

# DEMOCRACY IN AMERICA.

BY

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TRANSLATED BY

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## CHAPTER XI.

## LIBERTY OF THE PRESS IN THE UNITED STATES.

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

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

I confess that I do not entertain that firm and complete attachment to the liberty of the press, which things that are supremely good in their very nature are wont to excite in the mind; and I approve of it more from a recollection of the evils it prevents, than from a consideration of the advantages it ensures.

If any one could point out an intermediate, and yet a tenable position, between the complete independence and the entire subjection of the public expression of opinion, I should perhaps be inclined to adopt it; but the difficulty is

to discover this position. If it is your intention to correct the abuses of unlicensed printing and to restore the use of orderly language, you may in the first instance try the offender by a jury; but if the jury acquits him, the opinion which was that of a single individual becomes the opinion of the country at large. Too much and too little has therefore hitherto been done: if you proceed, you must bring the delinquent before permanent magistrates; but even here the cause must be heard before it can be decided; and the very principles which no book would have ventured to avow are blazoned forth in the pleadings, and what was obscurely hinted at in a single composition is then repeated in a multitude of other publications. The language in which a thought is embodied is the mere carcass of the thought, and not the idea itself; tribunals may condemn the form, but the sense and spirit of the work is too subtile for their authority: too much has still been done to recede, too little to attain your end; you must therefore proceed. If you establish a censorship of the press, the tongue of the public speaker will still make itself heard, and you have only increased the mischief. The powers of thought do not rely, like the powers of physical strength, upon the number of their mechanical agents, nor can a host of authors be reckoned like the troops which compose an army; on the contrary, the authority of a principle is often increased by the smallness of the number of men by whom it is expressed. The words of a strong-minded man, which penetrate amidst the passions of a listening assembly, have more power than the vociferations of a thousand orators; and if it be allowed to speak freely in any public place, the consequence is the same as if free speaking was allowed in every village. The liberty of discourse must therefore be destroyed as well as the liberty of the press; this is the necessary term of your efforts; but if your object was to repress the abuses of liberty, they have brought you to the feet of a despot. You have been led from the extreme of independence to the

extreme of subjection, without meeting with a single tenable position for shelter or repose.

There are certain nations which have peculiar reasons for cherishing the liberty of the press, independently of the general motives which I have just pointed out. For in certain countries which profess to enjoy the privileges of freedom, every individual agent of the Government may violate the laws with impunity, since those whom he oppresses cannot prosecute him before the courts of justice. In this case the liberty of the press is not merely a guarantee, but it is the only guarantee of their liberty and their security which the citizens possess. If the rulers of these nations proposed to abolish the independence of the press, the people would be justified in saying: Give us the right of prosecuting your offences before the ordinary tribunals, and perhaps we may then waive our right of appeal to the tribunal of public opinion.

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

“In all this affair, the language of Jackson has been that of a heartless

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

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

America is perhaps, at this moment, the country of the whole world which contains the fewest germs of revolution; but the press is not less destructive in its principles than in France, and it displays the same violence without the same reasons for indignation. In America, as in France, it constitutes a singular power, so strangely composed of mingled good and evil, that it is at the same time indispensable to the existence of freedom, and nearly incompatible with the maintenance of public order. Its power is certainly much greater in France than in the United States; though nothing is more rare in the latter country than to hear of a prosecution having been instituted against it. The reason of this is perfectly simple: the Americans having

