

# How the americans constitution recognizes individual rights

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## **A Framework for Republicanism: Checks and Balances on the Power of the Government and the Power of the People**

The framers of the Constitution were visionaries who sought to establish a limited representative government which not only restricted the powers of an existing government, but also safeguarded the rights of the minority through restricting majority rule. A republic, they believed, would be the only form of government in which the liberty of the people could be preserved. Greatly influenced by the 17th century British philosopher John Locke, who advocated for the protection of natural rights of man by entering into a social contract, separation of governmental powers, and individuals' right to consent to being governed, the founding fathers were able to incorporate such teachings into the Constitution of the United States. The American founders not only feared a monarchy, which they understood to be oppressive, but also feared a pure form of democracy, which, they believed, would lead to "tyranny of the majority." Hence, the founders sought to establish a republic, a government in which the people would vote for educated representatives who would in return make sound and well informed decisions. The framers of the constitution viewed themselves as moderate republicans standing between the two political extremes of direct democracy and an oppressive monarchy, as they favored a new government which not only was insulated from popular rule but also rejected an authoritarian regime. Not only did these men reject a pure democracy by establishing the electoral college systems, a bicameralism national legislature, and the process of judicial review, the founding fathers also rejected rule by a tyrannical regime through separating the power between the branches of

government, giving each branch checks over the other two, and establishing the framework of federalism.

The framers who created the constitution rejected the notion of rule by an absolute monarchy while also refusing to create a government run directly by its people. They knew from their own experiences that a government that had too much power would oppress its people and violate their natural rights. Suffering long under the reign of King George III of England who imposed unfair taxes, dissolved colonial bodies of representation, and prevented the establishment of judicial powers, the framers wanted to form a government which would not abuse its powers. As much as the founders despised a tyrannical regime, they also feared a pure and direct democracy. They believed a government in which its citizens vote directly for its policies and laws would be impractical as the nation was too large and populous to establish this type of government. The framers further did not trust the ill-informed and uneducated common man who would be influenced by his passions when making critical decisions regarding differing policies. In addition, the framers also feared that direct democracy would allow the majority to rule and possibly enact laws driven by self-interest hence depriving the minority of their natural rights. A direct democracy, the founders feared, could ultimately evolve into an oligarchy. It is for these reasons that the founding fathers opted not for an absolute government or a direct democracy, but rather, a moderate republic where elected officials would represent the sentiments of the majority, protect the rights of the minority, and above all minimize the chance that power could be abused by

despots, monarchs, or even elected self-serving officials who enact laws for personal gain.

Many of the framers of the constitution feared and rejected a pure democracy. They implemented several anti-majority rules such as the electoral college system, a bicameral legislature and the judicial review process in order to safeguard minority rights and prevent “ tyranny by the majority”. By creating the electoral college system, the founders ensured that the election of the president was not directly decided by majority vote, but rather by well-informed representatives elected by the people This system would prevent the selection of the president based on the whims of people, allow less populous states to have a voice, and strengthen the concept of federalism, the sharing of powers between state and national government. The creation of a bicameral national legislature, a Congress composed of two separate chambers, the Senate and the House of Representatives, also eliminated future rule by the majority. In designing the republic, framers opted to have the House of Representatives elected directly by the people while senators would be elected solely by the state legislatures. While larger states desired representation based on population in order to have more power, smaller, less populous states wanted equal representation so that they would not be ruled by the majority. By establishing a bicameral legislature, the founding fathers ensured that the law-making process was contemplative and not based on passionate public opinion, thereby preventing majority rule. The judicial review, the power of the Supreme Court to declare acts passed by Congress unconstitutional, also limited the power of the majority as it had the power to override the decision

made by a majority in Congress as unconstitutional and prevent a bill from becoming a law. While the framers wished to observe the principle of the peoples' will, they understood the downfalls of a direct democracy. By creating an Electoral College system, a bicameral legislature and the judicial review process, the founders prevented political majorities to enact laws which solely benefited them and made certain that minority rights were protected.

However, the founding fathers further understood that unlimited power in the hands of an executive or the government leads to despotism. By creating three governmental branches with separated and balanced power, providing each branch a way to restrain the other two and establishing the framework of federalism, the framers strayed away from an absolute monarchy. The separation of powers divided power between the three branches of government: the legislative, executive and judicial. The legislative branch was designed to draft laws, the executive branch, to implement them, and the judicial branch was left to interpret the laws. This system denied any single entity to be the sole custody of power and thus prevented tyranny. By designating selected powers to each branch of government, the framers were also able to make sure that the Constitution would have a set of intrinsic check and balance system which served to check the powers of others and make sure no one branch would carry too much power. Congress' refusal to pass a president's bill, the president vetoing a bill Congress aims to pass, and the Supreme Court's decision to declare a law unconstitutional are a few examples of ways checks and balance can be implemented, thereby preventing any one branch from complete control. Additionally, the

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framers also established a federal system, which divided powers between the national and state government and guaranteed an extent of sovereignty to both groups. Wary that a powerful centralized government could lead to subjugation, the division of powers between the states and the national government ensured that states would continue to exercise local control, despite the fact that the national government would be taking on greater responsibilities. Thus, the state and federal government would both have certain ways to limit and influence each other.

The framers of the Constitution, thus, feared a pure form of democracy as much as they feared an absolute monarchy. They viewed themselves as moderate republicans who aimed to establish a limited representative government which restricted the power of the majority and safeguarded the natural rights of the minority. The founding fathers had seen the dangers of placing ultimate power into a single set of human hands. Hence, in order to ensure a government that would best deter a tyrant, the framers created different branches of government separating the power between the branches of government, giving each branch means to check the others, and established the roles of state and federal governments. Thus, by establishing the electoral college systems, a bicameral national legislature, and the process of judicial review, the founders were able to reject a pure democracy in favor of a republic which guaranteed the protection of a citizen's God-given inalienable right to life, liberty, and the pursuit of happiness.