Chapter 4

Strength and Weakness

Throughout our national history the critics of Alexander Hamilton have shown a bitterness comparable to the devotion of his admirers. But the worst enemy of the principal author of *The Federalist* could never characterize him as a demagogue. So all Americans can still respond unreservedly to that unusually reverential passage in which, after denouncing the "arrogant pretensions of the Europeans," Hamilton concluded that: "It belongs to us to vindicate the honor of the human race." [1]

Conviction that the destiny of America would prove of supreme importance to all mankind is strongly marked throughout the early days of the Republic. To identify this conviction in Hamilton, who had little faith in democracy, is to emphasize its general prevalence in the first generation of American citizens. They were alert to the wisdom of Washington's advice not to "entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humour or caprice." Nevertheless, those who read the Farewell Address in 1796 were equally responsive to the first President's admonition "to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence."

This late eighteenth century prose, with its beautiful cadence, was not merely rhetorical. Americans then believed that they had

[1] *The Federalist*, No. 11.

something exceptional to offer to mankind. We know that they were well aware of the significance of their potential contribution; that they were deeply eager for its fulfillment. These early Americans were familiar with the long European record of frustration, a part of which we have recalled in the preceding chapter. After a difficult and often desperate struggle they had achieved political independence. Now the material, the cultural, and the spiritual opportunity of that victory lay before them.

II

In the earning of their daily bread the citizens of the new Republic found themselves freed from all the numerous and hampering restrictions of British mercantilism.

This policy, which today would be called *autarky*, or economic nationalism, had helped to instigate the Revolution, both by artificial channeling of foreign commerce and by prohibitions on the development of domestic manufactures. Opposition to the various economic controls imposed by the British Parliament was more than a matter of political theory on the part of the colonists. Many were in the position of the ruined Pennsylvania ironmaster who, in 1771, was given a post in the Philadelphia customhouse. Restrictions placed by the British government on that colonial industry had driven him bankrupt. This, explained Governor John Penn, in making the appointment, "has been the case with most people who of late years have engaged in that sort of business." [2]

Immediately after Britain acknowledged American independence, William Pitt sought to push through a hostile Parliament legislation that would have repealed the Navigation Acts and established unconditional free trade between the two countries. Conceived in the magnanimous spirit of true statesmanship, this proposal might well have achieved Pitt's purpose of healing the wounds of war and making a good customer and firm friend of the infant but robust Republic. The refusal of Parliament to go along had momentous consequences.

[2] Quoted by John C. Miller, in *Origins of the American Revolution*, p. 22.

The immediate effect was to confine all commerce between Great Britain and the West Indies, largely in American hands during the colonial period, to British ships. On top of this economic blow, the English sought to monopolize all the direct trade with the former colonies for their own shipping. This was possible only as long as each of the thirteen states, virtually independent nations under the Articles of Confederation, could be handled separately. Thus loss of the carrying trade combined with the inflation and dislocation of the Revolutionary War to develop a very serious economic situation from Massachusetts to Georgia. Sheer necessity played its part in the convening of the Federal Convention, and in the subsequent adoption of a constitution in which Sections 8, 9, and 10 of Article I vest in the federal government alone the right of levying customs duties, which "shall be uniform throughout the United States."

In this manner was established the enormous and unrestricted market available to American producers of every type. Cooperative accumulation of wealth was to be expected—given the natural resources of the country; the energy, intelligence, and independent spirit of its citizens; the circumstances that focused their thinking on their own affairs; the definite limits placed on governmental interference. There was no miracle in the rapid American development of such well-distributed prosperity as the world had never before seen or even imagined.

The generation that achieved American independence was, however, more certain of the cultural than of the material opportunities of the new nation. Prior to the industrial revolution, indeed, none could foresee the productive possibilities of mechanical development. Even Alexander Hamilton, at least as farsighted as most of his contemporaries, predicted—in the issue of *The Federalist* quoted above—that Americans would remain "for the most part exclusively addicted to agriculture." But it was a civilization of "village Hampdens," rather than that of an aristocracy with a proletarian basis, that was anticipated.

III

The southern colonies, of course, might have given a very different direction to American development. There the institution of slavery rooted quickly and for some decades threatened to produce a Society so different from that of the North as to make permanent incorporation in a single State, even a federation, impossible.

The system of primogeniture and that of entail—for slaves as well as for land—had threatened to establish a measure of feudalism in one part of the New World. During its period of establishment the Anglican Church in Virginia reproduced, in miniature, all of England's semipolitical religious intolerance. The legend of southern aristocracy, however, is more fictional than factual. Painstaking research has revealed that actually only three Virginia families "derived from English houses of historic note." The southern settlers, aside from slaves, were the same sort of minor gentry, yeomen, small merchants, and indentured servants that had emigrated to New England and the Middle Colonies. "But those who climbed upward into the possession of great plantations quickly assumed the cultural guise of the English aristocracy in that flexible fashion so characteristic of all mankind." [3]

