appeared to me to be advancing rapidly toward power in Europe.

At that moment I conceived the idea of the book you are going to read.

A great democratic revolution is taking place among us: all see it, but all do not judge it in the same manner. Some consider it a new thing, and taking it for an accident, they still hope to be able to stop it; whereas others judge it irresistible because to them it seems the most continuous, the oldest, and the most permanent fact known in history.

For a moment I take myself back to what France was seven hundred years ago: I find it divided among a few families who possess the land and govern the inhabitants; at that time right of command passes from generation to generation by inheritance; men have only one means of acting upon one another—by force; only one origin of power is to be discovered—landed property.

But then the political power of the clergy comes to be founded and soon spreads. The clergy opens its ranks to all, to the poor and to the rich, to the commoner and to the lord; equality begins to penetrate through the church to the heart of government, and he who would have vegetated as a serf in eternal slavery takes his place as a priest in the midst of nobles, and will often take a seat above kings.

As society becomes in time more civilized and stable, the different relations among men become more complicated and numerous. The need for civil laws makes itself

keenly felt. Then jurists are born; they leave the dark precincts of the courts and the dusty recesses of the registries and go to sit at the court of the prince beside the feudal barons covered with ermine and mail.

The kings ruin themselves in great undertakings; the nobles exhaust themselves in private wars; the commoners enrich themselves in commerce. The influence of money begins to make itself felt in the affairs of the state. Trade becomes a new source opening the way to power, and financiers become a political power that is scorned and flattered.*1

Little by little enlightenment spreads; one sees the taste for literature and the arts awaken; then the mind becomes an element in success; science is a means of government, intelligence a social force; the lettered take a place in affairs.

Meanwhile, as new routes for coming to power are discovered, the value of birth is seen to decline. In the eleventh century, nobility had an inestimable price; in the thirteenth it is bought; the first ennobling takes place in 1270,†1 and equality is finally introduced into government by the aristocracy itself.

During the seven hundred years that have since elapsed, it sometimes happened that the nobles, in order to struggle against royal authority or to take power from their rivals, gave political power to the people.

Even more often one saw the kings have the lower classes of the state participate in the government in order to bring down the aristocracy.

In France, the kings showed themselves to be the most active and constant levelers. When they were ambitious and strong, they worked to elevate the people to the level of the nobles; and when they were moderate and weak, they permitted the people to be placed above themselves. Some aided democracy by their talents, others by their vices. Louis XI*2 and Louis XIV†2 took care to equalize everything beneath the throne, and finally Louis XV‡1 himself descended with his court into the dust.

As soon as citizens began to own land other than by feudal tenure, and transferable wealth was recognized, and could in its turn create influence and give power, discoveries in the arts could not be made, nor improvements in commerce and industry be introduced, without creating almost as many new elements of equality among men. From that moment on, all processes discovered, all needs that arise, all desires that demand satisfaction bring progress toward universal leveling. The taste for luxury, the love of war, the empire of fashion, the most superficial passions of the human heart as well as the most profound, seem to work in concert to impoverish the rich and enrich the poor.

Once works of the intellect had become sources of force and wealth, each development of science, each new piece of knowledge, each new idea had to be considered as a seed of power put within reach of the people. Poetry, eloquence, memory, the graces of the mind, the fires of the imagination, depth of thought, all the gifts that Heaven distributed haphazardly, profited democracy, and even if they were found in the possession of its adversaries, they still served its cause by putting into

relief the natural greatness of man; its conquests therefore spread with those of civilization and enlightenment, and literature was an arsenal open to all, from which the weak and the poor came each day to seek arms.

When one runs through the pages of our history, one finds so to speak no great events in seven hundred years that have not turned to the profit of equality.

The Crusades§1 and the wars with the English||1 decimate the nobles and divide their lands; the institution of townships introduces democratic freedom into the heart of the feudal monarchy; the discovery of firearms#1 equalizes the villein and the noble on the battlefield; printing**1 offers equal resources to their intelligence; the mail comes to deposit enlightenment on the doorstep of the poor man's hut as at the portal of the palace; Protestantism asserts that all men are equally in a state to find the path to Heaven.*3 America, once discovered, presents a thousand new routes to fortune and delivers wealth and power to the obscure adventurer.

If you examine what is happening in France every fifty years from the eleventh century on, at the end of each of these periods you cannot fail to perceive that a double revolution has operated on the state of society. The noble has fallen on the social ladder, and the commoner has risen; the one descends, the other climbs. Each half century brings them nearer, and soon they are going to touch.

And this is not peculiar to France. In whichever direction we cast a glance, we perceive the same revolution continuing in all the Christian universe.

Everywhere the various incidents in the lives of peoples are seen to turn to the profit of democracy; all men have aided it by their efforts: those who had in view cooperating for its success and those who did not dream of serving it; those who fought for it and even those who declared themselves its enemies; all have been driven pell-mell on the same track, and all have worked in common, some despite themselves, others without knowing it, as blind instruments in the hands of God.

The gradual development of equality of conditions is therefore a providential fact, and it has the principal characteristics of one: it is universal, it is enduring, each day it escapes human power; all events, like all men, serve its development.

Would it be wise to believe that a social movement coming from so far can be suspended by the efforts of one generation? Does one think that after having destroyed feudalism and vanquished kings, democracy will recoil before the bourgeoisie and the rich? Will it be stopped now that it has become so strong and its adversaries so weak?

Where then are we going? No one can say; for we already lack terms for comparison: conditions are more equal among Christians in our day than they have ever been in any time or any country in the world; thus the greatness of what has already been done prevents us from foreseeing what can still be done.

The entire book that you are going to read was written under the pressure of a sort of religious terror in the author's soul, produced by the sight of this irresistible revolution that for so many centuries has marched over all obstacles, and that one sees still

advancing today amid the ruins it has made.

It is not necessary that God himself speak in order for us to discover sure signs of his will; it suffices to examine the usual course of nature and the continuous tendency of events; I know without the Creator's raising his voice that the stars follow the arcs in space that his finger has traced.

If long observation and sincere meditation led men in our day to recognize that the gradual and progressive development of equality is at the same time the past and the future of their history, this discovery alone would give that development the sacred character of the sovereign master's will. To wish to stop democracy would then appear to be to struggle against God himself, and it would only remain for nations to accommodate themselves to the social state that Providence imposes on them.

Christian peoples in our day appear to me to offer a frightening spectacle; the movement that carries them along is already strong enough that it cannot be suspended, and it is not yet rapid enough to despair of directing it: their fate is in their hands, but soon it will escape them.

