

Lesson Two Worksheet (teacher version) “Tyranny of the Majority”

The section is taken from Volume 1, 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, freely available online, and has been used. However, the text has been rearranged, edited, and academic vocabulary terms have been bolded and defined. Students should be encouraged to look up words they do not know as this will help them better understand the passage.

Activity One: An Important Footnote

Text	Teaching Notes
<p>In Baltimore, at the time of the War of 1812, a striking example was seen of the excesses to which the despotism of the majority can lead. At this time the war was very popular in Baltimore. A newspaper that was strongly against the war aroused the indignation of the inhabitants by its conduct. The people gathered, broke the presses, and attacked the newspaper office. Some wanted to call the militia, but it did not answer the call. In order to save the unfortunate journalists, who were threatened by the public furor, it was decided to put them in jail, like criminals. This precaution was useless; during the night, the people gathered again; the magistrates were unable to get the militia to come; the prison was forced open; one of the journalists was killed on the spot; the others were left for dead; the guilty, brought before a jury, were acquitted.</p> <p>I said one day to an inhabitant of Pennsylvania: “Please explain to me why, in a state founded by Quakers and renowned for its tolerance, emancipated Negroes are not allowed to exercise the rights of citizens. They pay taxes; isn’t it just that they vote?”—“Don’t insult us, he answered, by thinking that our legislators have committed such a gross act of injustice and intolerance.”—“So, among you, Blacks have the right to vote?”—“Undoubtedly.”—“Then, how come at the polling place this morning, I did not see a single one in the crowd?”—“This is not the fault of the law,” the American said to me; “Negroes, it is true, have the right to present themselves at elections, but they abstain voluntarily it seems.”—“That is very modest of them.”—“Oh! it isn’t that they refuse to go, but they are afraid that they will be mistreated there. Among us, it sometimes happens that the law lacks force when the majority does not support it. Now,</p>	

Tocqueville: Lesson Two. The Tyranny of the Majority

<p>the majority is imbued with the greatest prejudices against Negroes, and magistrates do not feel they have the strength to guarantee to the latter the rights that the legislator has conferred.”—“What! The majority which has the privilege of making the law, also wants to have that of disobeying the law?”</p>	
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Activity Two: “An Impious and Detestable Maxim”

Text	Teaching Notes
<p>[The Maxim]</p> <p>I regard as impious and detestable this maxim that in matters of government the majority of a people has the right to do anything, and yet I consider that the will of the majority is the origin of all powers. Do I contradict myself?</p> <p>... I think that a social power superior to all others must always be placed somewhere, but I believe liberty is in danger when this power encounters no obstacle that can check its course and give it time to moderate itself.</p>	<p>Tocqueville reaffirms that the people are the source of all power in a democracy. At the same time, he also asserts that the idea that the majority can do no wrong is an “impious and detestable” one.</p> <p>Ask students: what do these two adjectives mean? Why would Tocqueville use such strong emotive language? Why would he use these particular terms? [<i>One answer would be to highlight his appeal to the religious (“impious”) and moral (“detestable”) conscience of his readers.</i>]</p> <p>Tocqueville clarifies this thought: In order to protect liberty, one must have resources both in government and in public opinion to check and moderate popular will. The question he raises is whether Americans in the 1830s even realized they need these resources. And then, once they do, what the resources are.</p>
<p>[Why the Maxim is Impious and Detestable]</p>	

Omnipotence in itself seems to me something bad and dangerous. Its exercise seems to me beyond the power of man, whoever he may be; and I see only God who can, without danger, be all powerful, because his wisdom and his **justice** are always equal to his power. So there is no authority on earth so respectable in itself, or vested with a right so sacred, that I would want to allow it to act without control or to dominate without obstacles. So when I see the right and the ability to do everything granted to whatever power, whether called people or king, democracy or aristocracy, whether exercised in a monarchy or a republic, I say: the seed of **tyranny** is there and I try to go and live under other laws.

What I most criticize about democratic government as it has been organized in the United States, is not its weaknesses as many people in Europe claim, but on the contrary, its irresistible strength. And what repels me the most in America is not the extreme **liberty** that reigns there; it is the slight guarantee against **tyranny** that is found.

