

REVIEW ESSAY

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Democracy—and Documents— in America

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Democracy in America

By Alexis de Tocqueville. Translated, edited, and with an introduction by Harvey C. Mansfield and Delba Winthrop. Chicago: University of Chicago Press, 2000. xciii, 722 pp. Map. Bibliography. Index. \$35.00. ISBN 0-2268-05328.

Alexis de Tocqueville's *Democracy in America* ranks high on the list of famous books that few people have ever actually read. Published in two volumes in 1835 and 1840, the insightful meditation on the young United States is well known by reputation, discussed in history classes at every level, and mined for quotation by social scientists, politicians, and commentators on public affairs. Its discussion of the "tyranny of the majority" and how a successful democracy controls the abuses inherent in its otherwise benign system is rightly considered a classic of political theory. Only a fraction of those who lionize the book, however, or draw on it for particular, frequently ahistorical, purposes have ever sat down and read it through, cover to cover. Indeed, such an undertaking requires effort, for *Democracy in America* is a grand nineteenth-century literary edifice whose style seems foreign to early twenty-first-century readers. If one's attention flags, Tocqueville's larger design and logical flow may be lost in the welter of detail. No wonder, then, that we have been disposed to use it selectively for our own purposes rather than try to take it whole, on its own terms.

The appearance of a new translation and edition, however, commands our attention, and it ought to encourage us to study this seminal American text

afresh. Harvey C. Mansfield and Delba Winthrop, respectively the William R. Kenan Professor of Government and the Administrator of the Program on Constitutional Government at Harvard, have provided the opportunity to do so. Several earlier translations have been available for years, most of them in two volumes and some of them in paperback. In addition, there are less satisfactory abridgements, issued no doubt in the hope that readers will at least encounter some of the book. These previous editions have been serviceable enough, and some reviewers have even preferred them to the current translation.¹ Even so, the virtues of this new edition are many, not least the single-volume format, but more especially the extended, thoughtful introduction and the helpful notes, which supplement the author's own. Of particular interest to archivists, librarians, and others in the information professions will be the subtle but recurrent role for records and documents which Tocqueville identified in the success of American democracy. Without ever speaking of "accountability" (this was still a new word in English in Tocqueville's lifetime, and there was no precise French equivalent), *Democracy in America* recognized that records might serve that crucial purpose in a free society.² Because citizens could call their public officials to answer for their actions through the documentary evidence of those actions, the theoretical virtues of democracy could be made real. Moreover, the easy accessibility which citizens had to information in all forms helped undergird a society in which privilege and power, potent and grasping though they might be, would always face countervailing forces. The documentary basis for American democracy is thus worthy of examination.

The story of Alexis de Tocqueville and his extended love affair with the new American nation is familiar enough in broad outline. Born in 1805, Tocqueville was part of a long Norman line that traced itself back to the time of William the Conqueror and that had managed, more recently, to escape some of the worst terrors of the French Revolution: only one of his grandfathers was guillotined. Unabashedly liberal in contemporary politics, Tocqueville devoted himself to reform causes, serving as an elected legislator and, briefly, as minister of foreign affairs in the Second Republic. Before that, however, he had undertaken the trip to America that secured his historical reputation. Landing at Newport, Rhode Island, in the spring of 1831, he and Gustave de Beaumont, a sometime novelist, had been assigned by their government to

¹ See, for example, the grudging praise for this edition from Caleb Crain in "Tocqueville for the Neocons," *New York Times Book Review*, January 21, 2001, 11–12; Crain's review gets sidetracked by focusing on the irrelevant topic of Mansfield's present-day political opinions. See also the fuller and better informed treatment in Gordon S. Wood, "Tocqueville's Lesson," *New York Review of Books* 48 (May 17, 2001): 46–49.

² The *Oxford English Dictionary* gives 1794 as the first (and, coincidentally, American) appearance of "accountability"; the closest word in French is probably *responsabilité*, which means other things as well. On this whole subject, see Richard J. Cox and David Wallace, eds., *Archives and the Public Good: Accountability and Records in Modern Society* (Westport, Conn.: Quorum Books, 2002).