To instruct democracy, if possible to reanimate its beliefs, to purify its mores, to regulate its movements, to substitute little by little the science of affairs for its inexperience, and knowledge of its true interests for its blind instincts; to adapt its government to time and place; to modify it according to circumstances and men: such is the first duty imposed on those who direct society in our day.

A new political science is needed for a world altogether new.

But that is what we hardly dream of: placed in the middle of a rapid river, we obstinately fix our eyes on some debris that we still perceive on the bank, while the current carries us away and takes us backward toward the abyss.

Among no people of Europe has the great social revolution I have just described made more rapid progress than among us; but here it has always proceeded haphazardly.

Never have heads of state thought at all to prepare for it in advance; it is made despite them or without their knowing it. The most powerful, most intelligent, and most moral classes of the nation have not sought to take hold of it so as to direct it. Democracy has therefore been abandoned to its savage instincts; it has grown up like those children who, deprived of paternal care, rear themselves in the streets of our towns and know only society's vices and miseries. One still seemed ignorant of its existence when it unexpectedly took power. Each then submitted with servility to its least desires; it was adored as the image of force; when afterwards it was weakened by its own excesses, legislators conceived the imprudent project of destroying it instead of seeking to instruct and correct it; and since they did not want to teach it to govern, they thought only of driving it from government.

As a result, the democratic revolution has taken place in the material of society without making the change in laws, ideas, habits, and mores that would have been necessary to make this revolution useful. Thus we have democracy without anything to

attenuate its vices and make its natural advantages emerge; and while we already see the evils it brings, we are still ignorant of the goods it can bestow.

When royal power, leaning on the aristocracy, peacefully governed the peoples of Europe, society, amid its miseries, enjoyed several kinds of happiness one can conceive and appreciate only with difficulty in our day.

The power of some subjects raised insurmountable barriers against the tyranny of the prince; moreover, the kings, feeling themselves vested in the eyes of the crowd with an almost divine character, drew from the very respect they generated the will not to abuse their power.

The nobles, placed at an immense distance from the people, nevertheless took the sort of benevolent and tranquil interest in the lot of the people that the shepherd accords to his flock; and without seeing in the poor man their equal, they watched over his destiny as a trust placed by Providence in their hands.

The people, not having conceived the idea of a social state other than their own nor imagining that they could ever be equal to their chiefs, received their benefits and did not discuss their rights. They loved their chiefs when the chiefs were lenient and just, and they submitted to their rigors without trouble and without baseness, as they would to inevitable evils sent by the arm of God. Moreover, usage and mores had established boundaries for tyranny and had founded a sort of right in the very midst of force.

As the noble had no thought that anyone wanted to wrest from him privileges that he believed legitimate, and the serf regarded his inferiority as an effect of the immutable order of nature, one conceives a sort of reciprocal benevolence that could have been established between two classes sharing such different fates. One would see inequality and misery in society at that time, but souls were not degraded.

It is not the use of power or the habit of obedience that depraves men, but the use of power that they consider illegitimate, and obedience to a power they regard as usurped and oppressive.

On one side were [material] goods, force, leisure, and with these, pursuits of luxury, refinements of taste, pleasures of the mind, and cultivation of the arts; on the other side, work, coarseness, and ignorance.

But in the hearts of this ignorant and coarse crowd were energetic passions, generous sentiments, profound beliefs, and savage virtues.

Thus organized, the social body could have stability, power, and above all, glory.

But now ranks are confused; the barriers raised among men are lowered; estates are divided, power is partitioned, enlightenment spreads, intelligence is equalized; the social state becomes democratic, and finally the empire of democracy is peacefully established over institutions and mores.

I conceive a society, then, which all, regarding the law as their work, would love and submit to without trouble; in which the authority of government is respected as necessary, not divine, and the love one would bear for a head of state would not be a

passion, but a reasoned and tranquil sentiment. Each having rights and being assured of preserving his rights, a manly confidence and a sort of reciprocal condescension between the classes would be established, as far from haughtiness as from baseness.

The people, instructed in their true interests, would understand that to profit from society's benefits, one must submit to its burdens. The free association of citizens could then replace the individual power of nobles, and the state would be sheltered from both tyranny and license.

I understand that in a democratic state constituted in this manner, society will not be immobile; but the movements of the social body can be regular and progressive; if one encounters less brilliance than within an aristocracy, one will find less misery; enjoyments will be less extreme and well-being more general; sciences less great and ignorance rarer; sentiments less energetic and habits milder; one will note more vices and fewer crimes.

In the absence of enthusiasm and ardent beliefs, enlightenment and experience will sometimes obtain great sacrifices from citizens; each man, equally weak, will feel an equal need of those like him; and knowing that he can obtain their support only on condition of his lending them his cooperation, he will discover without difficulty that his particular interest merges with the general interest.

The nation, taken as a body, will be less brilliant, less glorious, less strong, perhaps; but the majority of its citizens will enjoy a more prosperous lot, and the people will show themselves to be peaceful, not because they despair of being better-off, but because they know how to be well-off.

If everything were not good and useful in an order of things like this, society would at least have appropriated all the useful and good that it can present; and men, abandoning forever the social advantages that aristocracy can furnish, would have taken from democracy all the goods it can offer them.

But we, leaving the social state of our forebears, throwing their institutions, their ideas, and their mores pell-mell behind us—what have we gained in its place?

The prestige of royal power has vanished without being replaced by the majesty of the laws; in our day the people scorn authority, but they fear it, and fear extracts more from them than was formerly given out of respect and love.

I perceive that we have destroyed the individual entities that were able to struggle separately against tyranny; but I see that it is government alone that inherits all the prerogatives extracted from families, from corporations, or from men: the force of a small number of citizens, sometimes oppressive, but often protective, has therefore been succeeded by the weakness of all.

The division of fortunes has diminished the distance separating the poor from the rich; but in coming closer they seem to have found new reasons for hating each other, and casting glances full of terror and envy, they mutually repel each other from power; for the one as for the other, the idea of rights does not exist, and force appears to both as the sole argument in the present and the only guarantee of the future.

The poor man has kept most of the prejudices of his fathers without their beliefs; their ignorance without their virtues; he has taken the doctrine of interest as the rule of his actions without knowing the science of it, and his selfishness is as lacking in enlightenment as was formerly his devotion.

Society is tranquil not because it is conscious of its force and well-being, but on the contrary, because it believes itself weak and infirm; it fears it will die if it makes an effort: each feels the ill, but no one has the courage and energy needed to seek something better; like the passions of old men that end only in impotence, desires, regrets, sorrows, and joys produce nothing visible or lasting.