It was Thomas Jefferson, the son of a hard-working, back-country farmer, who really turned Virginia, and with it the intellectual direction of the entire South, into the destined stream of American cultural development. His leadership, of course, was strongly supported. James Madison, George Mason, George Wythe, and others labored in the sessions of the Legislature to such effect that Jefferson could tell Franklin, in August, 1777, that Virginians had moved from monarchical to republican forms "with as much ease as would have attended their throwing off an old and putting on a new suit of clothes." [4]

It should be emphasized that all of these men, and many of the successive southern leaders, were as strongly critical of slavery as

[3] Charles and Mary Beard, *The Rise of American Civilization*, Vol. I, p. 128.
[4] Quoted in James Parton, *Life of Thomas Jefferson*, p. 219 (sixth edition). See also Dumas Malone, *Jefferson the Virginian*, pp. 252-7.

any northern abolitionist. George Mason, at the Constitutional Convention in 1787, even argued that his own and other southern states should not be admitted to the Union until the practice had been outlawed. The issue was not whether slavery was socially desirable, but when and how the inherited cancer should be eradicated. Not the pressure for emancipation, but the dictation of centralized government, caused the South to resort to arms in 1861. Its battle was not alien to, but was basically in behalf of, the American tradition. Defense of states' rights was no more an indorsement of slavery, at the time of the Civil War, than opposition to a federal antilynching law was an indorsement of mob murder three generations later.

So from New England to Georgia, in spite of climatic, economic, and political differences, there was, as the colonies grew to maturity, an underlying and binding cultural unity. It was appreciated by Edmund Burke in his great though fruitless speech on "Conciliation with America." It was demonstrated by General Grant in his magnanimity to the fallen foe at Appomattox. It is again apparent now that so many Americans, recognizing the falseness of the gods they have been urged to worship, are endeavoring to restore tarnished values by an effort of mind and will. For such enduring faith, making itself evident in every period of protracted crisis, there should be some fundamental explanation. And there is.

The basis of America's cultural unity is not material prosperity, which came so rapidly and was so inadequately digested as to bring much of the corruption anticipated by Benjamin Franklin. Whenever we seek for the real sources of American strength we find them, in the last analysis, resting on the belief that the individual is at least potentially important, and that he fulfills himself through voluntary co-operation in a free society. This belief implies an instinctive hostility to the State—an agency created to discipline Society and with a consequent tendency to assume the direction of all social functions.

Freedom is a condition, dependent upon the continuous exertion of the relatively few who really reflect on the nature of liberty. There are those, as Milton pointed out, who will never have

"the love of genuine liberty which a good man only loves and knows how to obtain." Men who do not emphasize the connection between freedom and conduct—"however much they may brawl about liberty, they are slaves both at home and abroad, but without perceiving it . . ." [5]

For those who incline toward slavery, a master is always forthcoming, and the State can equitably exert the necessary discipline through law. But it is beyond the power of the State—no matter how benevolent, no matter how authoritarian—to insure the condition of freedom that is maintained only by the individual love of liberty. Freedom is, indeed, the very opposite of Status which, in any place, at any time, must operate to limit and define, rather than to enlarge and dignify, the role of man as something more than a reasoning animal. And from a fundamentally religious belief in the spirit of liberty springs the American hostility to Status and to the State as the agency most competent to bind Status on mankind.

The seventeenth century, when the foundations of American civilization were being laid, was in many ways a period similar to our own. Then, as now, "two irreconcilable philosophies of life engaged in mortal combat." [6] Amid the confusion and contention of the times, the issue stands out clearly. Shall Man be subject to the authoritarian State or shall he restrain State powers to the minimum necessary for an orderly Society? In seventeenth century England the issue focused on the power of the established Church as an arm of the State. Today, when men are less religious, it is a question of whether all social life—including the spiritual—shall be subordinated to State control.

The early Americans made their choice. The great majority of them could approve the words of William Penn when he said, of Pennsylvania: "I went thither to lay the foundation of a free colony for all mankind." Almost a century later, speaking in the House of Commons on March 22, 1775, Edmund Burke told a

[5] *Defensio Secunda* (an address to Cromwell urging him to rely on the leaders of the Independents).

[6] George F. Willison, *Saints and Strangers*, p. 8. A careful, readable study of the Pilgrims and the ideas and ideals for which they stood.

hostile audience that: "In this character of the Americans, a love of freedom is the predominating feature which marks and distinguishes the whole. . . . This fierce spirit of liberty is stronger in the English colonies probably than in any other people of the earth." [7]

Though the English State in 1775 was very powerful—relatively as much so as our own today—it could not tame the "fierce spirit" of the colonists. Yet that spirit has been tamed, and greatly. The complex causes for the softening process must be examined.

The method of this examination is of great importance. Let us consider the prejudice in the medical profession against the doctor who relies on his own diagnosis in the case of those who are near and dear to him. This prejudice, when a serious ailment is involved, does not question the physician's skill. It merely argues that professional talent may under some circumstances be affected adversely by personal emotions. Therefore, when disease strikes hard in the doctor's household, an independent medical opinion is customarily sought by him.