study the prison system in the United States, with a view toward recommending reforms at home. For nine months they toured the country by horse, stagecoach, and steamboat (one of which sank under them). After a quick stop at New York City, they headed immediately for the frontier through Buffalo and across the Great Lakes to Wisconsin, which was then the edge of settlement. Turning east again through Ontario and Quebec, they stopped in the major cities of the East Coast, including Boston, Philadelphia, and Baltimore. Then it was inland again to Pittsburgh, and after that they rode the interconnecting rivers down to Cincinnati, Memphis, and New Orleans. A long arc through the South brought them finally to Washington, after which they returned to New York and thence home by March of 1832. The literary output of this arduous trek was impressive. The promised report on prisons was quickly prepared and almost as quickly forgotten, and Beaumont published his perceptive novel, *Marie; or Slavery in the United States*, in 1835. The first volume of Tocqueville's *De la Democratie en Amerique* also appeared that year and was an immediate sensation, winning a wide readership. The second volume of five years later was less successful with the public, though it was deeper and more sophisticated in its analyses. By the time of his death from tuberculosis in 1859, Tocqueville was famous on both sides of the Atlantic for this enduring masterpiece.³

Tocqueville's attention to records and documents may have derived in part from the fact that he studied and used many of them in the course of his travels. "When a point could be established with the aid of written documents," he explained in his introduction, "I took care to recur to original texts and to the most authentic and esteemed works" (p. 14). He thanked by name Edward Livingston, secretary of state in the Jackson administration, who had permitted him to examine original archival records, still in the possession of the State Department more than a century before the establishment of a national archives in the United States (p. 14, n. 2; all notes cited here are Tocqueville's own). He also made use of some of the published collections of American historical records that had begun to appear by then as part of the effort to preserve archives by "multiplying the copies" of them. In particular, he studied the *Historical Collections* assembled by Ebenezer Hazard in 1792; these constituted "a very great number of documents precious for their content," he said (p. 36, n. 13). In the same way, he drew original source material from the series of

³ There is, of course, a substantial secondary literature on both book and author. In addition to the introduction to the present edition, see also George W. Pierson, *Tocqueville in America* (New York: Oxford University Press, 1938; reissued, Baltimore: Johns Hopkins University Press, 1996); James T. Schleifer, *The Making of Tocqueville's "Democracy in America"* (Chapel Hill: University of North Carolina Press, 1980); and Andre Jardin, *Tocqueville: A Biography*, trans. Lydia Davis with Robert Hemenway (New York: Farrar Straus Giroux, 1988). The notebooks Tocqueville kept during his travels have also been published as *Journey to America*, trans. George Lawrence, ed. J. P. Mayer (Westport, Conn.: Greenwood Press, 1959). Tocqueville is also remembered for his 1856 historical study of his own country, *The Old Regime and the French Revolution*, still in print and widely known for its theory that revolutions occur not when conditions are at their worst, but only after they begin to improve.

published *Collections* of the Massachusetts Historical Society, which had begun publication in 1793 (p. 330, n. 34).⁴

Tocqueville also paused in his text to analyze particular documents which seemed crucial in establishing and preserving American democracy and in capturing its essential characteristics. Reference to the Declaration of Independence was absent, a circumstance that supports the conclusion of many present-day historians that the reputation of that “charter of freedom” was uncertain in the period before the Civil War.⁵ He devoted a long chapter to the Constitution, but he was more interested in its distribution of powers than in the document itself. He cited numerous provisions in several state constitutions as well, but again his interests were structural, not documentary. He did, however, reproduce the text of the Mayflower Compact, drawn from the most recent published edition of it then available.⁶ This document held great significance for Tocqueville, since it showed the essence of American democracy from the very beginning. That the first English settlers decided, on their own, to “covenant and combine ourselves together into a civil body politick” turned America decisively in a new direction. “While the hierarchy of ranks still classed men despotically in the mother country,” he concluded, “the colony more and more offered a new spectacle of a society homogeneous in all its parts. Democracy such as antiquity had not dared to dream of sprang full-grown and fully armed from the midst of the old feudal society” (p. 35). In the same way, he reproduced the text of the Cherokee Memorial of 1829, a copy of which he had obtained from the collections of legislative documents still held by the Congress (p. 323–24). This came in his searing discussion of “the three races that inhabit the territory of the United States,” a topic about which he was decidedly pessimistic. He took the time to reproduce an extended excerpt from the document, apparently out of sympathy for the Cherokees and other tribes, then being removed from their traditional homelands in the southeast for unsettled lands to the west. Finding national and state governments “equally lacking in good faith,” he concluded

⁴ Louis Leonard Tucker, *The Massachusetts Historical Society: A Bicentennial History, 1791–1991* (Boston: Massachusetts Historical Society, 1995), 30–32. In a more extended note (pp. 683–89), Tocqueville called the MHS *Collections* “a very curious compilation” (p. 685), perhaps because the series seemed miscellaneous to him; even so, these volumes contained “a host of precious documents, . . . authentic pieces that were buried in provincial archives.” The Society did not hold this mild editorial reproof against Tocqueville, making him an honorary member two years before his death, then only the second person to have been so designated; see Tucker, *The Massachusetts Historical Society*, 484.

