**Alexis de Tocqueville: Democracy in America, Vol. 1 (1835)**

**Chapter II: Origin Of The Anglo-Americans, And Its Importance In Relation To Their Future Condition**

 Utility of knowing the origin of nations in order to understand their social condition and their laws-America the only country in which the starting-point of a great people has been clearly observable-In what respects all who emigrated to British America were similar-In what they differed-Remark applicable to all Europeans who established themselves on the shores of the New World-Colonization of Virginia-Colonization of New England-Original character of the first inhabitants of New England-Their arrival-Their first laws-Their social contract-Penal code borrowed from the Hebrew legislation-Religious fervor-Republican spirit-Intimate union of the spirit of religion with the spirit of liberty.

   After the birth of a human being his early years are obscurely spent in the toils or pleasures of childhood. As he grows up the world receives him, when his manhood begins, and he enters into contact with his fellows. He is then studied for the first time, and it is imagined that the germ of the vices and the virtues of his maturer years is then formed. This, if I am not mistaken, is a great error. We must begin higher up; we must watch the infant in its mother's arms; we must see the first images which the external world casts upon the dark mirror of his mind; the first occurrences which he witnesses; we must hear the first words which awaken the sleeping powers of thought, and stand by his earliest efforts, if we would understand the prejudices, the habits, and the passions which will rule his life. The entire man is, so to speak, to be seen in the cradle of the child.

   The growth of nations presents something analogous to this: they all bear some marks of their origin; and the circumstances which accompanied their birth and contributed to their rise affect the whole term of their being. If we were able to go back to the elements of states, and to examine the oldest monuments of their history, I doubt not that we should discover the primal cause of the prejudices, the habits, the ruling passions, and, in short, of all that constitutes what is called the national character; we should then find the explanation of certain customs which now seem at variance with the prevailing manners; of such laws as conflict with established principles; and of such incoherent opinions as are here and there to be met with in society, like those fragments of broken chains which we sometimes see hanging from the vault of an edifice, and supporting nothing. This might explain the destinies of certain nations, which seem borne on by an unknown force to ends of which they themselves are ignorant. But hitherto facts have been wanting to researches of this kind: the spirit of inquiry has only come upon communities in their latter days; and when they at length contemplated their origin, time had already obscured it, or ignorance and pride adorned it with truth-concealing fables.

   America is the only country in which it has been possible to witness the natural and tranquil growth of society, and where the influences exercised on the future condition of states by their origin is clearly distinguishable. At the period when the peoples of Europe landed in the New World their national characteristics were already completely formed; each of them had a physiognomy of its own; and as they had already attained that stage of civilization at which men are led to study themselves, they have transmitted to us a faithful picture of their opinions, their manners, and their laws. The men of the sixteenth century are almost as well known to us as our contemporaries. America, consequently, exhibits in the broad light of day the phenomena which the ignorance or rudeness of earlier ages conceals from our researches. Near enough to the time when the states of America were founded, to be accurately acquainted with their elements, and sufficiently removed from that period to judge of some of their results, the men of our own day seem destined to see further than their predecessors into the series of human events. Providence has given us a torch which our forefathers did not possess, and has allowed us to discern fundamental causes in the history of the world which the obscurity of the past concealed from them. If we carefully examine the social and political state of America, after having studied its history, we shall remain perfectly convinced that not an opinion, not a custom, not a law, I may even say not an event, is upon record which the origin of that people will not explain. The readers of this book will find the germ of all that is to follow in the present chapter, and the key to almost the whole work.

   The emigrants who came, at different periods to occupy the territory now covered by the American Union differed from each other in many respects; their aim was not the same, and they governed themselves on different principles. These men had, however, certain features in common, and they were all placed in an analogous situation. The tie of language is perhaps the strongest and the most durable that can unite mankind. All the emigrants spoke the same tongue; they were all offsets from the same people. Born in a country which had been agitated for centuries by the struggles of faction, and in which all parties had been obliged in their turn to place themselves under the protection of the laws, their political education had been perfected in this rude school, and they were more conversant with the notions of right and the principles of true freedom than the greater part of their European contemporaries. At the period of their first emigrations the parish system, that fruitful germ of free institutions, was deeply rooted in the habits of the English; and with it the doctrine of the sovereignty of the people had been introduced into the bosom of the monarchy of the House of Tudor.

   The religious quarrels which have agitated the Christian world were then rife. England had plunged into the new order of things with headlong vehemence. The character of its inhabitants, which had always been sedate and reflective, became argumentative and austere. General information had been increased by intellectual debate, and the mind had received a deeper cultivation. Whilst religion was the topic of discussion, the morals of the people were reformed. All these national features are more or less discoverable in the physiognomy of those adventurers who came to seek a new home on the opposite shores of the Atlantic.

   Another remark, to which we shall hereafter have occasion to recur, is applicable not only to the English, but to the French, the Spaniards, and all the Europeans who successively established themselves in the New World. All these European colonies contained the elements, if not the development, of a complete democracy. Two causes led to this result. It may safely be advanced, that on leaving the mother-country the emigrants had in general no notion of superiority over one another. The happy and the powerful do not go into exile, and there are no surer guarantees of equality among men than poverty and misfortune. It happened, however, on several occasions, that persons of rank were driven to America by political and religious quarrels. Laws were made to establish a gradation of ranks; but it was soon found that the soil of America was opposed to a territorial aristocracy. To bring that refractory land into cultivation, the constant and interested exertions of the owner himself were necessary; and when the ground was prepared, its produce was found to be insufficient to enrich a master and a farmer at the same time. The land was then naturally broken up into small portions, which the proprietor cultivated for himself. Land is the basis of an aristocracy, which clings to the soil that supports it; for it is not by privileges alone, nor by birth, but by landed property handed down from generation to generation, that an aristocracy is constituted. A nation may present immense fortunes and extreme wretchedness, but unless those fortunes are territorial there is no aristocracy, but simply the class of the rich and that of the poor.

   All the British colonies had then a great degree of similarity at the epoch of their settlement. All of them, from their first beginning, seemed destined to witness the growth, not of the aristocratic liberty of their mother-country, but of that freedom of the middle and lower orders of which the history of the world had as yet furnished no complete example.

   In this general uniformity several striking differences were however discernible, which it is necessary to point out. Two branches may be distinguished in the Anglo-American family, which have hitherto grown up without entirely commingling; the one in the South, the other in the North.

   Virginia received the first English colony; the emigrants took possession of it in 1607. The idea that mines of gold and silver are the sources of national wealth was at that time singularly prevalent in Europe; a fatal delusion, which has done more to impoverish the nations which adopted it, and has cost more lives in America, than the united influence of war and bad laws. The men sent to Virginia [a1](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n2a1) were seekers of gold, adventurers, without resources and without character, whose turbulent and restless spirit endangered the infant colony, [b1](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n2b1) and rendered its progress uncertain. The artisans and agriculturists arrived afterwards; and, although they were a more moral and orderly race of men, they were in nowise above the level of the inferior classes in England. [c1](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n2c1) No lofty conceptions, no intellectual system, directed the foundation of these new settlements. The colony was scarcely established when slavery was introduced, [d1](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n2d1) and this was the main circumstance which has exercised so prodigious an influence on the character, the laws, and all the future prospects of the South. Slavery, as we shall afterwards show, dishonors labor; it introduces idleness into society, and with idleness, ignorance and pride, luxury and distress. It enervates the powers of the mind, and benumbs the activity of man. The influence of slavery, united to the English character, explains the manners and the social condition of the Southern States.

