

Separation of Powers

The **separation of powers** is one of the **fundamental safeguards of democracy**. Citizens must be aware—and assured—that without it, **true democracy no longer exists**.

In both political and social life, democratic forms **always carry the risk of sliding into tyranny or despotism**. Tocqueville's concept of the "**tyranny of the majority**", as developed in the section bearing that name in *Democracy in America*, shows how easily, subtly, and almost naturally one can move from the **inevitable tyranny of collective opinion and social pressure**—which is essential to democratic life—toward **political tyranny**.

Tyranny can emerge naturally from democracy if the regime in place, either through a particular reading of the constitution (as Louis-Napoléon Bonaparte did when he dismissed the second Barrot government or claimed what we would now call a "reserved domain"), or through practice, **fails to respect the separation and balance of powers**.

To **ensure the existence of a real democracy and avoid the slide into despotism or tyranny**, "**power must limit power**". As a faithful disciple of Montesquieu, Tocqueville emphasizes that a few clear principles are sufficient:

"Suppose... a legislative body composed in such a way that it represents the majority without necessarily being enslaved by its passions;
an executive branch that possesses a force of its own;
and a judiciary that is independent from the other two powers—
then you would still have a democratic government,
but there would be hardly any risk of tyranny."

Only the **limitation, division, and balance of institutional powers** can **guarantee democracy**. These criteria, as Tocqueville sets them out, also provide citizens with **concrete tools to evaluate the authenticity of the democracy** in which they live.