⁵ See, for example, Pauline Maier, *American Scripture: Making the Declaration of Independence* (New York: Alfred A. Knopf, 1997), esp. ch. 4, and Garry Wills, *Lincoln at Gettysburg: The Words That Remade America* (New York: Simon & Schuster, 1992).

⁶ The original manuscript of the Mayflower Compact, copied into the diary of Governor William Bradford of the Plymouth Colony, had been lost (probably taken to England by British soldiers during the Revolution) and was not rediscovered until later in the nineteenth century, at which time it was returned to America. For its history, see the introduction to William Bradford, *Of Plymouth Plantation, 1620–1647*, ed. Samuel Eliot Morison (New York: Alfred A. Knopf, 1970), xxvii–xl. Tocqueville used the version of the text in an 1826 edition of Nathaniel Morton’s *New England Memorial*, first published in 1669.

that the Indians were justified in objecting that this policy was depriving them of “their rights and their country,” though he considered such an outcome “inevitable.” Where original sources helped demonstrate his larger themes, Tocqueville depended on them and let his readers see them.

More broadly, the ways in which records and recordkeeping processes had penetrated into American public life impressed Tocqueville enough for him to return to the subject repeatedly. The routine activities of government, seemingly devoid of larger theoretical importance, in fact served to reinforce American commitment to democracy. This was especially true in the case of local government. The town, “that fertile seed of free institutions” (p. 29), particularly in its New England incarnation, was for Tocqueville the quintessential democratic entity. It was “in the township that the force of free peoples resides,” he said (p. 57); “without the institutions of a township a nation can give itself a free government, but it does not have the spirit of freedom” (pp. 57–58). Towns had the virtue of being small—he used a little rough math to determine that the average town in Massachusetts contained only about two thousand people (p. 58, n. 1)—and they also benefited from having a large number of offices, each with its own special duties. Political authority flowed upward from below, rather than the other way around. In France, he pointed out, “the central government lends its officials to the township; in America, the township lends its officials to the government” (p. 63); even national taxes were collected by local officers, for example. The democratic effect was self-strengthening. “See with what art they have taken care in the American township, if I can express myself so, to *scatter* power in order to interest more people in public things” (p. 64).

The normal administration of those “public things,” including the making and maintaining of records, contributed to the success of democracy in American towns, and the pattern had been set “from the origin” of settlement. “Public registers in which the result of general deliberations, deaths, marriages, [and] the birth of citizens were inscribed” were mandated, he noted, and “clerks were assigned for the keeping of those registers” (p. 41). This attention to records implied a more “complete idea of the duties of society toward its members” than was common in Europe, where citizens were more likely to be reminded of their duties to the state. The most important of these local recordkeepers was the town clerk, who “records all deliberations,” (p. 60) in addition to keeping track of the vital records of inhabitants. Tocqueville had studied the role of the town clerk closely, and he referred in several notes (p. 59, n. 3; 61, n. 6; 68, n. 14) to what had become the standard guidebook for this and other local positions, Goodwin’s *Town Officer*.⁷ Based on earlier English models, Isaac Goodwin’s manual of 1829 described the responsibilities of every position in town government, from assessors and tythingmen to overseers of the poor and viewers of fences. Twenty

⁷ Isaac Goodwin, *Town Officer: or, Laws of Massachusetts Relative to the Duties of Municipal Officers*, 2nd ed. (Worcester: Dorr and Howland, 1829).

pages were given over to the duties of the town clerk, together with examples of the forms the clerk was to use both in keeping certain records and in filing reports, whether with the selectmen, the town meeting, or state officials. “Particular care should be taken” in making records “clearly and distinctly,” Goodwin urged, “as town officers cannot lawfully execute the duties of their offices” without them. “It is true that the Clerk may in some instances amend his record, while in office; but he acts at his peril as to the truth of his amendments.” The very ordinariness of such recordkeeping and the expectations it created among the people appealed to Tocqueville. Town clerks could, for example, “post the names of drunkards in taverns and prevent inhabitants from furnishing them with wine under penalty of fine” (p. 197). So much authority would be suspect in France, he thought, but it was accepted in America because the local officials who exercised it were so dependent on the people, who could detect any abuses immediately and act to correct them.⁸

