

Democracy such as the united states

[Law](#), [Constitution](#)



In his reflections in *Democracy in America* (1835), Alexis de Tocqueville articulates his fear on the possibility of tyrannical abuse of the majority especially in a democracy such as the United States (US).

Since the majority have their own opinion and interest, he cautions against granting them unlimited power because that power can be misused by wronging their adversaries or the minority, in this case. Tocqueville also observes that the democratic political system in the US had inadequate securities to guard against the tyranny of majority.

The grievances of the minority could just be ignored because the majority is in control of the public opinion, the legislature, the executive, the public troops, the jury and even the judges, who are elected in certain states.

Nonetheless, Tocqueville suggests that the tyranny of the majority can be prevented if the legislature would not be enslaved by the interests of the majority, the executive would “ retain a certain degree of uncontrolled authority” above the majority, and the judiciary would “ remain independent of the two powers” (76).

However, even an independent judiciary would not constitute a sure safeguard against tyrannical abuse of the majority because not all political practices in the US are within the bounds of the Constitution and other laws of the land.

An example given was the implicit barrier on the liberty of opinion of a writer whose political career is dependent on the opinion of the public majority – notwithstanding the constitutional guarantee on the freedom of the press. In such case, tyrannical manifestations of the majority might even be accepted

because they are made “ less odious and less degrading in the eyes of the many” (77).

On the other hand, Henry Steele Commager believes that the will of majority can actually protect the rights of the minority. In his 1943 work entitled, *Majority Rule and Minority Rights*, Commager defends the rule of the majority by emphasizing the fundamental principle of American politics on the limits of the government, and by drawing insights from Thomas Jefferson’s views.

On the said basic principle, Commager argues that even the drafters of the American Constitution were more conscious of the dangers than the potentials of the government that they have set up a system of checks and balances that put limitations on the authority of the government.

Hence governments have become so limited that “ there are things not even a majority may require government to do because they are outside the jurisdiction of any government” (69). Commager quotes Jefferson during his First Inaugural Address when he said that “ though the will of the majority is in all cases to prevail...the minority possess their equal rights which equal law must protect, and to violate would be oppression” (70).

As such, this counters Tocqueville’s apprehension on the tyrannical tendencies of the majority, because, as stated, not only the law should be made to protect the rights of the minority, but also, the political system – which is full of limitations -- should ensure that the majority would not be able to use the government to oppress the minority.

A “majority rule” that is “a government with self-impose restraints” can best defend minority rights. Even if the majority or the people are “led astray”, Jefferson believed that they would “soon correct themselves” since the people are the only “censors of their governors” (71-72). Thus, the people should be trusted to govern and be allowed to run their own affairs and even write their own laws.

However, it was raised that, not even the majority can change the constitution, because under the American democratic system, a “determined minority” can veto any amendment (73). In fact, Commager regards the practice of American democratic politics to be characterized by “compromise” between the “majority and minority will, class hostilities, and sectional differences,” among others (74).

Lastly, minority rights are best protected under a democratic majority rule because only such rule has developed the technique of tolerating the minority and dealing with dissenting groups. Commager calls this ability to tolerate dissent as the “glory of democracy” (74).

Works Cited:

Commager, Henry Steele. *Majority Rule and Minority Rule*. New York: Oxford University Press, 1943.

Tocqueville, Alexis De. *Democracy in America*. Trans. Henry Reeve, 1835.