When a man or a party suffers from an injustice in the United States, to whom do you want them to appeal? To public opinion? That is what forms the majority. To the legislative body? It represents the majority and blindly obeys it. To the executive power? It is named by the majority and serves it as a passive instrument. To the police? The police are nothing other than the majority under arms. To the jury? The jury is the majority vested with the right to deliver judgments. The judges themselves, in certain states, are elected by the majority. However iniquitous or unreasonable the measure that strikes you may be, you must therefore submit to it

While the people in a democracy are the source of all power, it is dangerous for them to view themselves as all powerful. Only God can be trusted with such power because he combines it with wisdom and justice. Tocqueville here appeals to religion and humility of the American people.

Tocqueville is repelled by the doctrines of absolute power preached by Enlightenment political thinkers and the absence of protections for civil and political liberty in the law and in public opinion.

He follows this up with a picture of the terrible plight of the individual or party that has suffered injustice at the hands of the majority.

Tocqueville asks, to whom or what can this aggrieved individual or group appeal in a democracy? Every institution (public opinion, legislature, police, jury, judges) derives its power from the people. And so one must submit or flee. Where is liberty and by implication human dignity in such a system?

Ask students: What kind of appeal is Tocqueville making here? Evaluate the effectiveness of these appeals.

Tocqueville: Lesson Two. The Tyranny of the Majority

	<p>A correct answer would combine all of these appeals: Compassion for the underdog; pride in being a citizen of a free country and treating one’s fellow citizens with dignity; a <i>prudential</i> appeal, i.e., it is in the long-term self-interest of the majority to avoid driving fellow citizens into despair, underground or into exile.</p>
<p>[The Qualifications]</p> <p>Suppose, in contrast, a legislative body composed in such a way that it represents the majority, without necessarily being the slave of the majority’s passions; an executive power that has a strength of its own; and a judicial power independent of the two other powers; you will still have a democratic government, but there will no longer be hardly any chances for tyranny.</p> <p>I am not saying that at the present time in America tyranny is frequently practiced; I am saying that no guarantee against tyranny is found there, and that the causes for the mildness of government must be sought in circumstances and in mores, rather than in laws.</p>	<p>Tocqueville reiterates his praise for all the ways the U.S. Constitution works to prevent tyranny.</p> <p>At the very end of the section Tocqueville qualifies his thesis, admitting that tyranny is more of a potentiality than a fact in America. The government is mostly mild, yet it has the potential to turn harsh as in the two cases in the footnote discussed at the beginning of the lesson.</p>

Text-Dependent Questions	Evidence-Based Answers
<p>What do we learn about American democracy from the footnote? How are the two examples different? How are they related or similar?</p>	<p>We see the limits of majority rule in the case of American treatment of dissenting journalists during the War of 1812, and in the treatment of free black people by Quakers in the North. The first example shows American democracy turning into mob rule, the second shows the psychological pressure that prejudice exerts on free black people.</p>

Tocqueville: Lesson Two. The Tyranny of the Majority

Why then does he consider it an “impious and detestable...maxim that in matters of government the majority of a people has the right to do anything”?	Although the right of the people to govern is fundamental, not everything that the people do is right or wise. The rule of the people should be moderated by considerations of justice and the common good.
Why is omnipotence bad for individuals and governments?	Omnipotence should be reserved for God, whose justice and the wisdom are compatible with power.
What recourse does a minority have according to Tocqueville when it suffers from an injustice at the hand of the majority?	None. There is no appeal beyond the people in the way Tocqueville describes it because the people control everything.
What alternative does he suggest?	A structure of government based on sovereignty of the people, which is so organized with strong independent executive and judiciary that it promotes a concern for the common good. In other words, the U.S. Constitution, which begins with “We the People” and then goes on to establish an elaborate system of separation of power, and checks and balances.
Does the infrequency of examples of tyranny in America count against his thesis? Why or why not	Although it happens infrequently, the potential is there. And there is nothing in the laws, customs or public opinion to counteract it.

Academic Vocabulary

Despotism

Indignation

Tolerance

Emancipation

Tyranny

Impious

Detestable

Maxim

Liberty

Definition

exercise of absolute power

anger at perceived injustice

respect for different values

freedom from slavery

one person rule in interest of the ruler

lacking in respect for God or one’s parents

deserving of strong dislike

general truth about life, or rule

freedom