Thus we have abandoned what goods our former state could present without acquiring what useful things the current state could offer; we have destroyed an aristocratic society, and having stopped complacently amid the debris of the former edifice, we seem to want to settle there forever.

What is happening in the intellectual world is no less deplorable.

Hindered in its advance or abandoned without any support against its disordered passions, French democracy has overturned all that it has encountered in its way, shaking whatever it has not destroyed. We did not see it as it took hold of society little by little so as to establish its empire peacefully; it has not ceased its advance in the midst of the disorders and agitation of combat. Animated by the heat of the struggle, pushed beyond the natural limits of his opinion by the opinions and excesses of his adversaries, each loses sight of the very object of his pursuits and takes up a language that corresponds poorly to his true sentiments and secret instincts.

Hence the strange confusion we are forced to witness.

I search my memories in vain, and I find nothing that should evoke more sadness and more pity than what is passing before our eyes; it seems that in our day the natural bond that unites opinions to tastes and actions to beliefs has been broken; the sympathy that has been noticeable in all times between the sentiments and ideas of men appears destroyed; one would say that all the laws of moral analogy have been abolished.

One still encounters Christians among us, full of zeal, whose religious souls love to nourish themselves from the truths of the other life; doubtless they are going to be moved to favor human freedom, the source of all moral greatness. Christianity, which has rendered all men equal before God, will not be loath to see all citizens equal before the law. But by a strange concurrence of events, religion finds itself enlisted for the moment among the powers democracy is overturning, and it is often brought to reject the equality it loves and to curse freedom as an adversary, whereas by taking it by the hand, it could sanctify its efforts.

Alongside these men of religion I discover others whose regard is turned toward earth rather than Heaven; partisans of freedom not only because they see in it the origin of the noblest virtues, but above all because they consider it the source of the greatest goods, they sincerely desire to assure its empire and to have men taste its benefits: I

understand that they are going to hasten to call religion to their aid, for they must know that the reign of freedom cannot be established without that of mores, nor mores founded without beliefs; but they have perceived religion in the ranks of their adversaries, and this is enough for them: some attack it, and others do not dare to defend it.

Past centuries have seen base and venal souls extol slavery, while independent minds and generous hearts were struggling without hope to save human freedom. But in our day one often encounters naturally noble and proud men whose opinions are in direct opposition to their tastes, and who vaunt the servility and baseness they have never known for themselves. There are others, on the contrary, who speak of freedom as if they could feel what is holy and great in it, and who noisily claim for humanity the rights they have always misunderstood.

I perceive virtuous and peaceful men whose pure mores, tranquil habits, ease, and enlightenment naturally place them at the head of the populations that surround them. Full of a sincere love of their native country, they are ready to make great sacrifices for it: nevertheless they are often found to be adversaries of civilization; they confuse its abuses with its benefits, and in their minds the idea of evil is indissolubly united with the idea of the new.

Nearby I see others who, in the name of progress, striving to make man into matter, want to find the useful without occupying themselves with the just, to find science far from beliefs, and well-being separated from virtue: these persons are said to be the champions of modern civilization, and they insolently put themselves at its head, usurping a place that has been abandoned to them, but from which they are held off by their unworthiness.

Where are we then?

Men of religion combat freedom, and the friends of freedom attack religions; noble and generous spirits vaunt slavery, and base and servile souls extol independence; honest and enlightened citizens are enemies of all progress, while men without patriotism and morality make themselves apostles of civilization and enlightenment!

Have all centuries, then, resembled ours? Has man, as in our day, always had before his eyes a world where nothing is linked, where virtue is without genius and genius without honor; where love of order is confused with a taste for tyrants and the holy cult of freedom with contempt for laws; where conscience casts only a dubious light on human actions; where nothing seems any longer to be forbidden or permitted, or honest or shameful, or true or false?

Shall I think that the Creator has made man so as to leave him to debate endlessly in the midst of the intellectual miseries that surround us? I cannot believe this: God prepares a firmer and calmer future for European societies; I am ignorant of his designs, but I will not cease to believe in them [merely] because I cannot penetrate them, and I would rather doubt my enlightenment than his justice.

There is one country in the world where the great social revolution I am speaking of

seems nearly to have attained its natural limits; there it has operated in a simple and easy manner, or rather one can say that this country sees the results of the democratic revolution operating among us without having had the revolution itself.

The emigrants who came to settle in America at the beginning of the seventeenth century in some fashion disengaged the democratic principle from all those against which it struggled within the old societies of Europe, and they transplanted it alone on the shores of the New World. There it could grow in freedom, and advancing along with mores, develop peacefully in laws.

It appears to me beyond doubt that sooner or later we shall arrive, like the Americans, at an almost complete equality of conditions. I do not conclude from this that we are destined one day necessarily to draw the political consequences the Americans have drawn from a similar social state. I am very far from believing that they have found the only form of government that democracy can give itself; but it is enough that in the two countries the generative cause of laws and mores be the same, for us to have an immense interest in knowing what it has produced in each of them.

Therefore it is not only to satisfy a curiosity, otherwise legitimate, that I have examined America; I wanted to find lessons there from which we could profit. One would be strangely mistaken to think that I wanted to make a panegyric; whoever reads this book will be well convinced that such was not my design; nor was my goal to advocate such a form of government in general; for I number among those who believe that there is almost never any absolute good in the laws; I have not even claimed to judge whether the social revolution, whose advance seems to me irresistible, was advantageous or fatal to humanity; I have accepted this revolution as an accomplished fact or one about to be accomplished; and among the peoples who have seen it operating in their midst, I have sought the one in whom it has attained the most complete and peaceful development, in order to discern clearly its natural consequences, and to perceive, if possible, the means of rendering it profitable to men. I confess that in America I saw more than America; I sought there an image of democracy itself, of its penchants, its character, its prejudices, its passions; I wanted to become acquainted with it if only to know at least what we ought to hope or fear from it.

In the first part of this work I have therefore tried to show the direction that democracy, left in America to its penchants and abandoned almost without restraint to its instincts, has naturally given to the laws, the course it has imposed on the government, and in general, the power it has obtained over affairs. I wanted to know what have been the goods and ills produced by it. I searched for the precautions the Americans had made use of to direct it, and others they had omitted, and I undertook to distinguish the causes that permit it to govern society.

My goal was, in a second part, to paint the influence that equality of conditions and government by democracy in America exert on civil society, on habits, ideas, and mores; but I am beginning to feel less ardent to achieve this design. Before I could

provide for the task I had proposed for myself, my work will have become almost useless. Another will soon show readers the principal features of the American character, and hiding the gravity of the portraits under a light veil, lend to truth charms with which I would not be able to adorn it.¹

I do not know if I have succeeded in making known what I saw in America, but I am sure of sincerely having had the desire to do so and of never having knowingly succumbed to the need to adapt facts to ideas instead of submitting ideas to the facts.

