

Jefferson on state governance: a tyranny of the majority.

Thomas Jefferson wrote a book entitled Notes on the State of Virginia largely as a response to a set of questions posed by a French diplomat to various Americans about their states. Jefferson wrote most of the book including the following excerpt in 1780; he made revisions over the following years and it was finally finished in 1785. As you read this excerpt about the Virginia Constitution from Notes on the State of Virginia consider:

1. What is Jefferson objecting to?
2. Would “barriers” be the solution to the problem that Jefferson describes?
3. What would constitute “barriers”?
4. What are the “powers” of each branch according to Jefferson?

. . .All the powers of government, legislative, executive, and judiciary, result to the legislative body. The concentrating these in the same hands, is precisely the definition of despotic government. It will be no alleviation, that these powers will be exercised by a plurality of hands, and not by a single one. One hundred and seventy-three despots would surely be as oppressive as one. Let those who doubt it, turn their eyes on the republic of Venice. As little will it avail us, that they are chosen by ourselves. An *elective despotism* was not the government we fought for; but one which should not only be founded on free principles, but in which the powers of government should be so divided and balanced among several bodies of magistracy, as that no one could transcend their legal limits, without being effectually checked and restrained by the others. For this reason, that convention which passed the ordinance of government, laid its foundation on this basis, that the legislative, executive, and judiciary departments should be separate and distinct, so that no person should exercise the powers of more than one of them at the same time. But no barrier was provided between these several powers. The judiciary and the executive members were left dependent on the legislative for their subsistence in office, and some of them for their continuance in it. If, therefore, the legislature assumes executive and judiciary powers, no opposition is likely to be made; nor, if made, can be effectual; because in that case they may put their proceedings into the form of acts of Assembly, which will render them obligatory on the other branches. They have accordingly, in many instances, decided rights which should have been left to judiciary controversy, and the direction of the executive, during the whole time of their session, is becoming habitual and familiar.