Tocqueville even found an advantage in the system whereby town clerks and other officials charged fees for performing their duties and furnishing attested copies of the records in their custody. It was important, of course, that town officers be compensated for their work, in order to guarantee that “poor citizens can devote their time to them without suffering disadvantage from it.” But it was a piece of genius, he thought, to construct a system in which there were no fixed salaries. Rather, “each act of their ministry has a price, and they are paid only in proportion to what they have done” (p. 61). Goodwin had specified what some of those fees were, precisely at the time that Tocqueville was making his tour and discussing with individual town clerks the nature of their work. Recording a birth or death cost eight cents, for instance, and providing a certificate of the same later on cost ten cents. As usual, marriage was more expensive. The making of that record, which also entailed publishing the banns three times beforehand, cost fifty cents. The recording of deeds required the filer to pay twelve cents per page and, lest disputes arise, a page was even defined as consisting of two hundred and twenty-four words. Thus, clerks derived income from their work, but they also faced the prospect of being fined if they neglected it. Failure to make the bimonthly report to the county register of deeds on what they had done to locate the rightful owners of lost money or property could cost clerks forty cents for each dereliction.⁹

If documents pervaded town government, so too did they play a crucial role in state, territorial, and national affairs. “It is enough to cast a glance at the

⁸ See Tocqueville’s general discussion of this, “On the Arbitrariness of Magistrates under the Empire of American Democracy,” *Democracy in America*, 196–98. Goodwin, *Town Officer*, 259–63, specified the other broad powers of clerks, including the responsibility to “prevent profane cursing and swearing” and to “prevent routs, riots, and tumultuous assemblies, and the evil consequences thereof.” Both of these were to be accomplished by the reading of the relevant acts of the state legislature aloud at the beginning of the annual town meeting, and clerks could be fined ten dollars if they failed to do so.

⁹ Goodwin, *Town Officer*, 256–58.

archives of the different states of the Union,” Tocqueville concluded, “to be convinced that in America the action of the legislator never slows” (p. 238). In the half century since 1780, he noted with amazement, the acts passed by the Massachusetts legislature filled “three large volumes,” and that was only after removing many of them that were “old or had become purposeless” (p. 238, n. 2). Particular state responsibilities, such as the supervision of education, were likewise dependent on documentary processes. Not only did every college need a charter from the appropriate legislature in order to operate, but “surveillance and control” were exercised over these institutions through the filing of regular reports. The regents of public instruction in New York, for example, were required to visit schools annually and make a report to the legislature; this oversight was “no illusion,” Tocqueville said (p. 78 and 78, n. 40), but was instead taken seriously by all concerned. The courts and legal affairs in general were likewise grounded in documentary processes, and these helped diminish the chances that disputes would fester and disrupt the community as a whole. In his generally positive assessment of the role of lawyers, Tocqueville singled out their “taste for forms” as promoting “habits of order” among themselves and among those they represented (p. 252). At the very least, this attention to detail, symbolized by the reliance on forms, served as a protection against “lapses in democracy” and a “brake that moderates and arrests” the passions of the moment (pp. 251 and 256).

American democracy was not bolstered only by the commonplace records of government, however, but also by the ease with which written and printed documents—indeed, information of all kinds—circulated throughout society, without distinction of persons. The American postal system impressed Tocqueville deeply for its ability as easily “to deposit enlightenment on the doorstep of the poor man’s hut as at the portal of the palace” (p. 5–6). The comparable system in France, though older, had collapsed almost completely with the Revolution and had not fully recovered by Tocqueville’s day.¹⁰ Even more potent in disseminating information was the output of American printing presses. Newspapers were everywhere, making them almost “the only historical monuments of the United States” (p. 198).¹¹ He was affected enough by a visit to a bookseller’s shop to devote an entire chapter (pp. 445–49) to the subject in *Democracy in America*’s second volume. Many of the authors whose works he found on those shelves were unfamiliar, but the variety of available titles—

¹⁰ See the discussion of the French and other European postal systems in Daniel R. Headrick, *When Information Came of Age: Technologies of Knowledge in the Age of Reason and Revolution, 1700–1850* (New York: Oxford University Press, 2000), 183–89.