When a point could be established with the aid of written documents, I took care to recur to original texts and to the most authentic and esteemed works.² I have indicated my sources in notes, and everyone can verify them. When it was a question of opinions, political usages, or observations of mores I sought the most enlightened men to consult. If it happened that the thing was important or dubious, I did not content myself with one witness, but made my determination only on the basis of all the testimonies together.

Here the reader must necessarily take me at my word. Often I could have cited as support for what I advance the authority of names known to him, or at least worthy of being known; but I have kept myself from doing so. The stranger often learns important truths in the home of his host that the latter would perhaps conceal from a friend; with a stranger one is relieved of obligatory silence; one does not fear his indiscretion because he is passing through. I recorded each of these confidences as soon as I received it, but they will never leave my portfolio;^{*4} I would rather diminish the success of my account than add my name to the list of those travelers who send back sorrows and embarrassments in return for the generous hospitality they have received.

I know that, despite my care, nothing will be easier than to criticize this book if anyone ever thinks of criticizing it.

I think those who want to regard it closely will find, in the entire work, a mother thought that so to speak links all its parts. But the diversity of the objects I had to treat is very great, and whoever undertakes to oppose an isolated fact to the sum of facts I cite or a detached idea to the sum of ideas will succeed without difficulty. I should therefore wish that one do me the favor of reading me in the same spirit that presided over my work, and that one judge this book by the general impression it leaves, just as I myself decided, not by such and such a reason, but by the mass of reasons.

Nor must it be forgotten that the author who wants to make himself understood is obliged to push each of his ideas to all its theoretical consequences and often to the limits of the false and impractical; for if it is sometimes necessary to deviate from the rules of logic in actions, one cannot do so in discourse, and a man finds it almost as difficult to be inconsistent in his words as he does ordinarily to be consistent in his actions.

I end by pointing out myself what a great number of readers will consider the capital defect in the work. This book is not precisely in anyone's camp; in writing it I did not mean either to serve or to contest any party; I undertook to see, not differently, but further than the parties; and while they are occupied with the next day, I wanted to

ponder the future.

Chapter 2

ON THE POINT OF DEPARTURE AND ITS IMPORTANCE FOR THE FUTURE OF THE ANGLO-AMERICANS

Utility of knowing the point of departure of peoples in order to understand their social state and their laws.—America is the only country where one has been able to perceive clearly the point of departure of a great people.—How all the men who came to people English America resembled each other.—How they differed.—Remark applicable to all the Europeans who came to settle on the shores of the New World.—Colonization of Virginia.—Same of New England.—Original character of the first inhabitants of New England.—Their arrival.—Their first laws.—Social contract.—Penal code borrowed from the legislation of Moses.—Religious ardor.—Republican spirit.—Intimate union of the spirit of religion and the spirit of freedom.

A man comes to be born; his first years are passed obscurely among the pleasures or travails of infancy. He grows up; manhood begins; the doors of the world finally open to receive him; he enters into contact with those like him. Then one studies him for the first time, and one believes one sees the seed of the vices and virtues of his mature age forming in him.

That, if I am not mistaken, is a great error.

Go back; examine the infant even in the arms of his mother; see the external world reflected for the first time in the still-obscure mirror of his intelligence; contemplate the first examples that strike his eye; listen to the first words that awaken the sleeping powers of his thought; finally, attend the first struggles that he has to sustain; and only then will you understand where the prejudices, habits, and passions that are going to dominate his life come from. The man is so to speak a whole in the swaddling clothes of his cradle.

Something analogous takes place in nations. Peoples always feel [the effects of] their origins. The circumstances that accompanied their birth and served to develop them influence the entire course of the rest of their lives.

If it were possible for us to go back to the elements of societies and to examine the first monuments of their history, I do not doubt that we could discover in them the first cause of prejudices, habits, dominant passions, of all that finally composes what is called national character; we would come to encounter the explanation of usages that today appear contrary to the reigning mores; of laws that seem in opposition to recognized principles; of incoherent opinions that are encountered here and there in society like those fragments of broken chains that one sometimes sees still dangling from the vaults of an old building, no longer supporting anything. Thus would be explained the destiny of certain peoples that an unknown force seems to carry along toward a goal of which they themselves are ignorant. But until now the facts have been lacking for such a study; the spirit of analysis has come to nations only as they aged, and

when at last they thought of contemplating their cradle, time had already enveloped it in a cloud, ignorance and pride had surrounded it with fables behind which the truth lies hidden.

America is the only country where one has been able to witness the natural and tranquil developments of a society, and where it has been possible to specify the influence exerted by the point of departure on the future of states.

At the period when European peoples descended on the shores of the New World, the features of their national character had already been well fixed; each of them had a distinct physiognomy; and as they had already reached that degree of civilization that brings men to the study of themselves, they have transmitted to us a faithful picture of their opinions, mores, and laws. Men of the fifteenth century are almost as well known to us as those of ours. America therefore shows us in broad daylight what the ignorance or barbarism of the first ages hid from our regard.

Near enough to the period when the American societies were founded to know their elements in detail, already far enough from that time to be able to judge what those seeds have produced, men of our day seem to be destined to see much further into human events than their predecessors. Providence has put a torch within our reach that our fathers lacked and has permitted us to discern in the destiny of nations first causes that the obscurity of the past concealed from them.

When, after having attentively studied the history of America, one carefully examines its political and social state, one feels profoundly convinced of this truth: there is not one opinion, one habit, one law, I could say one event, that the point of departure does not explain without difficulty. Those who read this book will therefore find in the present chapter the seed of what is to follow and the key to almost the whole work.

The emigrants who came at different periods to occupy the territory that today covers the American Union differed from one another in many points; their goal was not the same, and they governed themselves according to diverse principles.

Nevertheless, these men had some common features among themselves, and they all found themselves in an analogous situation.

The bond of language is perhaps the strongest and most lasting that can unite men. All the emigrants spoke the same tongue; they were all children of one and the same people. Born in a country that the struggle of parties had agitated for centuries, and where factions had been obliged in their turn to place themselves under the protection of the laws, their political education had taken place in that rough school, and one saw more notions of rights, more principles of true freedom spread among them than in most of the peoples of Europe. In the period of the first emigrations, township government, that fertile seed of free institutions, had already entered profoundly into English habits, and with it the dogma of the sovereignty of the people was introduced into the very heart of the Tudor monarchy.