   In the North, the same English foundation was modified by the most opposite shades of character; and here I may be allowed to enter into some details. The two or three main ideas which constitute the basis of the social theory of the United States were first combined in the Northern English colonies, more generally denominated the States of New England. [e1](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n2e1) The principles of New England spread at first to the neighboring states; they then passed successively to the more distant ones; and at length they imbued the whole Confederation. They now extend their influence beyond its limits over the whole American world. The civilization of New England has been like a beacon lit upon a hill, which, after it has diffused its warmth around, tinges the distant horizon with its glow.

   The foundation of New England was a novel spectacle, and all the circumstances attending it were singular and original. The large majority of colonies have been first inhabited either by men without education and without resources, driven by their poverty and their misconduct from the land which gave them birth, or by speculators and adventurers greedy of gain. Some settlements cannot even boast so honorable an origin; St. Domingo was founded by buccaneers; and the criminal courts of England originally supplied the population of Australia.

   The settlers who established themselves on the shores of New England all belonged to the more independent classes of their native country. Their union on the soil of America at once presented the singular phenomenon of a society containing neither lords nor common people, neither rich nor poor. These men possessed, in proportion to their number, a greater mass of intelligence than is to be found in any European nation of our own time. All, without a single exception, had received a good education, and many of them were known in Europe for their talents and their acquirements. The other colonies had been founded by adventurers without family; the emigrants of New England brought with them the best elements of order and morality-they landed in the desert accompanied by their wives and children. But what most especially distinguished them was the aim of their undertaking. They had not been obliged by necessity to leave their country; the social position they abandoned was one to be regretted, and their means of subsistence were certain. Nor did they cross the Atlantic to improve their situation or to increase their wealth; the call which summoned them from the comforts of their homes was purely intellectual; and in facing the inevitable sufferings of exile their object was the triumph of an idea.

   The emigrants, or, as they deservedly styled themselves, the Pilgrims, belonged to that English sect the austerity of whose principles had acquired for them the name of Puritans. Puritanism was not merely a religious doctrine, but it corresponded in many points with the most absolute democratic and republican theories. It was this tendency which had aroused its most dangerous adversaries. Persecuted by the Government of the mother-country, and disgusted by the habits of a society opposed to the rigor of their own principles, the Puritans went forth to seek some rude and unfrequented part of the world, where they could live according to their own opinions, and worship God in freedom.

   A few quotations will throw more light upon the spirit of these pious adventures than all we can say of them. Nathaniel Orton, [f1](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n2f1) the historian of the first years of the settlement, thus opens his subject:

   "Gentle Reader,-I have for some length of time 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; having so many inducements thereunto, not onely otherwise but so plentifully in the Sacred Scriptures: that so, what we have seen, and what our fathers have told us (Psalm lxxviii. 3, 4), we may not hide from our children, showing to the generations to come the praises of the Lord; that especially the seed of Abraham his servant, and the children of Jacob his chosen (Psalm cv. 5, 6), may remember his marvellous works in the beginning and progress of the planting of New England, his wonders and the judgments of his mouth; how that God brought a vine into this wilderness; that he cast out the heathen, and planted it; that he made room for it and caused it to take deep root; and it filled the land (Psalm lxxx. 8, 9). And not onely 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 in respect of precious Gospel enjoyments: and 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 and the beginning of this happy enterprise."

   It is impossible to read this opening paragraph without an involuntary feeling of religious awe; it breathes the very savor of Gospel antiquity. The sincerity of the author heightens his power of language. The band which to his eyes was a mere party of adventurers gone forth to seek their fortune beyond seas appears to the reader as the germ of a great nation wafted by Providence to a predestined shore.

   The author thus continues his narrative of the departure of the first pilgrims:-

   "So they left that goodly and pleasant city of Leyden, [g1](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n2g1) which had been their resting-place for above eleven years; but they knew that they were pilgrims and strangers here below, and looked not much on these things, but lifted up their eyes to Heaven, their dearest country, where God hath prepared for them a city (Heb. xi. 16), and therein quieted their spirits. When they came to Delfs-Haven they found the ship and all things ready; and such of their friends as could not come with them followed after them, and sundry came from Amsterdam to see them shipt, and to take their leaves of 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, and pithy speeches pierced each other's heart, that sundry of the Dutch strangers that stood on the Key as spectators could not refrain from tears. But the tide (which stays for no man) calling them away, that were thus loth to depart, 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 his blessing; and then, with mutual embraces and many tears they took their leaves one of another, which proved to be the last leave to many of them."

   The emigrants were about 150 in number, including the women and the children. Their object was to plant a colony on the shores of the Hudson; but after having been driven about for some time in the Atlantic Ocean, they were forced to land on that arid coast of New England which is now the site of the town of Plymouth. The rock is still shown on which the pilgrims disembarked. [h1](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n2h1)

   "But before we pass on," continues our historian, "let the reader with me make a pause and seriously consider this poor people's present condition, the more to be raised up to admiration of God's goodness towards them in their preservation: for being now passed the vast ocean, and a sea of troubles before them in expectation, they had now no friends to welcome them, no inns to entertain or refresh them, no houses, or much less towns to repair unto to seek for succour: and 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 wilde beasts, and wilde men? and what multitudes of them there were, they then knew not: for which way soever they turned their eyes (save upward to Heaven) they could have but little solace or content in respect of any outward object; for summer being ended, all things stand in appearance with a weather-beaten face, and the whole country full of woods and thickets, represented a wild and savage hew; if they looked behind them, there was the mighty ocean which they had passed, and was now as a main bar or gulph to separate them from all the civil parts of the world."

   It must not be imagined that the piety of the Puritans was of a merely speculative kind, or that it took no cognizance of the course of worldly affairs. Puritanism, as I have already remarked, was scarcely less a political than a religious doctrine. No sooner had the emigrants landed on the barren coast described by Nathaniel Morton than it was their first care to constitute a society, by passing the following Act:

   "In the name of God. Amen. We, whose names are underwritten, the loyal subjects of our dread Sovereign Lord King James, etc., etc., 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," etc. [i1](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n2i1)

   This happened in 1620, and from that time forwards the emigration went on. The religious and political passions which ravaged the British Empire during the whole reign of Charles I drove fresh crowds of sectarians every year to the shores of America. In England the stronghold of Puritanism was in the middle classes, and it was from the middle classes that the majority of the emigrants came. The population of New England increased rapidly; and whilst the hierarchy of rank despotically classed the inhabitants of the mother-country, the colony continued to present the novel spectacle of a community homogeneous in all its parts. A democracy, more perfect than any which antiquity had dreamt of, started in full size and panoply from the midst of an ancient feudal society.