For similar reasons we shall now turn to a remarkable social and political diagnosis of America by a discriminating foreigner. It is not merely the skill of his analysis that makes this particular examination so valuable to us. Equally important is the time at which it was made. The Republic was then firmly established. Its great strength was beginning to mature. But the symptoms of fundamental weakness in the organism had also reached the point at which they could be, and were, identified. The weakness then discernible to a brilliant diagnostician is now apparent to every thoughtful man.

IV

A ship from Havre sailed in to Newport, Rhode Island, on May 9, 1831. It landed a young Frenchman, still short of his twenty-sixth birthday and proud of the Norman lineage respon-

[7] *Conciliation with America.* His resolution to that end was lost by a vote of 270 to 78.

sible for his resounding name: Alexis Charles Henri Clerel de Tocqueville. With him was another young magistrate in the service of the French government, Gustave de Beaumont. The latter's interests leaned to the problem of racial relationships in America, while de Tocqueville was more concerned with the political theory the young Republic had evolved.

Both youths—for they were scarcely more—had an official mission to report on the American prison system, at their own expense. Both had larger objectives in mind. As a result of a visit lasting nearly ten months, during which they traveled more than 7000 miles through the length and breadth of the United States as then constituted, each wrote a book. That by de Beaumont was a now almost forgotten sociological novel entitled *Marie, ou l'esclavage aux Etats-Unis*. That by de Tocqueville, destined for innumerable editions, and translation into every important European language, was *De la Démocratie en Amérique*.

The reasons for the instantaneous and enduring success of de Tocqueville's epic work are numerous. Underlying them all was the fact that a cultured and penetrating French mind had at this early stage of independence minutely surveyed the institutions of the American people and found them of world-wide import. The thought of Montaigne, Pascal, Voltaire, Helvétius, Rousseau, and Montesquieu—especially the last—had influenced the colonial leaders, to an extent comparable with the effect of the English philosophers, excepting Locke. But prior to de Tocqueville no Frenchman, in spite of the significance of the American Revolution for that country, had seemed to realize the full meaning of the American experiment.

Moreover, Americans themselves, with the passing of the generation that had made the revolution, were becoming doubtful of the permanence of their accomplishment and were simultaneously exhibiting the inferiority complex that still remains a national characteristic. During de Tocqueville's visit South Carolina was openly threatening secession from the Union. And of Andrew Jackson's first inauguration, just three years before the young French aristocrat left Paris to inspect this wild democracy for himself, a Washington dowager had written: "The noisy and

disorderly rabble . . . brought to my mind descriptions I have read of the mobs in the Tuileries and at Versailles." [8]

This disdainful lady (Mrs. Margaret Bayard Smith) would have been more at home in the Newport of the coming American plutocracy than in the unspoiled and upstanding little town of the Jacksonian era where de Tocqueville landed. In 1831 Newport was a very appropriate starting point for the tour of this student of democracy. It had been one of the four settlements in the colony of Providence Plantations actually established by a form of "social contract." Rousseau, whose writings were of course familiar to de Tocqueville, had in 1762 described the "essence" of the Social Contract as follows:

> *Chacun de nous met en commun sa personne et toute sa puissance sous la suprême direction de la volunté générale, et nous recevons en corps chaque membre comme partie indivisible du tout.*[9]

The subtlety of the phrase *en corps* makes it virtually impossible to translate this summary of the social contract theory into English, without doing some damage to the underlying thought. But the broad assertion, taking the context into consideration, is that people combine for their various undertakings under the supreme direction of a "general will," to which each individual contributes and from which he receives "conventional" as opposed to "natural" liberty. The distinction we have already drawn between "freedom" and "liberty" is in line with this thought. What Rousseau calls "la liberté conventionnelle" is really the condition of freedom, made secure by self-imposed restrictions on individual liberty, called by Rousseau "liberté naturelle." Obviously, the essential validity of Rousseau's argument does not depend upon recorded evidence that groups of naked savages covenanted with each other to define a "general will." It does require proof that men confronting primitive conditions, like the early American colonists, are individually willing to establish regulations for co-operative ends. Such proof is at hand.

[8] Quoted in Beard, *op. cit.*, Vol. I, p. 555. See also *The Life of Andrew Jackson*, by Marquis James, Ch. XXVIII.

[9] *Du Contrat Social*, Livre Premier, Ch. VI.

Rousseau's theory of social contract is much more revolutionary than Locke's guarded conclusion that Society created the State for its own advantage. And it has been bitterly denounced by many political thinkers, especially in England. Edmund Burke, for all his liberal instincts, attacked the theory as "chaff and rags and paltry blurred shreds of paper about the rights of man." Sir Frederick Pollock, writing during the present century, defines the social contract as a "plastic fiction," admitting sorrowfully that it "became one of the most successful and fatal of political impostures." [10] Even so temperate and customarily dispassionate an Englishman as George Catlin goes berserk over the social contract, repeating the charge that it is a "fiction" and saying of its author that: "The influence of this disordered, half-educated man, whose philosophy was founded upon sentimentality untrained, uncontrolled and undisciplined, is one of the major catastrophes in the history of human thought." [11]