They were then in the midst of the religious quarrels that agitated the Christian world. England had thrown itself with a sort of fury onto this new course. The character

of the inhabitants, which had always been grave and reflective, had become austere and argumentative. Education had been much increased in these intellectual struggles; the mind had received a more profound cultivation. While they had been absorbed in speaking of religion, mores had become purer. All these general features of the nation were found more or less in the physiognomy of those of its sons who had come to seek a new future on the opposite shores of the ocean.

One remark, moreover, which we shall have occasion to come back to later,^{*1} is applicable not only to the English, but also to the French, the Spanish, and all the Europeans who came successively to settle on the shores of the New World. All the new European colonies contained, if not the development, at least the seed of a complete democracy. Two causes led to this result: one can say that in general, on their departure from the mother country, the emigrants had no idea of any superiority whatsoever of some over others. It is hardly the happy and the powerful who go into exile, and poverty as well as misfortune are the best guarantees of equality known among men. It nevertheless happened that on several occasions great lords came to America as a consequence of political or religious quarrels. Laws were made to establish a hierarchy of ranks, but they soon perceived that the American soil absolutely repelled territorial aristocracy. They saw that to clear that rebellious land, nothing less than the constant and interested efforts of the property owner himself were necessary. When the ground was prepared, it was found that its profits were not great enough to enrich a master and a tenant farmer at once. The territory was therefore naturally cut up into small estates that the property owner alone cultivated. Now, aristocracy takes to the land; it attaches to the soil and leans on it; it is not established by privileges alone, nor constituted by birth; it is landed property transmitted by heredity. A nation can offer immense fortunes and great miseries; but if these fortunes are not territorial, one sees poor and rich within it; there is, to tell the truth, no aristocracy.

All the English colonies therefore had among them, at the period of their birth, a great family resemblance. All, from their beginning,^{*2} seemed destined to offer the development of freedom, not the aristocratic freedom of their mother country, but the bourgeois and democratic freedom of which the history of the world had still not offered a complete model.

In this general complexion, however, were very strong nuances that are necessary to show.

In the great Anglo-American family one can distinguish two principal offshoots that, up to the present, have grown without being entirely confused, one in the South, the other in the North.

Virginia received the first English colony. The emigrants arrived there in 1607. Europe at that period was still singularly preoccupied with the idea that gold and silver mines made the wealth of peoples: a fatal idea that has more impoverished the European nations that gave themselves to it, and destroyed more men in America, than

have war and all bad laws together. It was thus gold seekers who were sent to Virginia,¹ people without resources or without [good] conduct, whose restive and turbulent spirits troubled the infancy of the colony² and rendered its progress uncertain. Afterwards, the industrialists and farmers arrived, a more moral and tranquil race, but one that was elevated in almost no points above the level of the lower classes of England.³ No noble thought, no immaterial scheme presided at the foundation of the new settlements. Hardly had the colony been created when they introduced slavery;⁴ that was the capital fact that was bound to exert an immense influence on the character, the laws, and the whole future of the South.

Slavery, as we shall explain later, ^{*3} dishonors work; it introduces idleness into society, and with it, ignorance and haughtiness, poverty and luxury. It enervates the forces of the intellect and puts human activity to sleep. The influence of slavery, combined with the English character, explains the mores and social state of the South.

In the North, altogether contrary nuances were woven into this same English background. Here I shall be permitted some details.

In the English colonies of the North, better known under the name of the New England states,⁵ the two or three principal ideas that today form the bases of the social theory of the United States were combined.

New England's principles spread at first to the neighboring states; later, they gradually won out in the most distant, and in the end, if I can express myself so, they *penetrated* the entire confederation. They now exert their influence beyond its limits, over the whole American world. The civilization of New England has been like those fires lit in the hills that, after having spread heat around them, still tinge the furthest reaches of the horizon with their light.

The founding of New England offered a new spectacle; everything there was singular and original.

Almost all colonies have had for their first inhabitants men without education and without resources, whom misery and misconduct drove out of the country that gave birth to them, or greedy speculators and industrial entrepreneurs. There are colonies that cannot even claim this origin: Santo Domingo was founded by pirates, and in our day the English courts of justice have taken charge of peopling Australia.

The emigrants who came to settle on the shores of New England all belonged to the well-to-do classes of the mother country. Their gathering on American soil presented, from the origin, the singular phenomenon of a society in which there were neither great lords nor a people, and, so to speak, neither poor nor rich. Proportionately, there was a greater mass of enlightenment spread among those men than within any European nation of our day. All, perhaps without a single exception, had received a quite advanced education, and several among them had made themselves known in Europe by their talents and their science. The other colonies had been founded by adventurers without family; the emigrants of New England brought with them admirable elements of order and morality; they went to the wilderness accompanied by their wives and children. But

what distinguished them above all from all the others was the very goal of their undertaking. It was not necessity that forced them to abandon their country; they left a social position they might regret and secure means of living; nor did they come to the New World in order to improve their situation or to increase their wealth; they tore themselves away from the sweetness of their native country to obey a purely intellectual need; in exposing themselves to the inevitable miseries of exile, they wanted to make *an idea* triumph.

The emigrants or, as they so well called themselves, the *pilgrims*, belonged to that sect in England whose austere principles had brought the name Puritan to be given to it. Puritanism was not only a religious doctrine; it also blended at several points with the most absolute democratic and republican theories. Hence came its most dangerous adversaries. Persecuted by the government of the mother country, the rigor of their principles offended by the daily workings of the society in which they lived, the Puritans sought a land so barbarous and so abandoned by the world that they might yet be permitted to live there in their manner and pray to God in freedom.

A few quotations will make the spirit of these pious adventurers better known than anything we ourselves could add.

Nathaniel Morton, historian of the first years of New England, enters into the matter this way: "I have for some length of time," he says, "looked upon it as a duty incumbent, especially on the immediate successors of those that have had so large experience of those many memorable and signal demonstrations of God's goodness, viz. the first beginners of this plantation in New England, to commit to writing his gracious dispensations on that behalf; [. . .] that so, what we have seen, and what our fathers have told us, we may not hide from our children, showing to the generations to come the praises of the Lord. Psal. 78.3, 4. That especially the seed of Abraham his servant, and the children of Jacob his chosen, may remember his marvelous works (Psal. 105.5, 6.) [. . .] how that God brought a vine into this wilderness; that he cast out the heathen and planted it; and he also made room for it, and he caused it to take deep root, and it filled the land; so that it hath sent forth its boughs to the sea, and its branches to the river. Psal. 80.13, 15 [8, 9]. And not only so, but also that He hath guided his people by his strength to his holy habitation, and planted them in the mountain of his inheritance; (Exod. 15.13) [. . .] that as especially God may have the glory of all, unto whom it is most due; so also some rays of glory may reach the names of those blessed saints that were the main instruments [. . .]."⁶

It is impossible to read this beginning without receiving, despite oneself, a religious and solemn impression; one seems to breathe an air of antiquity and a sort of biblical perfume.

