

Majority rule and minority rights



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Majority Rule and Minority Rights Respect for minority rights in Western liberal democracies has been a critical element for ensuring that the majority does not tyrannize the minority. Many of America's founding fathers, most notably James Madison, were hugely concerned about the potential for the majority will to trample the minority, and to create a system in which free thought and genuine public discourse becomes impossible. Indeed, there are several places in the Constitution where suspicion of unchecked majority power is evident - from the Bill of Rights to the structure of the Senate to the Electoral College. To be sure, some historical events that ran relatively concurrent with the birth of the United States, primarily the French Revolution and its associated "Reign of Terror," provided ample illustration of the potential for majority rule to degenerate into mob rule.

Majority rule means a system of government in which the will of the majority if given full force and effect within the laws and regulations of the country.

Minority rights are those liberties and privileges that naturally accrue toward those who do not necessarily agree with the will of the majority. The latter rights have been associated with the concepts of natural law and human rights, whereby those in the minority deserve to be treated with a certain minimum level of dignity and respect simply because they are humans and citizens of the country that acknowledges and respects those natural rights.

In many ways, the United States Constitution does not really set up a majority rule system. A close evaluation of the various branches of government reveals that the only body that is designed to be truly responsive to the will of the majority is the House of Representatives, established under Article 1. The President is not even directly elected by the people under Article 2 of the Constitution; the Senate's lengthy six year

terms arguably insulate its members from the whim of the majority (Article 1); and members of the Supreme Court, where the buck truly stops on how Americans are governed, are appointed for life by this President and Senate that are buffered from the will of the majority (Article 3). Moreover, the Constitution established a federal system in which the states retain substantial sovereignty in nearly all matters of government, greatly limiting the extent to which the central government of the U. S. has the power to impose the will of the national majority (10th Amendment).

The House of Representatives is designed to be the only body within the American government that will surely represent the will of the majority. All of its members must stand for reelection every two years, thereby requiring them to be constantly responsive to the majority of their constituents, at least if they hope to be reelected. Further, the entire House can be turned over in a single election cycle, giving the national majority great influence to suddenly and thoroughly change its membership, as was the case in 1994 when Democrats were swept out of power and Republicans took control. Also, state representation in the House is determined by the size of population in each state, with larger states having more representation than smaller ones. This has the effect of magnifying majority power by enabling greater numbers of people in larger states to wield more power and influence.

By contrast, the Senate is quite insulated from the majority will, albeit far less so than it was prior to passage of the 17th Amendment, which provided for direct election of Senators by the people rather than appointment by state legislatures. Senators sit for six year terms as compared with the two year terms of House members, more readily affording them the luxury of

acting according to their consciences rather than the will of the majority of their constituents. Moreover, only a third of the Senate can be turned over in any given election cycle. It would take the majority of the people a full six years to completely change its membership, as compared to two years for the House. Finally, all states enjoy equal representation in the Senate.

These checks against majority rule that are built into the legislative branch, combined with the insulation of the President from majority rule that is built into the electoral college system, set up a system of government in which the majority has influence, but the minority have rights. The Bill of Rights (1st through 10th Amendments) ultimately spells out basic individual rights that can never be trampled by the government, even if the majority wills it.

Works Cited

Constitution of the United States.