   The English Government was not dissatisfied with an emigration which removed the elements of fresh discord and of further revolutions. On the contrary, everything was done to encourage it, and great exertions were made to mitigate the hardships of those who sought a shelter from the rigor of their country's laws on the soil of America. It seemed as if New England was a region given up to the dreams of fancy and the unrestrained experiments of innovators.

   The English colonies (and this is one of the main causes of their prosperity) have always enjoyed more internal freedom and more political independence than the colonies of other nations; but this principle of liberty was nowhere more extensively applied than in the States of New England.

   It was generally allowed at that period that the territories of the New World belonged to that European nation which had been the first to discover them. Nearly the whole coast of North America thus became a British possession towards the end of the sixteenth century. The means used by the English Government to people these new domains were of several kinds; the King sometimes appointed a governor of his own choice, who ruled a portion of the New World in the name and under the immediate orders of the Crown; [j1](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n2j1) this is the colonial system adopted by other countries of Europe. Sometimes grants of certain tracts were made by the Crown to an individual or to a company, [k1](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n2k1) in which case all the civil and political power fell into the hands of one or more persons, who, under the inspection and control of the Crown, sold the lands and governed the inhabitants. Lastly, a third system consisted in allowing a certain number of emigrants to constitute a political society under the protection of the mother-country, and to govern themselves in whatever was not contrary to her laws. This mode of colonization, so remarkably favorable to liberty, was only adopted in New England. [l1](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n2l1)

   See also the analysis of all these charters given by Mr. Story, Judge of the Supreme Court of the United States, in the Introduction to his "Commentary on the Constitution of the United States." It results from these documents that the principles of representative government and the external forms of political liberty were introduced into all the colonies at their origin. These principles were more fully acted upon in the North than in the South, but they existed everywhere.]

   In 1628 [m1](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n2m1) a charter of this kind was granted by Charles I to the emigrants who went to form the colony of Massachusetts. But, in general, charters were not given to the colonies of New England till they had acquired a certain existence. Plymouth, Providence, New Haven, the State of Connecticut, and that of Rhode Island [n1](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n2n1) were founded without the co-operation and almost without the knowledge of the mother-country. The new settlers did not derive their incorporation from the seat of the empire, although they did not deny its supremacy; they constituted a society of their own accord, and it was not till thirty or forty years afterwards, under Charles II. that their existence was legally recognized by a royal charter.

   This frequently renders its it difficult to detect the link which connected the emigrants with the land of their forefathers in studying the earliest historical and legislative records of New England. They exercised the rights of sovereignty; they named their magistrates, concluded peace or declared war, made police regulations, and enacted laws as if their allegiance was due only to God. [o1](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n2o1) Nothing can be more curious and, at the same time more instructive, than the legislation of that period; it is there that the solution of the great social problem which the United States now present to the world is to be found.

   Amongst these documents we shall notice, as especially characteristic, the code of laws promulgated by the little State of Connecticut in 1650. [p1](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n2p1) The legislators of Connecticut [q1](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n2q1) begin with the penal laws, and, strange to say, they borrow their provisions from the text of Holy Writ. "Whosoever shall worship any other God than the Lord," says the preamble of the Code, "shall surely be put to death." This is followed by ten or twelve enactments of the same kind, copied verbatim from the books of Exodus, Leviticus, and Deuteronomy. Blasphemy, sorcery, adultery, [r1](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n2r1) and rape were punished with death; an outrage offered by a son to his parents was to be expiated by the same penalty. The legislation of a rude and half-civilized people was thus applied to an enlightened and moral community. The consequence was that the punishment of death was never more frequently prescribed by the statute, and never more rarely enforced towards the guilty.

   The chief care of the legislators, in this body of penal laws, was the maintenance of orderly conduct and good morals in the community: they constantly invaded the domain of conscience, and there was scarcely a sin which was not subject to magisterial censure. The reader is aware of the rigor with which these laws punished rape and adultery; intercourse between unmarried persons was likewise severely repressed. The judge was empowered to inflict a pecuniary penalty, a whipping, or marriage [s1](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n2s1) on the misdemeanants; and if the records of the old courts of New Haven may be believed, prosecutions of this kind were not unfrequent. We find a sentence bearing date the first of May, 1660, inflicting a fine and reprimand on a young woman who was accused of using improper language, and of allowing herself to be kissed. [t1](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n2t1) The Code of 1650 abounds in preventive measures. It punishes idleness and drunkenness with severity. [u1](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n2u1) Innkeepers are forbidden to furnish more than a certain quantity of liquor to each consumer; and simple lying, whenever it may be injurious, [v1](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n2v1) is checked by a fine or a flogging. In other places, the legislator, entirely forgetting the great principles of religious toleration which he had himself upheld in Europe, renders attendance on divine service compulsory, [w1](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n2w1) and goes so far as to visit with severe punishment, [\*\*](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n2ast) and even with death, the Christians who chose to worship God according to a ritual differing from his own. [x1](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n2x1) Sometimes indeed the zeal of his enactments induces him to descend to the most frivolous particulars: thus a law is to be found in the same Code which prohibits the use of tobacco. [y1](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n2y1) It must not be forgotten that these fantastical and vexatious laws were not imposed by authority, but that they were freely voted by all the persons interested, and that the manners of the community were even more austere and more puritanical than the laws. In 1649 a solemn association was formed in Boston to check the worldly luxury of long hair. [z1](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n2z1)

   These errors are no doubt discreditable to human reason; they attest the inferiority of our nature, which is incapable of laying firm hold upon what is true and just, and is often reduced to the alternative of two excesses. In strict connection with this penal legislation, which bears such striking marks of a narrow sectarian spirit, and of those religious passions which had been warmed by persecution and were still fermenting among the people, a body of political laws is to be found, which, though written two hundred years ago, is still ahead of the liberties of our age. The general principles which are the groundwork of modern constitutions-principles which were imperfectly known in Europe, and not completely triumphant even in Great Britain, in the seventeenth century-were all recognized and determined by the laws of New England: the intervention of the people in public affairs, the free voting of taxes, the responsibility of authorities, personal liberty, and trial by jury, were all positively established without discussion. From these fruitful principles consequences have been derived and applications have been made such as no nation in Europe has yet ventured to attempt.

   In Connecticut the electoral body consisted, from its origin, of the whole number of citizens; and this is readily to be understood, [a2](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n2a2) when we recollect that this people enjoyed an almost perfect equality of fortune, and a still greater uniformity of opinions. [b2](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n2b2) In Connecticut, at this period, all the executive functionaries were elected, including the Governor of the State. [c2](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n2c2) The citizens above the age of sixteen were obliged to bear arms; they formed a national militia, which appointed its own officers, and was to hold itself at all times in readiness to march for the defence of the country. [d1](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n2d1)

   In the laws of Connecticut, as well as in all those of New England, we find the germ and gradual development of that township independence which is the life and mainspring of American liberty at the present day. The political existence of the majority of the nations of Europe commenced in the superior ranks of society, and was gradually and imperfectly communicated to the different members of the social body. In America, on the other hand, it may be said that the township was organized before the county, the county before the State, the State before the Union. In New England townships were completely and definitively constituted as early as 1650. The independence of the township was the nucleus round which the local interests, passions, rights, and duties collected and clung. It gave scope to the activity of a real political life most thoroughly democratic and republican. The colonies still recognized the supremacy of the mother-country; monarchy was still the law of the State; but the republic was already established in every township. The towns named their own magistrates of every kind, rated themselves, and levied their own taxes. [e2](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n2e2) In the parish of New England the law of representation was not adopted, but the affairs of the community were discussed, as at Athens, in the market-place, by a general assembly of the citizens.