The underlying reason for the indignant repudiation of the social contract theory by the great majority of English political writers is not far to seek. In the form expressed by Rousseau it asserts not merely that all men are equal, not merely that sovereignty rests in the people, and cannot be delegated by them even to a representative legislature, but also that no law contrary to the "*volunté générale*" can rightly be regarded as binding—"*il est contre la nature du corps politique que le souverain s'impose une loi qu'il ne puisse enfreindre.*" This comes close to the doctrine of anarchy, as the French Revolution soon proceeded to demonstrate. Moreover it would knock the bottom out of the traditional English predilection for a stratified Society. What price royalty, or titles, or established Church, or primogeniture, or county family, or, most of all, "the lower classes," if actually "a man's a man for a' that"? [12]

[10] Sir Frederick Pollock, *An Introduction to the History of the Science of Politics* (1919 edition) p. 79. The quotation from Burke is given, uncited, on p. 94 of Pollock's book.

[11] George Catlin, *The Story of the Political Philosophers*, p. 444.

[12] A notable exception to the habitual antagonism of English political writers to Rousseau is Hilaire Belloc. In his study of *The French Revolution* he defines the *contrat social* as "the text" of this rising, asserting (p. 32) that "never . . .

It is no indorsement of the entire body of Rousseau's thinking to point out that those who dismiss his Social Contract as pure fiction are, on this point, themselves subject to correction. Ironically enough, it was Englishmen, on American soil, who have left us actual records of such contracts—many of them. That their existence, let alone their significance, should have been so consistently ignored by English writers is one of the most curious *lacunae* in the scholarship of that politically minded nation.

V

On this matter of social contract a Frenchman like de Tocqueville, even in his tender years, was better informed. Discussing the founding of Rhode Island, where he landed, de Tocqueville points out that the settlers "constituted themselves into a Society, and it was not till thirty or forty years afterwards, under Charles II, that their existence was legally recognized by a royal charter." And then, with one of those flashes of political insight so frequent in the pages of *Democracy in America:*

> In some countries a power exists which, though it is in a degree foreign to the social body, directs it, and forces it to pursue a certain track. In others the ruling force is divided, being partly within and partly without the ranks of the people. But nothing of the kind is to be seen in the United States; there Society governs itself for itself.[13]

In view of the frequent assertions that the social contract is a political "fiction," with no historical base, it is interesting to quote the Providence Agreement of 1636, signed by Roger Williams and his associates and coming very close to defining, for one settlement, that *"volunté générale"* for which Rousseau has been so much derided:

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has a political theory been put forward so lucidly, so convincingly, so tersely or so accurately as in this short and wonderful book." All can agree that Rousseau has been successful in stimulating partisanship.

[13] Vol. I, p. 57 (1945 edition of Alfred A. Knopf, edited by Phillips Bradley). For a personal study of de Tocqueville and the background of his famous book, see George Wilson Pierson, *Tocqueville and Beaumont in America.*

> We whose names are hereunder, desirous to inhabit in the Town of Providence, do promise to subject ourselves in active or passive obedience to all such orders or agreements as shall be made for the public good of the body, in an orderly way, by the major assent of the present inhabitants, masters of families, incorporated together into a town fellowship, and such others whom they shall admit unto them, only in civil things.[14]

The last four words are vital. For social contract in the American colonies was seldom interpreted as subordinating the individual to the general will in that spiritual field whence liberty emanates. At Newport itself, in the code of laws adopted in 1647, it was agreed that "all men may walk as their conscience persuades them." And nothing impressed de Tocqueville more, or was more continuously emphasized in his writing, than the political consequence of this essentially religious emphasis on self-government. In his words:

> The partisans of centralization in Europe are wont to maintain that the government can administer the affairs of each locality better than the citizens can do it for themselves. This may be true when the central power is enlightened and the local authorities are ignorant; when it is alert and they are slow; when it is accustomed to act and they to obey. . . . But I deny that it is so when the people are as enlightened, as awake to their interests, and as accustomed to reflect on them as the Americans are. I am persuaded, on the contrary, that in this case the collective strength of the citizens will always conduce more efficaciously to the public welfare than the authority of the government.[15]

The actual vesting of sovereignty in the people, and the consequent subordination of the State to Society, was the American characteristic, in Jackson's day, that impressed de Tocqueville most and which he admired most. There were dangers, which he noted with uncanny foresight. But: "Nothing is more striking to a European traveler in the United States than the absence of what we term the government, or the administration."[16] And

[14] Quoted by Reuben J. Thwaites, *The Colonies*, p. 147.
[15] *Op. cit.*, Vol. I, p. 89.
[16] *Ibid.*, p. 70.

yet: "It was never assumed in the United States that the citizen of a free country has a right to do whatever he pleases; on the contrary, more social obligations were there imposed upon him than anywhere else." [17]

De Tocqueville, in 1831, was the first political scientist from another land, understanding the components and characteristics of political organization, to appreciate that in America the individual, retaining sovereignty, intended to fulfill his destiny through a free Society, holding the State in leash. What did it matter, then, if "clodhoppers" pushed through the wideswung doors of the White House at Jackson's inaugural? With a wealth of evidence de Tocqueville was giving Europe, in his own words, "a solemn warning that Society changes its forms, humanity its condition; and that new destinies are impending." The character of the book was such that John Stuart Mill, its first English reviewer, defined *Democracy in America* as "among the most remarkable productions of our time."