once admitted the doctrine of the sovereignty of the people, apply it with perfect consistency. It was never their intention to found a permanent state of things with elements which undergo daily modifications; and there is consequently nothing criminal in an attack upon the existing laws, provided it be not attended with a violent infraction of them. They are moreover of opinion that Courts of Justice are unable to check the abuses of the press; and that as the subtilty of human language perpetually eludes the severity of judicial analysis, offences of this nature are apt to escape the hand which attempts to apprehend them. They hold that to act with efficacy upon the press, it would be necessary to find a tribunal, not only devoted to the existing order of things, but capable of surmounting the influence of public opinion; a tribunal which should conduct its proceedings without publicity, which should pronounce its decrees without assigning its motives, and punish the intentions, even more than the language of an author. Whosoever should have the power of creating and maintaining a tribunal of this kind, would waste his time in prosecuting the liberty of the press; for he would be the supreme master of the whole community, and he would be as free to rid himself of the authors as of their writings. In this question, therefore, there is no medium between servitude and extreme licence; in order to enjoy the inestimable benefits which the liberty of the press ensures, it is necessary to submit to the inevitable evils which it engenders. To expect to acquire the former, and to escape the latter, is to cherish one of those illusions which commonly mislead nations in their times of sickness, when, tired with faction and exhausted by effort, they attempt to combine hostile opinions and contrary principles upon the same soil.

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

The liberty of writing, like all other liberty, is most formidable when it is a novelty; for a people which has never

been accustomed to co-operate in the conduct of State affairs, places implicit confidence in the first tribune who arouses its attention. The Anglo-Americans have enjoyed this liberty ever since the foundation of the settlements; moreover, the press cannot create human passions by its own power, however skilfully it may kindle them where they exist. In America politics are discussed with animation and a varied activity, but they rarely touch those deep passions which are excited whenever the positive interest of a part of the community is impaired: but in the United States the interests of the community are in a most prosperous condition. A single glance upon a French and an American newspaper is sufficient to show the difference which exists between the two nations on this head. In France the space allotted to commercial advertisements is very limited, and the intelligence is not considerable, but the most essential part of the journal is that which contains the discussion of the politics of the day. In America three quarters of the enormous sheet which is set before the reader are filled with advertisements, and the remainder is frequently occupied by political intelligence or trivial anecdotes: it is only from time to time that one finds a corner devoted to passionate discussions like those with which the journalists of France are wont to indulge their readers.

It has been demonstrated by observation, and discovered by the innate sagacity of the pettiest as well as the greatest of despots, that the influence of a power is increased in proportion as its direction is rendered more central. In France the press combines a twofold centralization; almost all its power is centred in the same spot, and vested in the same hands, for its organs are far from numerous. The influence of a public press thus constituted, upon a sceptical nation, must be unbounded. It is an enemy with which a Government may sign an occasional truce, but which it is difficult to resist for any length of time.

Neither of these kinds of centralization exists in America.

The United States have no metropolis ; the intelligence as well as the power of the country are dispersed abroad, and instead of radiating from a point, they cross each other in every direction ; the Americans have established no central control over the expression of opinion, any more than over the conduct of business. These are circumstances which do not depend on human foresight ; but it is owing to the laws of the Union that there are no licences to be granted to printers, no securities demanded from editors as in France, and no stamp duty as in France and England. The consequence of this is that nothing is easier than to set up a newspaper, and a small number of readers suffices to defray the expenses of the editor.

The number of periodical and occasional publications which appears in the United States actually surpasses belief. The most enlightened Americans attribute the subordinate influence of the press to this excessive dissemination ; and it is adopted as an axiom of political science in that country, that the only way to neutralize the effect of public journals is to multiply them indefinitely. I cannot conceive that a truth which is so self-evident should not already have been more generally admitted in Europe ; it is comprehensible that the persons who hope to bring about revolutions, by means of the press, should be desirous of confining its action to a few powerful organs, but it is perfectly incredible that the partisans of the existing state of things, and the natural supporters of the laws, should attempt to diminish the influence of the press by concentrating its authority. The Governments of Europe seem to treat the press with the courtesy of the knights of old ; they are anxious to furnish it with the same central power which they have found to be so trusty a weapon, in order to enhance the glory of their resistance to its attacks.