   In studying the laws which were promulgated at this first era of the American republics, it is impossible not to be struck by the remarkable acquaintance with the science of government and the advanced theory of legislation which they display. The ideas there formed of the duties of society towards its members are evidently much loftier and more comprehensive than those of the European legislators at that time: obligations were there imposed which were elsewhere slighted. In the States of New England, from the first, the condition of the poor was provided for; [f2](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n2f2) strict measures were taken for the maintenance of roads, and surveyors were appointed to attend to them; [g2](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n2g2) registers were established in every parish, in which the results of public deliberations, and the births, deaths, and marriages of the citizens were entered; [h2](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n2h2) clerks were directed to keep these registers; [i2](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n2i2) officers were charged with the administration of vacant inheritances, and with the arbitration of litigated landmarks; and many others were created whose chief functions were the maintenance of public order in the community. [j2](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n2j2) The law enters into a thousand useful provisions for a number of social wants which are at present very inadequately felt in France.

   But it is by the attention it pays to Public Education that the original character of American civilization is at once placed in the clearest light. "It being," says the law, "one chief project of Satan to keep men from the knowledge of the Scripture by persuading from the use of tongues, to the end that learning may not be buried in the graves of our forefathers, in church and commonwealth, the Lord assisting our endeavors. . . ." [k2](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n2k2) Here follow clauses establishing schools in every township, and obliging the inhabitants, under pain of heavy fines, to support them. Schools of a superior kind were founded in the same manner in the more populous districts. The municipal authorities were bound to enforce the sending of children to school by their parents; they were empowered to inflict fines upon all who refused compliance; and in case of continued resistance society assumed the place of the parent, took possession of the child, and deprived the father of those natural rights which he used to so bad a purpose. The reader will undoubtedly have remarked the preamble of these enactments: in America religion is the road to knowledge, and the observance of the divine laws leads man to civil freedom.

   If, after having cast a rapid glance over the state of American society in 1650, we turn to the condition of Europe, and more especially to that of the Continent, at the same period, we cannot fail to be struck with astonishment. On the Continent of Europe, at the beginning of the seventeenth century, absolute monarchy had everywhere triumphed over the ruins of the oligarchical and feudal liberties of the Middle Ages. Never were the notions of right more completely confounded than in the midst of the splendor and literature of Europe; never was there less political activity among the people; never were the principles of true freedom less widely circulated; and at that very time those principles, which were scorned or unknown by the nations of Europe, were proclaimed in the deserts of the New World, and were accepted as the future creed of a great people. The boldest theories of the human reason were put into practice by a community so humble that not a statesman condescended to attend to it; and a legislation without a precedent was produced offhand by the imagination of the citizens. In the bosom of this obscure democracy, which had as yet brought forth neither generals, nor philosophers, nor authors, a man might stand up in the face of a free people and pronounce the following fine definition of liberty. [l2](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n2l2)

   "Nor would I have you to mistake in the point of your own liberty. There is a liberty of a corrupt nature which is effected 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': '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 and whatsoever crosses it is not authority, but a distemper thereof. This liberty is maintained in a way of subjection to authority; and the authority set over you will, in all administrations for your good, be quietly submitted unto by all but such as have a disposition to shake off the yoke and lose their true liberty, by their murmuring at the honor and power of authority."

   The remarks I have made will suffice to display the character of Anglo-American civilization in its true light. It is the result (and this should be constantly present to the mind of two distinct elements, which in other places have been in frequent hostility, but which in America have been admirably incorporated and combined with one another. I allude to the spirit of Religion and the spirit of Liberty.

   The settlers of New England were at the same time ardent sectarians and daring innovators. Narrow as the limits of some of their religious opinions were, they were entirely free from political prejudices. Hence arose two tendencies, distinct but not opposite, which are constantly discernible in the manners as well as in the laws of the country.

   It might be imagined that men who sacrificed their friends, their family, and their native land to a religious conviction were absorbed in the pursuit of the intellectual advantages which they purchased at so dear a rate. The energy, however, with which they strove for the acquirement of wealth, moral enjoyment, and the comforts as well as liberties of the world, is scarcely inferior to that with which they devoted themselves to Heaven.

   Political principles and all human laws and institutions were moulded and altered at their pleasure; the barriers of the society in which they were born were broken down before them; the old principles which had governed the world for ages were no more; a path without a turn and a field without an horizon were opened to the exploring and ardent curiosity of man: but at the limits of the political world he checks his researches, he discreetly lays aside the use of his most formidable faculties, he no longer consents to doubt or to innovate, but carefully abstaining from raising the curtain of the sanctuary, he yields with submissive respect to truths which he will not discuss. Thus, in the moral world everything is classed, adapted, decided, and foreseen; in the political world everything is agitated, uncertain, and disputed: in the one is a passive, though a voluntary, obedience; in the other an independence scornful of experience and jealous of authority.

   These two tendencies, apparently so discrepant, are far from conflicting; they advance together, and mutually support each other. Religion perceives that civil liberty affords a noble exercise to the faculties of man, and that the political world is a field prepared by the Creator for the efforts of the intelligence. Contented with the freedom and the power which it enjoys in its own sphere, and with the place which it occupies, the empire of religion is never more surely established than when it reigns in the hearts of men unsupported by aught beside its native strength. Religion is no less the companion of liberty in all its battles and its triumphs; the cradle of its infancy, and the divine source of its claims. The safeguard of morality is religion, and morality is the best security of law and the surest pledge of freedom. [m2](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n2m2)

**Reasons Of Certain Anomalies Which The Laws And Customs Of The Anglo-Americans Present**

Remains of aristocratic institutions in the midst of a complete democracy-Why?-Distinction carefully to be drawn between what is of Puritanical and what is of English origin.

   The reader is cautioned not to draw too general or too absolute an inference from what has been said. The social condition, the religion, and the manners of the first emigrants undoubtedly exercised an immense influence on the destiny of their new country. Nevertheless they were not in a situation to found a state of things solely dependent on themselves: no man can entirely shake off the influence of the past, and the settlers, intentionally or involuntarily, mingled habits and notions derived from their education and from the traditions of their country with those habits and notions which were exclusively their own. To form a judgment on the Anglo-Americans of the present day it is therefore necessary to distinguish what is of Puritanical and what is of English origin.

   Laws and customs are frequently to be met with in the United States which contrast strongly with all that surrounds them. These laws seem to be drawn up in a spirit contrary to the prevailing tenor of the American legislation; and these customs are no less opposed to the tone of society. If the English colonies had been founded in an age of darkness, or if their origin was already lost in the lapse of years, the problem would be insoluble.