Americans of today are different from those de Tocqueville knew. One indication is in the number of contemporary college graduates who have never even turned his pages. Therefore it is not superfluous to quote the closing paragraphs of the first volume of *Democracy in America* as an illustration of the intuition that enabled this young Frenchman, well over a century ago, to foresee the ultimate challenge to the American ideal:

> There are at the present time two great nations in the world, which started from different points, but seem to tend towards the same end. I allude to the Russians and the Americans. Both of them have grown up unnoticed; and while the attention of mankind was directed elsewhere, they have suddenly placed themselves in the front rank among the nations . . .
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> All other nations seem to have nearly reached their natural limits, and they have only to maintain their power; but these are still in the act of growth. All the others have stopped, or continue to advance with extreme difficulty; these alone are proceeding with ease and celerity along a path to which no limit can be perceived. The American struggles against the obstacles that nature opposes to him; the

[17] *Ibid.*, p. 71.

adversaries of the Russian are men. The former combats the wilderness and savage life; the latter, civilization with all its arms. The conquests of the American are therefore gained by the plowshare; those of the Russian by the sword. The Anglo-American relies upon personal interest to accomplish his ends and gives free scope to the unguided strength and common sense of the people; the Russian centers all the authority of society in a single arm. The principal instrument of the former is liberty; of the latter, servitude. Their starting-point is different and their courses are not the same; yet each of them seems marked out by the will of Heaven to sway the destinies of half the globe.[18]

VI

De Tocqueville's apprehensions as to the future of American democracy were not, however, primarily based on his anticipation of the eventual Russian challenge. With equal clarity he noted the degenerative tendencies inherent in a democratic system, and warned against them. The fifteenth chapter of Volume I, and the significant closing chapters of Volume II, of this classic study, are alike devoted to searching analysis of tendencies toward despotism in the United States.

In retrospect, the reasoning of this political philosopher is strengthened both by the nature of the social changes that have taken place in this country since the publication of *Democracy in America*, and by the extent to which his predictions have already been fulfilled. In 1835 de Tocqueville could be optimistic about the longevity of our "democratic republic" because, for one major reason, "America has no great capital city, whose direct or indirect influence is felt over the whole extent of the country. . . ."[19] But he also possessed the insight to anticipate such collectivist developments as NRA, as shown in the following thoughtful passage:

In democratic communities nothing but the central power has any stability in its position or any permanence in its undertakings. All the citizens are in ceaseless stir and transformation. Now, it is in the nature of all governments to seek constantly to enlarge their sphere of action;

[18] Vol. I, p. 434. I have translated *liberté* as "liberty," not "freedom."
[19] Vol. I, pp. 289-90.

> hence it is almost impossible that such a government should not ultimately succeed, because it acts with a fixed principle and a constant will upon men whose position, ideas, and desires are constantly changing.
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> It frequently happens that the members of the community promote the influence of the central power without intending to. Democratic eras are periods of experiment, innovation, and adventure. There is always a multitude of men engaged in difficult or novel undertakings, which they follow by themselves without shackling themselves to their fellows. Such persons will admit, as a general principle, that the public authority ought not to interfere in private concerns; but, by an exception to that rule, each of them craves its assistance in the particular concern on which he is engaged and seeks to draw upon the influence of the government for his own benefit, although he would restrict it on all other occasions. If a large number of men applies this particular exception to a great variety of different purposes, the sphere of the central power extends itself imperceptibly in all directions, although everyone wishes it to be circumscribed.
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> Thus a democratic government increases its power simply by the fact of its permanence. Time is on its side; every incident befriends it; the passions of individuals unconsciously promote it; and it may be asserted that the older a democratic community is the more centralized will its government become.[20]

De Tocqueville's belief that democracy is afflicted with suicidal characteristics should, like the more doctrinaire consideration of the same problem by Plato or Hobbes, be closely examined in the original sources. But since the French critic's argument on this subject is interpolated at widely separate parts of his study, an abstract of some of his major points may helpfully be attempted here.

A dangerous characteristic of democracy, de Tocqueville notes, is that in giving political power to a majority it tacitly encourages belief that there is some connection between majority opinion and truth. This assumption is obviously fallacious. The world was no less spherical at a time when the overwhelming majority declared it to be flat.

No political system that lends itself to fallacious direction can

[20] *Ibid.*, Vol. II, p. 294*n*.

be called fundamentally stable, and the instability of democracy as a political system is the more pronounced because of the constant tendency of its leaders to generalize and oversimplify in order to obtain majority support. "Complicated systems are repugnant to it [democracy], and its favorite conception is that of a great nation composed of citizens all formed upon one pattern and all governed by a single power." [21]

The majority in a democracy will always be relatively untutored and the picture of government most readily formed by it "is that of a sole, simple, providential, and creative power." [22] This illusion is fostered by those entrusted with governmental office both because it is flattering to their self-esteem and because the conception of government as creative tends to check criticism of its blunders, its wastefulness, and its suppression of individuality.

