

Ean Quick

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“Should the Electoral College be abolished, reformed, or left to the states?”

The United States of America has a tumultuous political history. The founders foresaw this and put a system of checks and balances in place to stem the tide of public opinion, with a central piece being the Electoral College. The College, however, has come under scrutiny, since twice in the last sixteen years it has awarded the Presidency to a candidate who failed to win the popular vote. This controversy has led to ideas of abolishing or reforming this institution being floated amongst political thinkers and policymakers alike. When looking toward the future, it is important to consider the ideas of those from the past. One of the most thorough and thought-provoking descriptions of American Democracy comes from the French aristocrat, Alexis de Tocqueville. His renowned book *Democracy In America* covers what makes America great and touches on the issues he sees within it. His sections on government by democracy and the tyranny of the majority show that while the Electoral College is good in theory, it must be reformed to serve democracy fully.

Government by democracy is one of the most interesting aspects of American life to Tocqueville. By submitting to the will of the people, government can rule effectively and with liberty. This system does, however, come with risks. One of the risks that Tocqueville notes is that the American citizenry “were guided by instinct much more than by reason, for democracy has a taste amounting to passion for variety.”¹ In other words, for Tocqueville, there is little stability of purpose in American politics, resulting in “a strange mutability in their legislation.”² This shifting political passions and ideas shows the need for the system of checks and balances present in the Constitution.

¹ Alexis de Tocqueville, *Democracy In America*, trans. George Lawrence, (New York: Harper Collins, 1966), 202.

² de Tocqueville, *Democracy In America*, 202.

To restrict and to limit the effect of the average American on politics—who shift from one idea to another—the Constitution uses different electoral practices for each of the branches of government. For example, Tocqueville remarks on the contrast between the men in the House of Representatives and the Senate: “when one enters the House of Representatives at Washington, one is struck by the vulgar demeanor of that great assembly.”³ His observation of the Senate is very different. He writes “they are eloquent advocates, distinguished generals, wise magistrates, and noted statesmen.”⁴ He attributes this difference to the Representatives being elected directly by the people and the Senators by “election in two stages.”⁵ By having the members of the Senate elected by another political body, they form a noble legislative body. They were chosen by a more educated body than someone elected by the popular vote. A kind of buffer is needed to mitigate against the whimsical, and sometimes not fully reasonable, expectations of the average American. This more polished and reasonable section of government allows for better debate and, as Tocqueville says, “every word uttered in this assembly would add luster to the greatest parliamentary debates in Europe.”⁶

By extension, this reasoning should pertain to the executive branch. As the ultimate representative of America for the world, the Presidency should be occupied by someone of the most respected social standing. He or she will represent the country in the best possible way, and thus Tocqueville would initially be in favor of the Electoral College. He warns that “the system of election, applied to the head of the executive power of a great people, presents dangers which experience and historians have sufficiently indicated.”⁷ He argues that the more power that is

³ de Tocqueville, *Democracy In America*, 200.

⁴ de Tocqueville, *Democracy In America*, 201.

⁵ de Tocqueville, *Democracy In America*, 201.

⁶ de Tocqueville, *Democracy In America*, 201.

⁷ de Tocqueville, *Democracy In America*, 127.

attached to an office, the more often personally ambitious individuals will be attracted to it. These people will use tactics detrimental to the overall health of the democracy. This is a dangerous part of democracy and is prone to abuse through direct election, especially of the President. The Electoral College would combat this by having the populace vote for electors, who then decide the presidency. The people are given ample opportunity to show their preference, but personal ambition is checked by electors, who can see past demagoguery and similar tactics used to woo less educated voters.

His theory of the tyranny of the majority also supports the continued use of the Electoral College. This tyranny is the largest danger of democratic rule. While tyranny is normally associated with dictators and monarchs, tyranny by democratically elected bodies is possible. This comes from a discouragement and condemnation of dissent. If the majority is given free rein to do what it pleases, it has an interest in restricting the voices and power of the minority. As Tocqueville remarks, “what I find most repulsive in America is not the extreme freedom reigning there but the shortage of guarantees against tyranny.”⁸ There are few institutions in America, he tells us, that restrict the power of the majority. One of those rare institutions is the Electoral College. Through faithless electors, the College can tame the passions and potential tyranny of the majority. If the electors felt that selecting a president with different views than the majority would restrict the power of that party, that would serve only to strengthen the position of the minority, who are vulnerable.

In its current state, it is hard to believe that Tocqueville would support the Electoral College. Since electors are expected, and in some states required by law, to vote according to

⁸ de Tocqueville, *Democracy In America*, 252.

their state's popular vote, the College no longer serves as a barrier against the tyranny of the majority.

Two reforms would make the Electoral College more appealing to Tocqueville. The first is ensuring the electors are free to vote against the desires of the population. Through Tocqueville's eyes, it is essential to preserving liberty. Removing any penalties for a "faithless elector" would ensure they are free to vote with their wiser beliefs, rather than the will of the people. This would lead to a more refined system that stops the potentially extreme views of the average man, as was the case with the Senate. The second reform is changing the way electors vote. Making their ballots secret would remove them from the people's scrutiny. This would promote faithless electors and remove the potential for drastic responses against individual electors. If the electors are completely liberated from repercussions, they would be able to choose the candidate who would best protect liberty. These reforms would return the College to its role as an effective piece in the system of checks and balances.

Bibliography

de Tocqueville, Alexis. *Democracy In America*. Translated by George Lawrence. New York: Harper Collins, 1966.