   I shall quote a single example to illustrate what I advance. The civil and criminal procedure of the Americans has only two means of action-committal and bail. The first measure taken by the magistrate is to exact security from the defendant, or, in case of refusal, to incarcerate him: the ground of the accusation and the importance of the charges against him are then discussed. It is evident that a legislation of this kind is hostile to the poor man, and favorable only to the rich. The poor man has not always a security to produce, even in a civil cause; and if he is obliged to wait for justice in prison, he is speedily reduced to distress. The wealthy individual, on the contrary, always escapes imprisonment in civil causes; nay, more, he may readily elude the punishment which awaits him for a delinquency by breaking his bail. So that all the penalties of the law are, for him, reducible to fines. [n2](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n2n2) Nothing can be more aristocratic than this system of legislation. Yet in America it is the poor who make the law, and they usually reserve the greatest social advantages to themselves. The explanation of the phenomenon is to be found in England; the laws of which I speak are English, [o2](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n2o2) and the Americans have retained them, however repugnant they may be to the tenor of their legislation and the mass of their ideas. Next to its habits, the thing which a nation is least apt to change is its civil legislation. Civil laws are only familiarly known to legal men, whose direct interest it is to maintain them as they are, whether good or bad, simply because they themselves are conversant with them. The body of the nation is scarcely acquainted with them; it merely perceives their action in particular cases; but it has some difficulty in seizing their tendency, and obeys them without premeditation. I have quoted one instance where it would have been easy to adduce a great number of others. The surface of American society is, if I may use the expression, covered with a layer of democracy, from beneath which the old aristocratic colors sometimes peep.

[a1] The charter granted by the Crown of England in 1609 stipulated, amongst other conditions, that the adventurers should pay to the Crown a fifth of the produce of all gold and silver mines. See Marshall's "Life of Washington," vol. i. pp. 18-66.

[b1] A large portion of the adventurers, says Stith ("History of Virginia"), were unprincipled young men of family, whom their parents were glad to ship off, discharged servants, fraudulent bankrupts, or debauchees; and others of the same class, people more apt to pillage and destroy than to assist the settlement, were the seditious chiefs, who easily led this band into every kind of extravagance and excess. See for the history of Virginia the following works:-

   "History of Virginia, from the First Settlements in the year 1624," by Smith.

   "History of Virginia," by William Stith.

   "History of Virginia, from the Earliest Period," by Beverley.

[c1] It was not till some time later that a certain number of rich English capitalists came to fix themselves in the colony.

[d1] Slavery was introduced about the year 1620 by a Dutch vessel which landed twenty negroes on the banks of the river James. See Chalmer.

[e1] The States of New England are those situated to the east of the Hudson; they are now six in number: 1, Connecticut; 2, Rhode Island; 3, Massachusetts; 4, Vermont; 5, New Hampshire; 6, Maine.

[f1] "New England's Memorial," p. 13; Boston, 1826. See also "Hutchinson's History," vol. ii. p. 440.

[g1] The emigrants were, for the most part, godly Christians from the North of England, who had quitted their native country because they were "studious of reformation, and entered into covenant to walk with one another according to the primitive pattern of the Word of God." They emigrated to Holland, and settled in the city of Leyden in 1610, where they abode, being lovingly respected by the Dutch, for many years: they left it in 1620 for several reasons, the last of which was, that their posterity would in a few generations become Dutch, and so lose their interest in the English nation; they being desirous rather to enlarge His Majesty's dominions, and to live under their natural prince.-Translator's Note.]

[h1] This rock is become an object of veneration in the United States. I have seen bits of it carefully preserved in several towns of the Union. Does not this sufficiently show how entirely all human power and greatness is in the soul of man? Here is a stone which the feet of a few outcasts pressed for an instant, and this stone becomes famous; it is treasured by a great nation, its very dust is shared as a relic: and what is become of the gateways of a thousand palaces?

[i1] The emigrants who founded the State of Rhode Island in 1638, those who landed at New Haven in 1637, the first settlers in Connecticut in 1639, and the founders of Providence in 1640, began in like manner by drawing up a social contract, which was acceded to by all the interested parties. See "Pitkin's History," pp. 42 and 47.

[j1] This was the case in the State of New York.

[k1] Maryland, the Carolinas, Pennsylvania, and New Jersey were in this situation. See "Pitkin's History," vol. i. pp. 11-31.

[l1] See the work entitled "Historical Collection of State Papers and other authentic Documents intended as materials for a History of the United States of America, by Ebenezer Hasard. Philadelphia, 1792," for a great number of documents relating to the commencement of the colonies, which are valuable from their contents and their authenticity: amongst them are the various charters granted by the King of England, and the first acts of the local governments.

[m1] See "Pitkin's History," p, 35. See the "History of the Colony of Massachusetts Bay," by Hutchinson, vol. i. p. 9.

[n1] See "Pitkin's History," pp. 42, 47.

[o1] The inhabitants of Massachusetts had deviated from the forms which are preserved in the criminal and civil procedure of England; in 1650 the decrees of justice were not yet headed by the royal style. See Hutchinson, vol. i. p. 452.

[p1] Code of 1650, p. 28; Hartford, 1830.

[q1] See also in "Hutchinson's History," vol. i. pp. 435, 456, the analysis of the penal code adopted in 1648 by the Colony of Massachusetts: this code is drawn up on the same principles as that of Connecticut.

[r1] Adultery was also punished with death by the law of Massachusetts: and Hutchinson, vol. i. p. 441, says that several persons actually suffered for this crime. He quotes a curious anecdote on this subject, which occurred in the year 1663. A married woman had had criminal intercourse with a young man; her husband died, and she married the lover. Several years had elapsed, when the public began to suspect the previous intercourse of this couple: they were thrown into prison, put upon trial, and very narrowly escaped capital punishment.

[s1] Code of 1650, p. 48. It seems sometimes to have happened that the judges superadded these punishments to each other, as is seen in a sentence pronounced in 1643 (p. 114, "New Haven Antiquities"), by which Margaret Bedford, convicted of loose conduct, was condemned to be whipped, and afterwards to marry Nicholas Jemmings, her accomplice.

[t1] "New Haven Antiquities," p. 104. See also "Hutchinson's History," for several causes equally extraordinary.

[u1] Code of 1650, pp. 50, 57.

[v1] Ibid., p. 64.

[w1] Ibid., p. 44.

[\*\*] This was not peculiar to Connecticut. See, for instance, the law which, on September 13, 1644, banished the Anabaptists from the State of Massachusetts. ("Historical Collection of State Papers," vol. i. p. 538.) See also the law against the Quakers, passed on October 14, 1656: "Whereas," says the preamble, "an accursed race of heretics called Quakers has sprung up," etc. The clauses of the statute inflict a heavy fine on all captains of ships who should import Quakers into the country. The Quakers who may be found there shall be whipped and imprisoned with hard labor. Those members of the sect who should defend their opinions shall be first fined, then imprisoned, and finally driven out of the province.-"Historical Collection of State Papers," vol. i. p. 630.

