

# Tocqueville's take on the federal constitution in america

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In the book "Democracy in America," Alexis de Tocqueville, probably the most renowned foreign writer on American government, gives a profound insight on the American Federal Constitution and its effects in America in regard to the power of the states and the construction of its government as partly national and partly federal. At the time when he wrote this, America was still practically a newborn country, and many were still waiting to see if it would succeed. De Tocqueville, coming from a country in the midst of great political revolution and turmoil, saw America's great promise. He recognized the ingenuity of its government and the effects its constitution had on the balance of power. In order to determine the effects of the Federal Constitution de Tocqueville saw in America with regard to either the destruction of the power of the states or the construction of a government that was partly national and partly federal, a detailed examination of his work is necessary.

De Tocqueville notes, that the greatest problem the Founding Fathers faced when attempting to set up a suitable government was to set it up in a way that would divide the authority of the states, which would allow them to govern themselves and provide for their own needs; but at the same time, allow for the nation as a whole to continue as a compact body and to provide for the general needs of the people without destroying the individual rights of the states. In order to avoid a destruction of the powers of the States, they severely limited the powers of the Federal government, extending them mostly to external objects, such as war, peace, negotiation, and foreign commerce, and those concerning the nation as a whole; while the States were delegated many powers extending to all objects concerning the

ordinary course of affairs and the internal order and prosperity of the State. The powers given to the Federal government were few and strictly defined; while those given to the states, were numerous and vague. In order to maintain this fragile balance of power between the State and Federal governments they delegated the authority to provide answers for questions which might arise concerning the exact limits of their authority and the common interest of the nation to the high Federal court. This system, De Tocqueville says, has worked surprisingly well; and that America exercises more centralization of government and balance of power than the majority of the countries in Europe at that time.

De Tocqueville regards the American government as neither federal, nor national, but as an imperfect national government. In order to represent both the sovereignty of the nation and the independence of the States, the Founding Fathers combined elements of both. The Legislative Body, he says, was split into two separate Branches: the House of Representatives and the Senate. House of Representatives retained the national form, while the Senate retained the federal form. The Executive Branch, the President, they made into a combination of both national and federal features, deriving his authority both from the People and the States themselves. The Judicial Branch they also split into two. They created a court of justice within each state, to ensure the internal order and prosperity of the State; while also creating a high Federal court to preside over the nation as a whole.

In conclusion, the effects of the Federal Constitution have been to preserve the powers and independence of the States and to construct a government

that is partly national and federal. The States have kept their independence and have not been swallowed up by the Federal government. It has brought together two practically irreconcilable systems and made them work. The Constitution is the binding force which holds the United States together and keeps it strong. Alexis de Tocqueville recognized this, and attempted to show the world the ingenuity of it's design, so that, one day, other countries might follow America's example.