In America there is scarcely a hamlet which has not its own newspaper. It may readily be imagined that neither discipline nor unity of design can be communicated to so

multifarious a host, and each one is consequently led to fight under his own standard. All the political journals of the United States are indeed arrayed on the side of the administration or against it; but they attack and defend it in a thousand different ways. They cannot succeed in forming those great currents of opinion which overwhelm the most solid obstacles. This division of the influence of the press produces a variety of other consequences which are scarcely less remarkable. The facility with which journals can be established induces a multitude of individuals to take a part in them; but as the extent of competition precludes the possibility of considerable profit, the most distinguished classes of society are rarely led to engage in these undertakings. But such is the number of the public prints, that even if they were a source of wealth, writers of ability could not be found to direct them all. The journalists of the United States are usually placed in a very humble position, with a scanty education and a vulgar turn of mind. The will of the majority is the most general of laws, and it establishes certain habits which form the characteristics of each peculiar class of society; thus it dictates the etiquette practised at courts and the etiquette of the bar. The characteristics of the French journalist consist in a violent, but frequently an eloquent and lofty, manner of discussing the politics of the day; and the exceptions to this habitual practice are only occasional. The characteristics of the American journalist consist in an open and coarse appeal to the passions of the populace; and he habitually abandons the principles of political science to assail the characters of individuals, to track them into private life, and disclose all their weaknesses and errors.

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

denied that the effects of this extreme licence of the press tend indirectly to the maintenance of public order. The individuals who are already in the possession of a high station in the esteem of their fellow-citizens, are afraid to write in the newspapers, and they are thus deprived of the most powerful instrument which they can use to excite the passions of the multitude to their own advantage.<sup>1</sup>

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

But although the press is limited to these resources, its influence in America is immense. It is the power which impels the circulation of political life through all the districts of that vast territory. Its eye is constantly open to detect the secret springs of political designs, and to summon the leaders of all parties to the bar of public opinion. It rallies the interests of the community round certain principles, and it draws up the creed which factions adopt; for it affords a means of intercourse between parties which hear, and which address each other, without ever having been in immediate contact. When a great number of the organs of the press adopt the same line of conduct, their influence becomes irresistible; and public opinion, when it is perpetually assailed from the same side, eventually yields to the attack. In the United States each separate journal exercises but little authority: but the power of the periodical press is only second to that of the people.<sup>2</sup>

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

<sup>2</sup> See Appendix, P.

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

In the United States the democracy perpetually raises fresh individuals to the conduct of public affairs; and the measures of the administration are consequently seldom regulated by the strict rules of consistency or of order. But the general principles of the Government are more stable, and the opinions most prevalent in society are generally more durable than in many other countries. When once the Americans have taken up an idea, whether it be well or ill founded, nothing is more difficult than to eradicate it from their minds. The same tenacity of opinion has been observed in England, where, for the last century, greater freedom of conscience and more invincible prejudices have existed than in all the other countries of Europe. I attribute this consequence to a cause, which may at first sight appear to have a very opposite tendency, namely, to the liberty of the press. The nations amongst which this liberty exists are as apt to cling to their opinions from pride as from conviction. They cherish them because they hold them to be just, and because they exercised their own free-will in choosing them; and they maintain them, not only because they are true, but because they are their own. Several other reasons conduce to the same end.

It was remarked by a man of genius that 'ignorance lies at the two ends of knowledge.' Perhaps it would have been more correct to have said, that absolute convictions are to be met with at the two extremities, and that doubt lies in the middle; for the human intellect may be considered in three distinct states, which frequently succeed one another.

A man believes implicitly, because he adopts a proposition without inquiry. He doubts as soon as he is assailed by the objections which his inquiries may have aroused. But he frequently succeeds in satisfying these doubts, and

then he begins to believe afresh : he no longer lays hold on a truth in its most shadowy and uncertain form, but he sees it clearly before him, and he advances onwards by the light it gives him.<sup>1</sup>

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

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

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

<sup>1</sup> It may, however, be doubted whether this rational and self-guiding conviction arouses as much fervour or enthusiastic devotedness in men as their first dogmatical belief.

in defence of their opinions, but they are rarely inclined to change them ; and there are fewer martyrs as well as fewer apostates.

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

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