[x1] By the penal law of Massachusetts, any Catholic priest who should set foot in the colony after having been once driven out of it was liable to capital punishment.

[y1] Code of 1650, p. 96.

[z1] "New England's Memorial," p. 316. See Appendix, E.

[a2] Constitution of 1638, p. 17.

[b2] In 1641 the General Assembly of Rhode Island unanimously declared that the government of the State was a democracy, and that the power was vested in the body of free citizens, who alone had the right to make the laws and to watch their execution.-Code of 1650, p. 70.

[c2] "Pitkin's History," p. 47.

[d2] Constitution of 1638, p. 12.

[e2] Code of 1650, p. 80.

[f2] Ibid., p. 78.

[g2] Ibid., p. 49.

[h2] See "Hutchinson's History," vol. i. p. 455.

[i2] Code of 1650, p. 86.

[j2] Ibid., p. 40.

[k2] Ibid., p. 90.

[l2] Mather's "Magnalia Christi Americana," vol. ii. p. 13. This speech was made by Winthrop; he was accused of having committed arbitrary actions during his magistracy, but after having made the speech of which the above is a fragment, he was acquitted by acclamation, and from that time forwards he was always re-elected governor of the State. See Marshal, vol. i. p. 166.

[m2] See Appendix, F.

[n2] Crimes no doubt exist for which bail is inadmissible, but they are few in number.

[o2] See Blackstone; and Delolme, book I chap. x.

**Chapter III: Social Conditions Of The Anglo-Americans**

   A Social condition is commonly the result of circumstances, sometimes of laws, oftener still of these two causes united; but wherever it exists, it may justly be considered as the source of almost all the laws, the usages, and the ideas which regulate the conduct of nations; whatever it does not produce it modifies. It is therefore necessary, if we would become acquainted with the legislation and the manners of a nation, to begin by the study of its social condition.

**The Striking Characteristic Of The Social Condition Of The Anglo-Americans In Its Essential Democracy**

   The first emigrants of New England-Their equality-Aristocratic laws introduced in the South-Period of the Revolution-Change in the law of descent-Effects produced by this change-Democracy carried to its utmost limits in the new States of the West-Equality of education.

   Many important observations suggest themselves upon the social condition of the Anglo-Americans, but there is one which takes precedence of all the rest. The social condition of the Americans is eminently democratic; this was its character at the foundation of the Colonies, and is still more strongly marked at the present day. I have stated in the preceding chapter that great equality existed among the emigrants who settled on the shores of New England. The germ of aristocracy was never planted in that part of the Union. The only influence which obtained there was that of intellect; the people were used to reverence certain names as the emblems of knowledge and virtue. Some of their fellow-citizens acquired a power over the rest which might truly have been called aristocratic, if it had been capable of transmission from father to son.

   This was the state of things to the east of the Hudson: to the south-west of that river, and in the direction of the Floridas, the case was different. In most of the States situated to the south-west of the Hudson some great English proprietors had settled, who had imported with them aristocratic principles and the English law of descent. I have explained the reasons why it was impossible ever to establish a powerful aristocracy in America; these reasons existed with less force to the south-west of the Hudson. In the South, one man, aided by slaves, could cultivate a great extent of country: it was therefore common to see rich landed proprietors. But their influence was not altogether aristocratic as that term is understood in Europe, since they possessed no privileges; and the cultivation of their estates being carried on by slaves, they had no tenants depending on them, and consequently no patronage. Still, the great proprietors south of the Hudson constituted a superior class, having ideas and tastes of its own, and forming the centre of political action. This kind of aristocracy sympathized with the body of the people, whose passions and interests it easily embraced; but it was too weak and too short-lived to excite either love or hatred for itself. This was the class which headed the insurrection in the South, and furnished the best leaders of the American revolution.

   At the period of which we are now speaking society was shaken to its centre: the people, in whose name the struggle had taken place, conceived the desire of exercising the authority which it had acquired; its democratic tendencies were awakened; and having thrown off the yoke of the mother-country, it aspired to independence of every kind. The influence of individuals gradually ceased to be felt, and custom and law united together to produce the same result.

   But the law of descent was the last step to equality. I am surprised that ancient and modern jurists have not attributed to this law a greater influence on human affairs. [a](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n3a) It is true that these laws belong to civil affairs; but they ought nevertheless to be placed at the head of all political institutions; for, whilst political laws are only the symbol of a nation's condition, they exercise an incredible influence upon its social state. They have, moreover, a sure and uniform manner of operating upon society, affecting, as it were, generations yet unborn.

   Through their means man acquires a kind of preternatural power over the future lot of his fellow-creatures. When the legislator has regulated the law of inheritance, he may rest from his labor. The machine once put in motion will go on for ages, and advance, as if self-guided, towards a given point. When framed in a particular manner, this law unites, draws together, and vests property and power in a few hands: its tendency is clearly aristocratic. On opposite principles its action is still more rapid; it divides, distributes, and disperses both property and power. Alarmed by the rapidity of its progress, those who despair of arresting its motion endeavor to obstruct it by difficulties and impediments; they vainly seek to counteract its effect by contrary efforts; but it gradually reduces or destroys every obstacle, until by its incessant activity the bulwarks of the influence of wealth are ground down to the fine and shifting sand which is the basis of democracy. When the law of inheritance permits, still more when it decrees, the equal division of a father's property amongst all his children, its effects are of two kinds: it is important to distinguish them from each other, although they tend to the same end.

   In virtue of the law of partible inheritance, the death of every proprietor brings about a kind of revolution in property; not only do his possessions change hands, but their very nature is altered, since they are parcelled into shares, which become smaller and smaller at each division. This is the direct and, as it were, the physical effect of the law. It follows, then, that in countries where equality of inheritance is established by law, property, and especially landed property, must have a tendency to perpetual diminution. The effects, however, of such legislation would only be perceptible after a lapse of time, if the law was abandoned to its own working; for supposing the family to consist of two children (and in a country people as France is the average number is not above three), these children, sharing amongst them the fortune of both parents, would not be poorer than their father or mother.

   But the law of equal division exercises its influence not merely upon the property itself, but it affects the minds of the heirs, and brings their passions into play. These indirect consequences tend powerfully to the destruction of large fortunes, and especially of large domains. Among nations whose law of descent is founded upon the right of primogeniture landed estates often pass from generation to generation without undergoing division, the consequence of which is that family feeling is to a certain degree incorporated with the estate. The family represents the estate, the estate the family; whose name, together with its origin, its glory, its power, and its virtues, is thus perpetuated in an imperishable memorial of the past and a sure pledge of the future.

   When the equal partition of property is established by law, the intimate connection is destroyed between family feeling and the preservation of the paternal estate; the property ceases to represent the family; for as it must inevitably be divided after one or two generations, it has evidently a constant tendency to diminish, and must in the end be completely dispersed. The sons of the great landed proprietor, if they are few in number, or if fortune befriends them, may indeed entertain the hope of being as wealthy as their father, but not that of possessing the same property as he did; the riches must necessarily be composed of elements different from his.

