

Lesson One. Worksheet A (teacher version) Omnipotence of the Majority in the United States and Its Effects

[The section is taken from Volume 2, Part 2, Chapter 7, of *Democracy in America*, “Of the Tyranny of the Majority.” The recent critical edition published by the Liberty Fund, translated by James Schleifer and freely available online, has been used. However, the text has been rearranged and academic vocabulary terms have been bolded and defined. Students should be encouraged to look up in a good dictionary, the words they do not know, as this will help them better understand the passage.]

The very **essence** of democratic governments is that the **dominion** of the majority be **absolute**; for, in democracies, nothing outside of the majority can offer resistance. Most of the American [state] constitutions have also sought to **augment** this natural strength of the majority artificially. (1)

Of all political powers, the legislature is the one that most willingly obeys the majority. The Americans have wanted the members of the legislature to be named *directly* by the people, and for a *very short* term, in order to force them to submit not only to the general views, but also to the daily passions of their **constituents**.

They have taken the members of the two houses from the same classes and named them in the same way; in this way, the movements of the legislative body are almost as rapid and no less **irresistible** than those of a single assembly.

Within the legislature thus constituted, the Americans gathered together nearly the entire government.

At the same time that the law increased the strength of powers that were naturally strong, it weakened more and more those that were naturally weak. It gave to the representatives of the executive power neither stability nor **independence**; and, by subjecting them completely to the **caprices** of the legislature, it took from them the little influence that the nature of democratic government would have allowed them to exercise.

In several states, the law delivered the **judicial** power to election by the majority; and in all, it made the existence of the judicial power dependent, in a way, on the legislative power, by leaving to the representatives the right to fix the salaries of judges annually.

Customs have gone still further than the laws.

In the United States, a custom is spreading more and more that will end by making the guarantees of representative government empty; it happens very frequently that the voters, while naming a deputy, trace a plan of conduct for him and impose on him a certain number of definite obligations from which he cannot deviate in any way. Except for the **tumult**, it is as if the majority itself **deliberated** in the public square.

Footnote 1.

We have seen, at the time of the examination of the federal constitution, that the law-makers of the Union made contrary efforts. The result of these efforts was to make the federal government more independent in its sphere than the government of the states. But the federal government is scarcely in charge of anything except foreign affairs; the state governments really run American society.

Text-Dependent Question	Evidence-Based Answer
What does the word “omnipotence” in the title mean?	In Latin, <i>omni</i> = all, and <i>potence</i> = power; e.g., all powerful, without any restrictions on that power.
Tocqueville’s first sentence is the underlying thesis for his entire argument. Try to put his thought in your own words. How does it relate to the title of the chapter?	Democracy in its pure form (“very essence”) means majority rule. In a pure democracy there is no principle for those who disagree to “offer resistance.”
What level of the government is Tocqueville referring to in his second sentence?	State governments rather than the federal government. Be sure to note however that Tocqueville says “state governments really run American society”.
Read footnote 1. What is he saying here about the difference between state constitutions and the federal constitution?	Attachment to the idea of majority rule leads to artificially heightening of the power of the majority in the states. The framers of the federal constitution possessed enough wisdom to erect temporary barriers to the majority’s will.
State two ways that the state constitutions increase the power of the majority. What is Tocqueville’s view of these features?	<ol style="list-style-type: none"> 1. Direct election of both houses of the legislature; 2. Both houses have very short terms. <p>The reference to the “daily passions” of the constituents indicates the problem. As Madison notes in <i>Federalist Papers No. 10</i> and <i>No. 51</i>, representative government should rest on the reason of the public, not their immediate and fluctuating daily passions.</p>
Give two ways that the state constitutions weakened the other branches of the government?	Most of the powers are given to the legislature. The executive and judiciary are made dependent on the legislature. The U.S. Constitution makes the executive and

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	judiciary independent within their proper spheres. They also share important powers with the legislature making their assent necessary to the working of the government.
What “custom” does Tocqueville identify in the last paragraph?	Binding the representatives to a pre-determined course of voting.
According to <i>Federalist No. 10</i> , good representatives are supposed to “refine and enlarge the public views by passing them through the medium of a chosen body of citizens whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations.” Why might the custom of pledged delegates negate this possibility?	Pledged delegates have little or no “wiggle room” to deliberate for the common good. They become passive agents of the majority.

Academic Vocabulary

Definition

Omnipotence	unlimited power
Essence	basic nature of a thing
Dominion	power to rule
Absolute	complete and total; without limits
Augment	to increase the size or power of something
Constituent	component part of something
Irresistible	too powerful to be resisted
Independent	thinking of acting for oneself
Caprices	unpredictable changes
Judicial	of courts and the legal system
Obligation	binding promise or duty
Tumult	riot
Deliberate	careful consideration
Custom	manners, ways of doing things