The conviction that animates the writer elevates his language. In your eyes, as in his, it is no longer a small troop of adventurers going to seek fortune beyond the seas; it is the seed of a great people that God comes to deposit from his hands onto a predestined

land.

The author continues and paints the departure of the first emigrants in this manner:[7](#)

“So they left that goodly and pleasant city (Delft Haven), which had been their resting place [. . .]; but they knew that they were pilgrims and strangers here below, and looked not much upon these things, but lifted up their eyes to heaven, their dearest country, where God hath prepared for them a city [. . .]. When they came to the place, they found the ship and all things ready; and such of their friends as could not come with them, followed after them [. . .]. One night was spent with little sleep with the most, but with friendly entertainment, and Christian discourse, and other real expressions of true Christian love. The next day [. . .] they went on board, and their friends with them, where truly doleful was the sight of that sad and mournful parting, to hear what sighs and sobs, and prayers did sound amongst them; what tears did gush from every eye, [. . .] that sundry of the [. . .] strangers [. . .] could not refrain from tears [. . .]. But the tide [. . .] calling them away, [. . .] their reverend pastor falling down on his knees, and they all with him, with watery cheeks commended them with most fervent prayers unto the Lord [. . .] and then [. . .] they took leave one of another, which proved to be the last leave to many of them.”

The emigrants numbered nearly one hundred fifty men, women, and children. Their goal was to found a colony on the banks of the Hudson; but, after having wandered on the ocean for a long time, they were finally forced to land on the arid coasts of New England, at the place where the town of Plymouth stands today. The rock on which the pilgrims descended is still shown.[8](#)

“But before we pass on,” says the historian that I have already cited, “let the reader, with me, make a pause, and seriously consider this poor people’s present condition, the more to be raised up to the admiration of God’s goodness towards them in their preservation:[9](#)

“For being now passed the vast ocean, and a sea of troubles before in their preparation, they had now no friends to welcome them [. . .] no houses [. . .] to repair unto to seek for succour: [. . .] for the season it was winter, and they that know the winters of the country, know them to be sharp and violent, subject to cruel and fierce storms, dangerous to travel to known places, much more to search unknown coasts.— Besides, what could they see but a hideous and desolate wilderness, full of wild beasts and wild men? And what multitudes of them there were, they then knew not; [. . .] all things stand in appearance with a weather-beaten face, and the whole country full of woods and thickets, represented a wild and savage hue; if they looked behind them, there was the mighty ocean which they had passed, and was now as a main bar and gulf to separate them from all the civil parts of the world.—[. . .] which way soever they turned their eyes (save upward to heaven) they could have little solace or content.”

One must not believe that the piety of the Puritans was only speculative or that it showed itself foreign to the course of human things. Puritanism, as I said above, was almost as much a political theory as a religious doctrine. As soon as they disembarked

on the inhospitable shore that Nathaniel Morton has just described, the first care of the emigrants was therefore to organize themselves in a society. They immediately passed an act stating:[10](#)

“We whose names are under written [. . .] having undertaken for the glory of God, and advancement of the Christian faith, and the honour of our King and country, a voyage to plant the first colony in the northern parts of Virginia; do by these presents solemnly and mutually, in the presence of God and one another, covenant and combine ourselves together into a civil body politick, for our better ordering and preservation, and furtherance of the ends aforesaid: And by virtue hereof, do enact, constitute and frame such just and equal laws, ordinances, acts, constitutions and officers, from time to time, as shall be thought most meet and convenient for the general good of the colony; unto which we promise all due submission and obedience.”*[4](#)

This took place in 1620. From that period onward, emigration never ceased. Each year, the religious and political passions that rent the British Empire during all the reign of Charles I drove a new swarm of sectarians to the coasts of the Atlantic. In England, the home of Puritanism continued to have its place in the middle classes; it was from the heart of the middle classes that most of the emigrants came. The population of New England grew rapidly, and while the hierarchy of ranks still classed men despotically in the mother country, the colony more and more offered the new spectacle of a society homogeneous in all its parts. Democracy such as antiquity had not dared to dream of sprang full-grown and fully armed from the midst of the old feudal society.

Content to keep the seeds of trouble and the elements of new revolutions at a distance, the English government looked unworried on this numerous emigration. It even favored it with all its power and seemed hardly occupied with the destiny of those who came to American soil to seek refuge from the harshness of its laws. One would have said that it regarded New England as a region left to the dreams of the imagination, which one ought to abandon to the free trials of innovators.

The English colonies, and this was one of the principal causes of their prosperity, always enjoyed more internal freedom and more political independence than the colonies of other peoples; but nowhere was this principle of freedom more completely applied than in the New England states.

It was then generally accepted that the lands of the New World belonged to the European nation that had first discovered them.

In this manner, almost the whole coastal region of North America became an English possession toward the end of the sixteenth century. The means employed by the British government to people these new domains were of different natures: in certain cases, the king subjected a portion of the New World to a governor of his choice, charged with administering the country in his name and under his immediate orders;[11](#) this was the colonial system adopted in the rest of Europe. At other times, he conceded ownership of certain portions of a country to one man or to one company.[12](#) All civil and political

powers were then concentrated in the hands of one or several individuals who, under the inspection and control of the Crown, sold the land and governed the inhabitants. Finally, a third system consisted in giving to a certain number of emigrants the right to form themselves into a political society under the patronage of the mother country, and to govern themselves in everything that was not contrary to its laws.

This mode of colonization, so favorable to freedom, was put into practice only in New England.¹³

In 1628,¹⁴ a charter of this nature was granted by Charles I to some emigrants who came to found the colony of Massachusetts.

But, in general, charters were granted to the colonies of New England only long after their existence had become an accomplished fact. Plymouth, Providence, New Haven, the states of Connecticut and Rhode Island¹⁵ were founded without the concurrence and in a way without the knowledge of the mother country. The new inhabitants, without denying the supremacy of the metropolis, were not going to draw the source of their powers from its heart; they constituted themselves, and it was only thirty or forty years after, under Charles II, that a royal charter came to legalize their existence.

Thus it is often difficult, in running through the first historical and legislative memorials of New England, to perceive the bond that attaches the emigrants to the country of their ancestors. One sees them at each instant performing an act of sovereignty; they name their magistrates, make peace and war, establish police regulations, give themselves laws, as if they came under God alone.¹⁶

Nothing is both more singular and more instructive than the legislation of this period; there above all one finds the password to the great social enigma that the United States presents to the world in our day.