   Now, from the moment that you divest the landowner of that interest in the preservation of his estate which he derives from association, from tradition, and from family pride, you may be certain that sooner or later he will dispose of it; for there is a strong pecuniary interest in favor of selling, as floating capital produces higher interest than real property, and is more readily available to gratify the passions of the moment.

   Great landed estates which have once been divided never come together again; for the small proprietor draws from his land a better revenue, in proportion, than the large owner does from his, and of course he sells it at a higher rate. [b](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n3b)The calculations of gain, therefore, which decide the rich man to sell his domain will still more powerfully influence him against buying small estates to unite them into a large one.

   What is called family pride is often founded upon an illusion of self-love. A man wishes to perpetuate and immortalize himself, as it were, in his great-grandchildren. Where the *esprit de famille* ceases to act individual selfishness comes into play. When the idea of family becomes vague, indeterminate, and uncertain, a man thinks of his present convenience; he provides for the establishment of his succeeding generation, and no more. Either a man gives up the idea of perpetuating his family, or at any rate he seeks to accomplish it by other means than that of a landed estate. Thus not only does the law of partible inheritance render it difficult for families to preserve their ancestral domains entire, but it deprives them of the inclination to attempt it, and compels them in some measure to co-operate with the law in their own extinction.

   The law of equal distribution proceeds by two methods: by acting upon things, it acts upon persons; by influencing persons, it affects things. By these means the law succeeds in striking at the root of landed property, and dispersing rapidly both families and fortunes. [c](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n3c)

   Most certainly it is not for us Frenchmen of the nineteenth century, who daily witness the political and social changes which the law of partition is bringing to pass, to question its influence. It is perpetually conspicuous in our country, overthrowing the walls of our dwellings and removing the landmarks of our fields. But although it has produced great effects in France, much still remains for it to do. Our recollections, opinions, and habits present powerful obstacles to its progress.

   In the United States it has nearly completed its work of destruction, and there we can best study its results. The English laws concerning the transmission of property were abolished in almost all the States at the time of the Revolution. The law of entail was so modified as not to interrupt the free circulation of property. [d](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n3d) The first generation having passed away, estates began to be parcelled out, and the change became more and more rapid with the progress of time. At this moment, after a lapse of a little more than sixty years, the aspect of society is totally altered; the families of the great landed proprietors are almost all commingled with the general mass. In the State of New York, which formerly contained many of these, there are but two who still keep their heads above the stream, and they must shortly disappear. The sons of these opulent citizens are become merchants, lawyers, or physicians. Most of them have lapsed into obscurity. The last trace of hereditary ranks and distinctions is destroyed-the law of partition has reduced all to one level.

   I do not mean that there is any deficiency of wealthy individuals in the United States; I know of no country, indeed, where the love of money has taken stronger hold on the affections of men, and where the profounder contempt is expressed for the theory of the permanent equality of property. But wealth circulates with inconceivable rapidity, and experience shows that it is rare to find two succeeding generations in the full enjoyment of it.

   This picture, which may perhaps be thought to be overcharged, still gives a very imperfect idea of what is taking place in the new States of the West and South-west. At the end of the last century a few bold adventurers began to penetrate into the valleys of the Mississippi, and the mass of the population very soon began to move in that direction: communities unheard of till then were seen to emerge from the wilds: States whose names were not in existence a few years before claimed their place in the American Union; and in the Western settlements we may behold democracy arrived at its utmost extreme. In these States, founded off-hand, and, as it were, by chance, the inhabitants are but of yesterday. Scarcely known to one another, the nearest neighbors are ignorant of each other's history. In this part of the American continent, therefore, the population has not experienced the influence of great names and great wealth, nor even that of the natural aristocracy of knowledge and virtue. None are there to wield that respectable power which men willingly grant to the remembrance of a life spent in doing good before their eyes. The new States of the West are already inhabited, but society has no existence among them. [e](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=TocDem1.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all#n3e)

   It is not only the fortunes of men which are equal in America; even their requirements partake in some degree of the same uniformity. I do not believe that there is a country in the world where, in proportion to the population, there are so few uninstructed and at the same time so few learned individuals. Primary instruction is within the reach of everybody; superior instruction is scarcely to be obtained by any. This is not surprising; it is in fact the necessary consequence of what we have advanced above. Almost all the Americans are in easy circumstances, and can therefore obtain the first elements of human knowledge.

   In America there are comparatively few who are rich enough to live without a profession. Every profession requires an apprenticeship, which limits the time of instruction to the early years of life. At fifteen they enter upon their calling, and thus their education ends at the age when ours begins. Whatever is done afterwards is with a view to some special and lucrative object; a science is taken up as a matter of business, and the only branch of it which is attended to is such as admits of an immediate practical application. In America most of the rich men were formerly poor; most of those who now enjoy leisure were absorbed in business during their youth; the consequence of which is, that when they might have had a taste for study they had no time for it, and when time is at their disposal they have no longer the inclination.

   There is no class, then, in America, in which the taste for intellectual pleasures is transmitted with hereditary fortune and leisure, and by which the labors of the intellect are held in honor. Accordingly there is an equal want of the desire and the power of application to these objects.

   A middle standard is fixed in America for human knowledge. All approach as near to it as they can; some as they rise, others as they descend. Of course, an immense multitude of persons are to be found who entertain the same number of ideas on religion, history, science, political economy, legislation, and government. The gifts of intellect proceed directly from God, and man cannot prevent their unequal distribution. But in consequence of the state of things which we have here represented it happens that, although the capacities of men are widely different, as the Creator has doubtless intended they should be, they are submitted to the same method of treatment.

   In America the aristocratic element has always been feeble from its birth; and if at the present day it is not actually destroyed, it is at any rate so completely disabled that we can scarcely assign to it any degree of influence in the course of affairs. The democratic principle, on the contrary, has gained so much strength by time, by events, and by legislation, as to have become not only predominant but all-powerful. There is no family or corporate authority, and it is rare to find even the influence of individual character enjoy any durability.

   America, then, exhibits in her social state a most extraordinary phenomenon. Men are there seen on a greater equality in point of fortune and intellect, or, in other words, more equal in their strength, than in any other country of the world, or in any age of which history has preserved the remembrance.

**Political Consequences Of The Social Condition Of The Anglo-Americans**

   The political consequences of such a social condition as this are easily deducible. It is impossible to believe that equality will not eventually find its way into the political world as it does everywhere else. To conceive of men remaining forever unequal upon one single point, yet equal on all others, is impossible; they must come in the end to be equal upon all. Now I know of only two methods of establishing equality in the political world; every citizen must be put in possession of his rights, or rights must be granted to no one. For nations which are arrived at the same stage of social existence as the Anglo-Americans, it is therefore very difficult to discover a medium between the sovereignty of all and the absolute power of one man: and it would be vain to deny that the social condition which I have been describing is equally liable to each of these consequences.

