

# Sample term paper on tyranny

Law, Criminal Justice



The Ox-Bow Incident is an American western movie directed in 1943 by William Wellman and based on the novel by Walter van Tilburg Clark. The movie became a classic due to its original storyline different from the usual western movie plots. The movie is nowadays considered a movie classic due to its historical value and the importance of the message it delivers. Usually, the theme of the westerns revolved around morality and justice enforced or restored by a single character, classically a cowboy. The theme of The Ox-Bow Incident, however, is a tragic one, as not only the injustice is not redressed, but it is actually inflicted on the innocent men without legitimate criminal investigation and without adhering to the judicial safeguards. The Ox-Bow Incident is the story about the tyranny of majority that went out of control of the governmental forces, undermining not only the rights of the minority, but also the security of the human life. While relating to the innocent men, the viewer realizes the importance of following the established rules and regulations instead of acting according to the self-will of the majority. Although it is often perceived that the majority's will is fulfilled in a democratic country, the procedural safeguards are specifically developed to limit the tyranny of the majority and protect the rights and freedoms of the minority.

The Ox-Bow Incident takes place in the Wild West state of Nevada in a small town during the times of increased cattle rustling. As the men gather in a saloon, one of them announces the murder of a man named Lawrence Kinkaid that is accompanied by the theft of his cattle. As the sheriff is not present in the town at the time, and his deputy is in charge of such matters, several men start agitating the crowd to go and seek for the murders. At the

same time the major Tetley finds out about the endeavor and, looking for fame and recognition, while being also led by the desire to make his son's public image stronger and more important, he joins the crowd becoming its self-assigned leader. Meanwhile, the blood-thirsty deputy sheriff also finds out about the incident. Led by the same desire as Tetley, as well as by the desire to assert himself in the town, he joins the pack of angry, yet doubtful men.

On the other hand there are the protagonists of the story, Gil and Art, who do not want to participate in the unlawful actions that can lead to murder. They hesitate to join the crowd, however, realizing that they might become its pray, the two men agree to go look for the thieves, as well. The more experienced and wise men, such as Davies, the saloon owner Darby, Sparks and the judge Daniel Tyler condemn the illegal actions of the deputy and other men, who decided to punish the murderers by lynching them on the site. The old man Davies, who is, probably, the most stubborn one in his compassion to the future victims of the crowd, requests that Gil and Art inform the judge about the crowd's plan. As the latter appears before the men to convince them about the necessity to bring the murderers back to town for the trial, he is confronted by the deputy sheriff, who appoints the gathered men as his own assistants without having the actual right to do so and, thus, breaching the law. The judge discards such appointment, explaining that only the sheriff has the right to gather the posse, while the same rights are not vested in his deputy. Several men are gradually talked out of the plan and leave the posse. However, under the pressure of necessity to appear manly and powerful, the majority of men is following the

decision of Jeff Farnley, the major Tetley and the deputy sheriff Butch departing the Bridger's Pass and later to the Ox-Bow Canyon, the place of the main events of the movie.

Outside the town, Sparks reveals to Gil that his brother has been lynched without the trial, and no one ever knew if he was actually guilty. This scene is very important, as it foreshadows the subsequent events and makes the viewer understand the tragedy of situation, where a majority is dictating its will without sticking to the procedural safeguards designed specifically to control and ensure the fairness of the majority's decisions. After the victims of the posse are violently interrogated and accused of murder and cattle rustling, without the interrogation of any witnesses and brushing aside the reasoning and arguments of the three men, the posse decides to wait till dawn for the arrival of the judge. However, finding the Kinkaid gun in the possession of one of the captured men, Juan Martinez, the major Tetley asks if Davies is going to abide by the will of the majority. This scene shows how minority is becoming absolutely helpless in a situation, where the judicial power is unlawfully seized by the majority to execute its decisions. The highlight of the scene is the words of major Tetley: "Seven. Not a majority, I believe, Mr. Davies". It means that the opinion of seven people is not taking into consideration at all, if the majority decides so. The destruction of the control mechanism further leads to lynching of the innocent people. On the way back to the town, the crowd meets the sheriff, who informs that Kinkaid is alive and the assaulters have been captured. As the men realize that they have just deprived three innocent people of their lives just for the sake of acting manly and supporting the majority, the sheriff strips the deputy off his

badge and hints that the men, who participated in the murder, will be punished. The movie ends with the reading of the letter of Donald, one of the victims, to his murderers, the letter they resisted reading and taking into account as a possible proof in the case. The letter clearly evidences the innocence of the men.

The tragedy shown in the movie is the one that happened many times in the past, when it was harder to enforce the law in the Wild West. The issue of the tyranny of the majority has been widely discussed during the formation of the United States, the development and ratification of its constitution. One of the most famous essays on this topic, the Federalist No. 10 by James Madison, has been written back in 1787 and discussed the necessity to limit the power of the factions, including the power of the majority. According to the essay, the tyranny of the majority without proper control is dangerous as “the public good is disregarded in the conflicts of rival parties, and that measures are too often decided, not according to the rules of justice and the rights of the minor party, but by the superior force of an interested and overbearing majority” (Madison). Since those times the law-makers of the United States have developed a controlling system that ensures the safeguard of the minority rights and freedoms during the execution of the decision of the majority. First and foremost, it is the judicial branch of power responsible to review specific cases and take decisions based on the evidences and, ultimately, law. In the case described in the movie, the posse has breached the law and changed the system according to its own will, without following the established procedure aimed at securing the minority. What the posse should have done was to take the suspects to the town and

wait for the sheriff to arrive. Moreover, no man in the crowd was authorized to perform the actions of a judge, so the only thing they could do was to look for the murderers, capture them and bring to the court for the trial. The finale of the movie, thus, portrays the human tragedy that can happen as an outcome of ignoring the procedural safeguards that protect the individuals as the minorities opposed by the opinion and the power of the majority. The judge as the representative of the mechanism developed to constrain the arbitrary actions of the majority abusing its power warns the deputy and other men about the consequences of breaching the law and disregarding the established order. The majority has its power due to the amount of support. And in the circumstances, when the group is taking major decisions, the minority has no strength to protect its own rights. Vulnerability and helplessness that are created by such lack of power are putting the individuals and their rights and freedoms in danger. The procedural safeguarding mechanisms developed by the government are specifically aimed at protecting the vulnerable part of the population. It is due to the existence of such mechanism that the individual cases are reviewed by the judicial power and resolved based on the details of each separate situation and on the grounds of justice, instead of the majority opinion.

The problem of the tyranny of the majority still takes place nowadays, and this can be witnessed from the many cases filed for review to the courts on different levels. The majority is always at power, however, it does not mean that the minority has to be powerless and succumb to the will of the people with different views. In the land, where individual rights are highly valued, appreciated and guarded, it was necessary to find the balance between

them and the rights of the powerful groups. The procedures designed for protecting the individuals and minority groups always need to be strongly protected and adhered to, otherwise, the democratic country built for centuries will be transformed into the tyranny and will soon fall, as have fallen many other tyrannies throughout the history of the world. Thus, following the procedures and constraining the majority will by them is important not only for the interests of the minorities, but for the survival of the whole nation, as sometimes it is the little things that matter the most, in this case the life of the individual over the will of the crowd.

### **Works Cited**

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- Ox-Bow Incident (DVD). Dir. William A. Wellman. Perf. Henry Fonda. 20th Century Fox, 1943. Film.