Among these memorials, we particularly distinguish, as one of the most characteristic, the code of laws that the little state of Connecticut passed in 1650.¹⁷

The legislators of Connecticut¹⁸ occupied themselves first with penal laws; and, to compose them, they conceived the strange idea of drawing from sacred texts:

“If any man [after legal conviction], shall have or worship any other God but the Lord God,” they say to begin with, “he shall be put to death.”*⁵

There follow ten or twelve provisions of the same nature, borrowed from the texts of Deuteronomy, Exodus, and Leviticus.

Blasphemy, sorcery, adultery,¹⁹ and rape are punished by death; insult done by a son to his parents is struck with the same penalty. In this way they carried the legislation of a rude and half-civilized people into the heart of a society whose spirit was enlightened and mores mild; so one never saw the death penalty laid down more profusely in the laws, or applied to fewer of the guilty.

In this body of penal laws, the legislators are above all preoccupied with the care of maintaining moral order and good mores in society; so they constantly penetrate into the domain of conscience, and there is almost no sin that does not fall subject to the censure of the magistrate. The reader has been able to remark how severely these laws struck at

adultery and rape. Simple keeping company among unmarried people is severely repressed. They allow the judge the right to inflict on the guilty one of three penalties: a fine, the whip, or marriage;²⁰ and, if one must believe the registers of the old tribunals of New Haven, prosecutions of this nature were not rare; one finds, on the date of May 1, 1660, a judgment bearing a fine and reprimand against a young woman who was accused of having pronounced some indiscreet words and of having allowed herself to be given a kiss.²¹ The Code of 1650 abounds with preventive measures. Laziness and drunkenness are severely punished.²² Innkeepers cannot furnish more than a certain quantity of wine to each consumer: a fine or the whip repress a simple lie when it can do harm.²³ In other places, the legislator, forgetting completely the great principles of religious liberty he himself demanded in Europe, forces attendance at divine service by fear of fines,²⁴ and he goes as far as to strike with severe penalties,²⁵ and often death, Christians who wish to worship God according to a form other than his.²⁶ Sometimes, finally, the ardor for regulation that possesses him brings him to become occupied with cares most unworthy of him. So it is that one finds in the same code a law that prohibits the use of tobacco.²⁷ Furthermore, one must not lose sight of the fact that these bizarre or tyrannical laws were not imposed; that they were voted by the free concurrence of all the interested persons themselves; and that mores were still more austere and more puritanical than the laws. At the date of 1649, one sees a solemn association being formed in Boston having for its purpose to prevent the worldly luxury of long hair.²⁸ *6

Such lapses doubtless bring shame to the human mind; they attest to the inferiority of our nature, which, incapable of firmly grasping the true and the just, is most often reduced to choosing between two excesses.

Beside this penal legislation, so strongly imprinted with the narrow spirit of sect and all the religious passions that persecution had exalted and that still fermented in the depth of souls, was placed and in a way connected to them a body of political laws which, drafted two hundred years ago, still seems to anticipate from very far the spirit of freedom in our age.

The general principles on which modern constitutions rest, the principles that most Europeans of the seventeenth century hardly understood and whose triumph in Great Britain was then incomplete, were all recognized and fixed by the laws of New England: intervention of the people in public affairs, free voting of taxes, responsibility of the agents of power, individual freedom and judgment by jury were established there without discussion and in fact.

These generative principles were applied and developed as no nation of Europe has yet dared to do.

In Connecticut the electoral body was composed, from the origin, of the universality of citizens, and that may be conceived without difficulty.²⁹ Among this nascent people there reigned then an almost perfect equality in fortunes and still more in intelligence.³⁰

In Connecticut at that period all the agents of the executive power were elected, even

the governor of the state.³¹

Citizens above sixteen years were obliged to bear arms; they formed a national militia that named its officers and had to be ready at all times to march for the defense of the country.³²

In the laws of Connecticut, as in all those of New England, one sees arise and develop the township independence that in our day still forms the principle and the life of American freedom.

In most European nations, political existence began in the higher regions of society and was communicated little by little and always in an incomplete manner to the various parts of the social body.

In America, on the contrary, one can say that the township had been organized before the county, the county before the state, the state before the Union.

In New England, the township was completely and definitively constituted from 1650 on. Interests, passions, duties, and rights came to be grouped around the township's individuality and strongly attached to it. In the heart of the township one sees a real, active, altogether democratic and republican political life reigning. The colonies still recognize the supremacy of the metropolis; monarchy is the law of the state, but a republic is already very much alive in the township.

The township names its magistrates^{*7} of every kind; it taxes itself; it apportions and levies the impost on itself.³³ In the New England township the law of representation is not followed. Affairs that touch the interest of all are treated in the public square and within the general assembly of citizens, as in Athens.

When one studies attentively the laws that were promulgated during this first age of the American republics, one is struck by the intelligence about government and advanced theories of the legislator.

It is evident that he has a more elevated and more complete idea of the duties of society toward its members than European legislators at that time, and that he imposes on it obligations that it still avoided elsewhere. In the New England states, from the origin, the lot of the poor was made secure;³⁴ severe measures were taken for the upkeep of highways, they named officials to oversee them;³⁵ townships had public registers in which the result of general deliberations, deaths, marriages, the birth of citizens were inscribed;³⁶ court clerks were assigned for the keeping of these registers;³⁷ some officers were charged with administering vacant estates, others with overseeing the boundaries of inheritances; several had as their principal function to maintain public tranquillity in the township.³⁸

The law enters into a thousand diverse details to anticipate and satisfy a host of social needs, about which in our day there are still only confused sentiments in France.

But it is by the prescriptions relative to public education that, from the beginning,^{*8} one sees revealed in the full light of day the original character of American civilization.

“It being one chief project,” says the law, “of that old deluder, Satan, to keep men from the knowledge of the scriptures, as in former times, keeping them in an unknown

tongue, so in these latter times, by persuading them from the use of tongues, so that at least, the true sense and meaning of the original might be clouded with false glosses of saint seeming deceivers; and that learning may not be buried in the grave of our forefathers, in church and commonwealth, the Lord assisting our endeavors . . .”³⁹ There follow the provisions that create schools in all townships and oblige the inhabitants, under penalty of heavy fines, to tax themselves to support them. In the most populous districts, high schools are founded in the same manner. Municipal magistrates must see to it that parents send their children to schools; they have the right to levy fines on those who refuse to; and if the resistance continues, society, then putting itself in place of the family, takes possession of the child and takes away from the parents the rights that nature gave them, but which they so poorly knew how to use.⁴⁰ The reader will doubtless have remarked the preamble of these ordinances: in America, it is religion that leads to enlightenment; it is the observance of divine laws that guides man to freedom.