   There is, in fact, a manly and lawful passion for equality which excites men to wish all to be powerful and honored. This passion tends to elevate the humble to the rank of the great; but there exists also in the human heart a depraved taste for equality, which impels the weak to attempt to lower the powerful to their own level, and reduces men to prefer equality in slavery to inequality with freedom. Not that those nations whose social condition is democratic naturally despise liberty; on the contrary, they have an instinctive love of it. But liberty is not the chief and constant object of their desires; equality is their idol: they make rapid and sudden efforts to obtain liberty, and if they miss their aim resign themselves to their disappointment; but nothing can satisfy them except equality, and rather than lose it they resolve to perish.

   On the other hand, in a State where the citizens are nearly on an equality, it becomes difficult for them to preserve their independence against the aggressions of power. No one among them being strong enough to engage in the struggle with advantage, nothing but a general combination can protect their liberty. And such a union is not always to be found.

   From the same social position, then, nations may derive one or the other of two great political results; these results are extremely different from each other, but they may both proceed from the same cause.

   The Anglo-Americans are the first nations who, having been exposed to this formidable alternative, have been happy enough to escape the dominion of absolute power. They have been allowed by their circumstances, their origin, their intelligence, and especially by their moral feeling, to establish and maintain the sovereignty of the people.

[a] I understand by the law of descent all those laws whose principal object is to regulate the distribution of property after the death of its owner. The law of entail is of this number; it certainly prevents the owner from disposing of his possessions before his death; but this is solely with the view of preserving them entire for the heir. The principal object, therefore, of the law of entail is to regulate the descent of property after the death of its owner: its other provisions are merely means to this end.

[b] I do not mean to say that the small proprietor cultivates his land better, but he cultivates it with more ardor and care; so that he makes up by his labor for his want of skill.

[c] Land being the most stable kind of property, we find, from time to time, rich individuals who are disposed to make great sacrifices in order to obtain it, and who willingly forfeit a considerable part of their income to make sure of the rest. But these are accidental cases. The preference for landed property is no longer found habitually in any class but among the poor. The small landowner, who has less information, less imagination, and fewer passions than the great one, is generally occupied with the desire of increasing his estate: and it often happens that by inheritance, by marriage, or by the chances of trade, he is gradually furnished with the means. Thus, to balance the tendency which leads men to divide their estates, there exists another, which incites them to add to them. This tendency, which is sufficient to prevent estates from being divided ad infinitum, is not strong enough to create great territorial possessions, certainly not to keep them up in the same family.

[d] See Appendix, G.

[e] This may have been true in 1832, but is not so in 1874, when great cities like Chicago and San Francisco have sprung up in the Western States. But as yet the Western States exert no powerful influence on American society. -Translator's Note.

**Chapter IV: The Principle Of The Sovereignty Of The People In America**

   It predominates over the whole of society in America-Application made of this principle by the Americans even before their Revolution-Development given to it by that Revolution-Gradual and irresistible extension of the elective qualification.

   Whenever the political laws of the United States are to be discussed, it is with the doctrine of the sovereignty of the people that we must begin. The principle of the sovereignty of the people, which is to be found, more or less, at the bottom of almost all human institutions, generally remains concealed from view. It is obeyed without being recognized, or if for a moment it be brought to light, it is hastily cast back into the gloom of the sanctuary. "The will of the nation" is one of those expressions which have been most profusely abused by the wily and the despotic of every age. To the eyes of some it has been represented by the venal suffrages of a few of the satellites of power; to others by the votes of a timid or an interested minority; and some have even discovered it in the silence of a people, on the supposition that the fact of submission established the right of command.

   In America the principle of the sovereignty of the people is not either barren or concealed, as it is with some other nations; it is recognized by the customs and proclaimed by the laws; it spreads freely, and arrives without impediment at its most remote consequences. If there be a country in the world where the doctrine of the sovereignty of the people can be fairly appreciated, where it can be studied in its application to the affairs of society, and where its dangers and its advantages may be foreseen, that country is assuredly America.

   I have already observed that, from their origin, the sovereignty of the people was the fundamental principle of the greater number of British colonies in America. It was far, however, from then exercising as much influence on the government of society as it now does. Two obstacles, the one external, the other internal, checked its invasive progress. It could not ostensibly disclose itself in the laws of colonies which were still constrained to obey the mother-country: it was therefore obliged to spread secretly, and to gain ground in the provincial assemblies, and especially in the townships.

   American society was not yet prepared to adopt it with all its consequences. The intelligence of New England, and the wealth of the country to the south of the Hudson (as I have shown in the preceding chapter), long exercised a sort of aristocratic influence, which tended to retain the exercise of social authority in the hands of a few. The public functionaries were not universally elected, and the citizens were not all of them electors. The electoral franchise was everywhere placed within certain limits, and made dependent on a certain qualification, which was exceedingly low in the North and more considerable in the South.

   The American revolution broke out, and the doctrine of the sovereignty of the people, which had been nurtured in the townships and municipalities, took possession of the State: every class was enlisted in its cause; battles were fought, and victories obtained for it, until it became the law of laws.

   A no less rapid change was effected in the interior of society, where the law of descent completed the abolition of local influences.

   At the very time when this consequence of the laws and of the revolution was apparent to every eye, victory was irrevocably pronounced in favor of the democratic cause. All power was, in fact, in its hands, and resistance was no longer possible. The higher orders submitted without a murmur and without a struggle to an evil which was thenceforth inevitable. The ordinary fate of falling powers awaited them; each of their several members followed his own interests; and as it was impossible to wring the power from the hands of a people which they did not detest sufficiently to brave, their only aim was to secure its good-will at any price. The most democratic laws were consequently voted by the very men whose interests they impaired; and thus, although the higher classes did not excite the passions of the people against their order, they accelerated the triumph of the new state of things; so that by a singular change the democratic impulse was found to be most irresistible in the very States where the aristocracy had the firmest hold. The State of aryland, which had been founded by men of rank, was the first to proclaim universal suffrage, and to introduce the most democratic forms into the conduct of its government.

   When a nation modifies the elective qualification, it may easily be foreseen that sooner or later that qualification will be entirely abolished. There is no more invariable rule in the history of society: the further electoral rights are extended, the greater is the need of extending them; for after each concession the strength of the democracy increases, and its demands increase with its strength. The ambition of those who are below the appointed rate is irritated in exact proportion to the great number of those who are above it. The exception at last becomes the rule, concession follows concession, and no stop can be made short of universal suffrage.

   At the present day the principle of the sovereignty of the people has acquired, in the United States, all the practical development which the imagination can conceive. It is unencumbered by those fictions which have been thrown over it in other countries, and it appears in every possible form according to the exigency of the occasion. Sometimes the laws are made by the people in a body, as at Athens; and sometimes its representatives, chosen by universal suffrage, transact business in its name, and almost under its immediate control.

   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. All power centres in its bosom; and scarcely an individual is to be meet with who would venture to conceive, or, still less, to express, the idea of seeking it elsewhere. The nation participates in the making of its laws by the choice of its legislators, and in the execution of them by the choice of the agents of the executive government; it may almost be said to govern itself, so feeble and so restricted is the share left to the administration, so little do the authorities forget their popular origin and the power from which they emanate.