¹¹ By “historical monuments,” Tocqueville meant archives (in the older sense of “muniments”), and he was essentially correct. There was no archives for the national government in the 1830s, and few states had taken any systematic steps to preserve their records by then. “It is so difficult to collect documents bearing on past events,” Tocqueville quoted an American as saying in January 1832, recording the conversation in his notebooks; “the evidence vanishes at an incredible rate.” See *Journey to America*, 116.

religious tracts, commentaries on public affairs, treatises on every branch of human knowledge, reprints of popular British novels—attested to a widespread desire for learning and to the free flow of information. “There is scarcely a pioneer’s cabin where one does not encounter some odd volumes of Shakespeare,” for instance. While such expressly literary interests were still new, “one nevertheless meets a great many individuals . . . who are interested in things of the mind and who make them if not the study of their whole lives, at least the charm of their leisure” (p. 445). The specifically political uses of broad information dissemination were also central to the vigor of American democracy. “By the power of printing,” the case against a particular government proposal in 1831 “circulated in a few days from Maine to New Orleans,” thereby serving to demonstrate that “the freedom to associate for political goals is unlimited” (p. 182).¹²

Access to information depended on widespread literacy—“democratic government . . . always supposes the existence of a very civilized and very learned society” (p. 199)—and Tocqueville offered several observations on the spread of letters in America, as evidenced by “the ever-growing crowd of readers” (p. 450).¹³ It was true that many societal processes still depended as much on oral tradition as on clearly written rules. The “administrative instability” that came with constant turnover in office holding (a good thing in itself, he thought) meant that “public administration there [i.e., in America] is in a way oral and traditional. It is not written, or what is written flies off at the least wind.” In proof of that, Tocqueville said that he had even brought back home with him some “original pieces [i.e., documents] that were given to me by public administrators to respond to some of my questions” (p. 198). But literacy was increasingly recognized as supplanting orality, even if the transition was not yet complete. He was surprised, upon attending a session of the House of Representatives in Washington, for example, to learn that “in a country where instruction is almost universally widespread, it is said that the people’s representatives do not always know how to write correctly” (p. 191). More sinister were the efforts to suppress literacy among black slaves, a policy that had not been a feature of slavery in the ancient world. “Americans of the South,” however, had “forbidden, under severe penalties, teaching them [i.e., slaves] to read and write. Not wanting to elevate them to their level, they hold them down as close as possible to the brute” (p. 347). Still, in the end, access to literacy and its advantages was probably too powerful to resist, as the example of the Cherokee nation seemed to demonstrate. Noting the rapid spread of native reading and writing following

¹² Tocqueville did not specifically identify this incident, but it occurred in one of the early rounds of the tariff and nullification controversies in the Jackson administration.

¹³ There has been a welcome growth of interest in this topic in recent years. See, for example, Richard D. Brown, *Knowledge Is Power: The Diffusion of Information in Early America, 1700–1865* (New York: Oxford University Press, 1989); David M. Henkin, *City Reading: Written Words and Public Spaces in Antebellum New York* (New York: Columbia University Press, 1998); and Isabelle Lehuu, *Carnival on the Page: Popular Print Media in Antebellum America* (Chapel Hill: University of North Carolina Press, 2000).

the introduction of a written syllabary barely a decade before, Tocqueville drew a straight line between that development and the establishment of “a stable enough form of government” for the tribe, adding with mild condescension that “they had a newspaper before they all had clothes” (p. 315).¹⁴

To focus only on Tocqueville’s discussion of written records is, of course, to risk overlooking his thick forest of ideas by searching out only one particular genus of tree. Even archivists who read *Democracy in America* will rightly pay more attention to the larger themes he identified in American life. His observations on the national character and on American commitments to democracy, equality, and freedom surely deserve more reflection than his specific remarks on the roles which documents play in those commitments. But ours is an age in which democratic institutions seem newly challenged, and it is also an age in which the nature of records is changing dramatically. Continued technological innovation, along with shifting interpretations of such notions as privacy and intellectual property, demand that we think again about the familiar processes and meanings of recordkeeping. If the study of history is valuable at all, surely these earlier insights might prompt some of our own. For that reason, Alexis de Tocqueville can still speak to us across nearly two centuries; we should allow him to do so.

¹⁴ The development of a written Cherokee language presents a very interesting case study of advancing literacy. The 86 symbols were invented about 1819 by Sequoyah, a monolingual Cherokee chief, solely for the purpose of capturing the sounds of his native language, and not for translating English texts (such as the Bible), as earlier written Indian languages had been; see Willard Walker and James Sarbaugh, “The Early History of the Cherokee Syllabary,” *Ethnohistory* 40 (Winter 1993): 70–94.