When, after casting a rapid glance at American society in 1650, one examines the state of Europe, and particularly the continent, around that same period, one feels suffused with profound astonishment: everywhere on the continent of Europe at the beginning of the seventeenth century, absolute royalty was triumphing over the debris of the oligarchic and feudal freedom of the Middle Ages. In the heart of that brilliant and literary Europe the idea of rights had perhaps never been more completely misunderstood; never had peoples less lived a political life; never had notions of true freedom less preoccupied minds; and it was then that these same principles, unknown in European nations or scorned by them, were being proclaimed in the wilderness of the New World and were becoming the future creed of a great people. In that society, so humble in appearance, the boldest theories of the human mind, with which undoubtedly no statesman then had deigned to be occupied, were brought into practice; left to the originality of its nature, the imagination of man improvised there an unprecedented legislation. In the bosom of that obscure democracy, which still had not sired generals, or philosophers, or great writers, a man could rise in the presence of a free people and give, to the acclamation of all, this beautiful definition of freedom:

“[N]or would I have you to mistake in the point of your own *liberty*. There is a *liberty* of corrupt nature, which is affected both by *men* and *beasts*, to do what they list; and this *liberty* is inconsistent with *authority*, impatient of all restraint; by this *liberty*, *Sumus Omnes Deteriores* [we are all inferior]; 'tis the grand enemy of *truth* and *peace*, and all the *ordinances* of God are bent against it. But there is a civil, a moral, a federal *liberty*, which is the proper end and object of *authority*; it is a *liberty* for that only which is *just* and *good*; for this *liberty* you are to stand with the hazard of your very *lives*.”⁴¹

I have already said enough to put the character of Anglo-American civilization in its true light. It is the product (and this point of departure ought constantly to be present in

one's thinking) of two perfectly distinct elements that elsewhere have often made war with each other, but which, in America, they have succeeded in incorporating somehow into one another and combining marvelously. I mean to speak of the *spirit of religion* and the *spirit of freedom*.

The founders of New England were at once ardent sectarians and exalted innovators. While held within the tightest bonds of certain religious beliefs, they were free of all political prejudices.

Hence there are two tendencies, diverse but not contrary, traces of which it is easy to find everywhere in mores as in laws.

Men sacrifice their friends, their family, and their native country to a religious opinion; one can believe them to be absorbed in the pursuit of the intellectual good that they have come to buy at such a high price. One nevertheless sees them seeking with an almost equal ardor material wealth and moral satisfactions, Heaven in the other world and well-being and freedom in this one.

In their hands, political principles, laws, and human institutions seem malleable things that can be turned and combined at will.

Before them fall the barriers that imprisoned the society in whose bosom they were born; old opinions that have been directing the world for centuries vanish; an almost boundless course, a field without a horizon, are discovered: the human mind rushes toward them; it traverses them in all directions; but, when it arrives at the limits of the political world, it halts; trembling, it leaves off the use of its most formidable faculties; it abjures doubt; it renounces the need to innovate; it even abstains from sweeping away the veil of the sanctuary; it bows with respect before truths that it accepts without discussion.

Thus in the moral world, everything is classified, coordinated, foreseen, decided in advance. In the political world, everything is agitated, contested, uncertain; in the one, there is passive though voluntary obedience; in the other, there are independence, contempt for experience, and jealousy of every authority.

Far from harming each other, these two tendencies, apparently so opposed, advance in accord and seem to lend each other a mutual support.

Religion sees in civil freedom a noble exercise of the faculties of man; in the political world, a field left by the Creator to the efforts of intelligence. Free and powerful in its sphere, satisfied with the place that is reserved for it, it knows that its empire is all the better established when it reigns by its own strength alone and dominates over hearts without support.

Freedom sees in religion the companion of its struggles and its triumphs, the cradle of its infancy, the divine source of its rights. It considers religion as the safeguard of mores; and mores as the guarantee of laws and the pledge of its own duration.*9

Some remains of aristocratic institutions in the heart of the most complete democracy.—Why?—One must distinguish carefully what is of Puritan origin and of English origin.

The reader must not draw consequences too general and too absolute from what precedes. The social condition, religion, and mores of the first emigrants doubtless exerted an immense influence on the destiny of their new country. Still, it was not for them to found a society whose point of departure was placed only in themselves; no one can disengage himself entirely from the past; they came, either voluntarily or without knowing it, to mix, with ideas and usages that were their own, other usages and other ideas that they got from their education or from the national traditions of their country.

When one wants to know and judge the Anglo-Americans of our day, one ought therefore to distinguish carefully what is of Puritan origin or of English origin.

In the United States, one often encounters laws or customs that contrast with all that surrounds them. These laws appear drafted in a spirit opposed to the dominant spirit of American legislation; these mores seem contrary to the sum of the social state. If the English colonies had been founded in a century of darkness, or if their origin were already lost in the night of time, the problem would be insoluble.

I shall cite a single example to make my thought understood.

The civil and criminal legislation of the Americans recognizes only two means of action: *prison* or *bail*. The first act of a proceeding consists in obtaining bail from the defendant, or if he refuses, in incarcerating him; afterwards, one discusses the validity of the title or the gravity of the charges.

It is evident that such legislation is directed against the poor and favors only the rich.

The poor man does not always find bail, even in civil matters, and if he is constrained to go await justice in prison, his forced inaction soon reduces him to misery.

The rich man, on the contrary, always succeeds in escaping imprisonment in civil matters; even more, should he have committed a punishable offense, he easily escapes the punishment that ought to reach him: after having furnished bail, he disappears. One can therefore say that for him, all penalties that the law inflicts are reduced to fines.[42](#) What is more aristocratic than legislation like this?

In America, however, it is the poor who make the law, and they habitually reserve for themselves the greatest advantages of society.

It is in England that one must seek the explanation of this phenomenon: the laws I speak of are English.[43](#) The Americans have not changed them even though they are repugnant to the sum of their legislation and to the mass of their ideas.

The thing that a people changes least, after its usages, is its civil legislation. Civil laws are familiar only to jurists, that is to say, to those who have a direct interest in maintaining them as they are, good or bad, for the reason that they know them. The bulk of the nation hardly knows them; it sees them act only in particular cases, grasps their tendency only with difficulty, and submits to them without thinking about it.

I have cited one example, I could have pointed out many others.

The picture that American society presents is, if I can express myself so, covered with a democratic finish, beneath which from time to time one sees the old colors of aristocracy showing through.