Although the democratic ideal encourages individualism, the actual operation of a democratic system produces a centralization of power hostile to self-reliance. Additionally, the vitality of local government deteriorates because: "Private life in democratic times is so busy, so excited, so full of wishes and of work, that hardly any energy or leisure remains to each individual for public life." [23] Thus there arises a class of professional but often unprincipled politicians, whose major interest in government is the prerogatives and spoils of office.

This concentration of power, in venal hands, tends to go unchecked because the majority does not like to have its electoral judgment questioned. Indeed, the principle of majority rule tends to discourage independent thinking in every field where public opinion is vocal, with results shocking to a cultured observer. De Tocqueville remarked, "I know of no country in which there is so little independence of mind and real freedom of discussion as in America. . . .[24] The majority lives in the perpetual utterance of self-applause, and there are certain truths

[21] *Ibid.*, Vol. II, p. 289.
[22] *Ibid.*, p. 291.
[23] *Ibid.*, p. 293.
[24] *Ibid.*, Vol. I, p. 263.

which the Americans can learn only from strangers or from experience."[25]

Deterioration of the critical faculty in American political thought has kept citizens of the Republic from realizing that arbitrary power in a democracy may be just as great a menace to liberty as the outright tyranny of a dictatorship. De Tocqueville draws a nice distinction between the two: "Tyranny may be exercised by means of the law itself, and in that case it is not arbitrary; arbitrary power may be exercised for the public good, in which case it is not tyrannical." The insidious tendency in unrestricted democracy is toward both "the legal despotism of the legislature," and "the arbitrary authority" of executive officers. Thus, "habits are formed in the heart of a free country which may some day prove fatal to its liberties."[26]

"The mutability and the ignorance of democracy" in the United States contrast strangely with the intellectual "grandeur" of the men who established the Republic. Of the formative period, however, de Tocqueville observes that "public opinion then served, not to tyrannize over, but to direct the exertions of individuals."[27] Once democracy begins to operate as a political system, deference to majority control makes it almost inevitable that representative government will fall into the hands of mediocre leaders.

In short, the various reasons here summarized combine to demonstrate that the survival of the Republic is not endangered by weakness in the central government, but by popular pressure for its aggrandizement. As de Tocqueville concluded: "If ever the free institutions of America are destroyed, that event may be attributed to the omnipotence of the majority . . ."[28]

VII

While he admired the ingenuity of the checks and balances in the American system of government, de Tocqueville had little

[25] *Ibid.*, p. 265.
[26] *Ibid.*, p. 262.
[27] *Ibid.*, p. 266.
[28] *Ibid.*, p. 269.

confidence in the efficacy of constitutional restrictions on the forces outlined above. Only the naive, he says, could "imagine that it is possible by the aid of legal fictions to prevent men from finding out and employing those means of gratifying their passions which have been left open to them." [29] The likelihood that Americans will let these passions destroy the Republic is the stronger because of the complexity of the federal system. "In examining the Constitution of the United States, which is the most perfect federal constitution that ever existed, one is startled at the variety of information and the amount of discernment that it presupposes in the people whom it is meant to govern." [30]

De Tocqueville anticipated that such intellectual discernment would become increasingly exceptional as the nation gained in population and material power. For the preservation of free institutions he therefore placed his faith not on the Bill of Rights and other constitutional guarantees, but rather on continuing loyalty to that local self-government which he found so vigorous and admirable in the United States of the early eighteen-thirties. "I believe," he wrote, "that provincial institutions are useful to all nations, but nowhere do they appear to me to be more necessary than among a democratic people." And yet, with prevision of the overshadowing nemesis that took form a century later: "I am also convinced that democratic nations are most likely to fall beneath the yoke of a centralized administration." [31]

The distinction between centralized government and centralized administration, as made by this shrewd observer, is to be kept in mind. Even a federal government must be centralized to the extent that matters removed from local control, such as the direction of foreign policy, are somewhat arbitrarily decided for the nation from its capital city. But if essentially local interests, such as education or housing, are similarly controlled from a single center, the result must be to add centralized administration to centralized government. "I cannot conceive," says de Tocqueville,

[29] *Ibid.*, pp. 168-9.
[30] *Ibid.*, p. 166.
[31] *Ibid.*, p. 95.

> that a nation can live and prosper without a powerful centralization of government. But I am of the opinion that a centralized administration is fit only to enervate the nations in which it exists, by incessantly diminishing their local spirit. Although such an administration can bring together at a given moment, on a given point, all the disposable resources of a people, it injures the renewal of those resources. It may ensure a victory in the hour of strife, but it gradually relaxes the sinews of strength. It may help admirably the transient greatness of a man, but not the durable prosperity of a nation.[32]

Therefore, local administration, even when demonstrably backward and inefficient, is from the over-all viewpoint politically desirable. Governmental responsibility must be kept local and personal in order to foster the individual spirit of liberty. That spirit can never be externally guaranteed but must continously be internally and individually nurtured. So it followed that in the United States, as de Tocqueville knew it:

> When a private individual meditates an undertaking, however directly connected it may be with the welfare of Society, he never thinks of soliciting the co-operation of the government; but he publishes his plan, offers to execute it, courts the assistance of other individuals, and struggles manfully against all obstacles. Undoubtedly he is often less successful than the State might have been in his position; but in the end the sum of these private undertakings far exceeds all that the government could have done.[33]

To read the above in the light of the political philosophy of the New Deal is to realize how fundamentally the current concept of democracy differs from that of the Jacksonian era. In 1840 the spirit of democracy was working to stimulate, rather than to repress, the activity of individual free enterprise in every kind of undertaking. By 1940 President Roosevelt could refer, with great satisfaction over the trend toward Socialism, to "the multitudinous functions that the policy-makers in modern democracy assign to administrators in modern democracy." This President rejoiced in the same centralization of administration that de Tocqueville feared. "I am convinced," Mr. Roosevelt added, "that most

[32] *Ibid.*, p. 87.
[33] *Ibid.*, p. 94.

people in the United States do have a sense . . . that we have at least been moving forward these later years in the right direction. . . . And one of the manifestations of that new spirit is that there are fewer Americans who view with alarm." [34]

Thus, in the course of a single century, did the United States come to fulfill de Tocqueville's warning "that democratic nations are most likely to fall beneath the yoke of a centralized administration." Thus did an American President complacently attest the validity of de Tocqueville's assertion "that a centralized administration is fit only to enervate the nations in which it exists, by incessantly diminishing their local spirit."

It is indeed the manifestation of a new, and sadly diminished, spirit if the dissipation of a glorious heritage is insufficient to make the losers "view with alarm." As John Philpot Curran long since told the Irish House of Commons:

> The condition upon which God hath given liberty to Man is eternal vigilance; which condition if he break, servitude is at once the consequence of his crime and the punishment of his guilt.[35]

VIII

If de Tocqueville had anticipated the decay in religious faith that has accompanied the growth of American prosperity, he would have been much more disposed to "view with alarm." He raised a question that is highly pertinent today, in asking: "What can be done with a people who are their own masters if they are not submissive to the Deity?" And de Tocqueville did not equivocate in his answer: "Despotism may govern without faith, but liberty cannot." [36]

The successful integration of Protestant and Catholic in the body of American Society particularly interested this French observer. At the time of his visit he estimated that there were in the Union "more than a million Christians professing the truths of the Church of Rome." He was impressed by discovering that

[34] At the Jackson Day Dinner, in Washington, Jan. 8, 1940.
[35] Speech upon "The Right of Election," 1790.
[36] *Op. cit.*, Vol. I, p. 307.

in a country with a strong Puritanical background "fervent and zealous" Catholics nevertheless "constitute the most republican and the most democratic class in the United States."

A part of the explanation, de Tocqueville concluded, lies in the fact that Catholics "constitute a minority, and all rights must be respected in order to ensure to them the free exercise of their own privileges."[37] The reflection that a minority will be respected in the exact measure that it respects other minorities was intriguing to this young Frenchman and led him to the conclusion that the identification of Church and State in Europe was one of the primary causes of the decadence which he anticipated for that continent. As it seemed to him:

> In Europe, Christianity has been intimately united to the powers of the earth. Those powers are now in decay and Christianity 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 that restrain it, and it will rise once more.[38]

Religion in America, however, was viewed by de Tocqueville as a virile and vital force. He was certain that: "Unbelief is an accident and faith is the only permanent state of mankind." Religious faith, strong in the American origins, had been strengthened by the wise constitutional separation of Church and State, with the paradoxical result that "the real authority of religion was increased by a state of things which diminished its apparent force."[39]

There is good reason for Americans of this era to reconsider "the great political consequences" that de Tocqueville attributed to "the peaceful dominion of religion" in a country where no Church is privileged above another. In America he found none of those "condottieri of liberty"—a phrase reminiscent of Milton's reproach to the "banditti of liberty"—whom he had known in France. At home de Tocqueville had "almost always seen the spirit of religion and the spirit of liberty marching in opposite directions." But in this country he found them "intimately united."

[37] *Ibid.*, p. 301.
[38] *Ibid.*, p. 314.
[39] *Ibid.*, p. 309.

And so de Tocqueville, with profound admiration, reported that:

> 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 without the other; and with them this conviction does not spring from that barren, traditionary faith which seems to vegetate rather than to live in the soul.[40]

IX

De Tocqueville died in 1859, as clouds that he had observed during his extensive American tour were piling up to break in the catastrophe of Civil War. As we reflect upon the history of the Republic, that conflict seems to have been all but inevitable because of the almost superhuman difficulty, at that time, of resolving the underlying issue. This, of course, was formed by the antagonistic necessities of preserving the vitality of local government while strengthening the national authority for the elimination of a condition of such fundamental immorality as that of human slavery.

As to how a problem of this magnitude could be peacefully resolved without some injury to fundamental principle, de Tocqueville was himself confused. He did not offer a satisfactory solution in the neat apothegm that advised centralized government without centralized administration. So much of government *is* administration that the differentiation, while important, is tinged with unreality. If this friendly critic of American government could bring out a new edition of his classic today, however, there can be no doubt as to the major conclusion he would draw.

The pendulum has swung so far in the direction of centralization that every effort should be made to reverse its course, not only so far as the State is concerned but also in the various overconcentrated manifestations of Society.

In a general way, de Tocqueville did foresee the desirable long-range solution of the problem. Like every thoughtful man

[40] *Ibid.*, p. 306.

he recognized the systole and diastole that underlies all human activity. He saw that thesis and antithesis can be combined into a synthesis more promising than either of the opposing forces. It is this element of philosophic insight, applied to a report based upon factual and objective observation, that today makes *Democracy in America* of so much more than narrowly historical interest.

Whenever it seems necessary to strengthen the central government in a democracy, de Tocqueville pointed out, the steps taken must be directed by "discernment" of the principles upon which that democracy was established. Otherwise degeneracy into despotism, through the agency of centralized power, will be as certain as the coming of night.

In the case of our own democratic Republic, this discernment requires full appreciation of the purpose of the many impediments to pure majority rule that were intentionally made a part of the governmental system of the United States. The uncritical and unqualified adulation of "democracy," to which the American mind so readily succumbs, can only be called fantastic, in view of the scrupulous care taken to impede the realization of democracy in the operation of our government.

Fortunately, however, there does not seem to be any very determined American intention actually to practice the unqualified political democracy that officials of our government so frequently preach as a desirable system—for other people. One of the permanent "restrictions" on American democracy, which de Tocqueville of course noticed, is the Presidential veto power, "made to confer a strong and independent position upon the executive authority, within the limits that were prescribed to it." [41] If admiration of political democracy were really deep-rooted among the American people, one would be able to discern a trend, since de Tocqueville's day, toward abolishing or at least limiting this veto power. There would have been an evolution parallel to the process whereby the royal assent to legislation passed by the British Parliament has become automatic.

On the contrary, the executive veto of laws desired and duly

[41] *Op. cit.*, Vol. I, p. 155.

approved by the representatives of the people has been applied with increasing frequency in the United States. Under President Franklin D. Roosevelt use of the veto was actually extended to include the cancellation of financial legislation, regarded since the seventeenth century as the most essential prerogative of the representative assembly. The precedent set by Mr. Roosevelt was carried even further by his successor, during the period when he had not been elected to the office carrying the veto power.

During the first session of the eightieth congress, President Truman successfully vetoed tax legislation not only once, but twice, although on the second occasion more than two thirds of the really representative House voted to override. Yet this wholly undemocratic procedure, as it must be defined regardless of the separate issue of whether or not the legislation in question was desirable, was accepted as a matter of course by a people who were simultaneously vociferously acclaiming the virtues of democracy.

The incident is no more illustrative than the continued disfranchisement of citizens who live in the District of Columbia. But veto vitality indicates that de Tocqueville was wrong in regarding our constitutional limitations on democracy as of secondary importance. On the other hand, there is evidence here of de Tocqueville's insight in his strictures on American naiveté in the whole vital field of abstract political ideas.

Though intellectual appreciation of the limitations on democracy, in our republican system of government, is essential to the preservation of that system, the discernment necessary for the task is not possessed by all, and never will be. It is not a quality packed in the baggage train of higher education, as shown by the obviously greater success of our colleges in turning out good technicians than in making good citizens. The latter are found on farms and in factories in just as high a proportion as under the academic elms, which is one reason why our faith in democracy is justified so long as it is also qualified.

Fortunately for the Republic, its permanence does not depend wholly, or even primarily, on intellectual discernment. As de Tocqueville clearly recognized, the American system of govern-

ment, in contrast to all the Old World forms, is founded on faith in a code of individual conduct. The moral qualities can be understood by anyone who has taken the trouble to read the New Testament, which remains the primary source book on American government, even though seldom so regarded. More fundamental than our system of checks and balances is that spiritual aspiration which justified Alexander Hamilton's assertion that: "It belongs to us to vindicate the honor of the human race."

The responsibility of every American, regardless of condition and occupation, is to play his part in making sure that the unity of the Republic does not degenerate into the uniformity of dictatorship. The overtones in this individual responsibility were fully realized by de Tocqueville. "To compel all men to follow the same course towards the same object," he wrote, "is a human conception; to introduce infinite variety of action, but so combined that all these acts lead in a thousand different ways to the accomplishment of one great design, is a divine conception." [42]

That is the conception of the Republic; that is why it may reasonably be called God's country; that is why de Tocqueville said of Americans: "Religion . . . must be regarded as the first of their political institutions." [43]

[42] *Ibid.*, Vol. II, Appendix Y, p. 367.
[43] *Ibid.*, Vol. I, p. 305.