

# Us constitution as a tool for peace establishing

[Sociology](#), [Human Rights](#)



## **Explain the ways in which the constitution seeks to prevent the ‘ tyranny of the majority**

The ‘ tyranny of the majority’ refers to the political situation where the majority of an electorate is able place its own interests above all, at the expense of the minority groups. This is often the case with direct democracy as there is only ever going to be one side of the argument that succeeds unlike in a proportional system. There are several ways the US constitution seeks to prevent this, such as the bill of rights, federalism and the series of checks and balances put in place within the government system.

One way in which the constitution seeks to prevent the tyranny of the majority is through the bill of rights. This is due to the fact that it entrenches individual rights and protects civil liberties. The constitution is difficult to amend as it need a large amount of consensus, from 2/3’s of both houses of congress or the less frequent, for 2/3’s of the states in a convention to agree. The 2nd amendment for example, protects the right to bear arms and despite presidents such as Obama attempting to tighten gun laws this right has remained in tact. In 2011 in the Snyder vs Phelps case, the Phelps family were allowed to spew hate speech as a result of the 1st amendment which reserves the right to freedom of speech. Arguably, in this case however, there were two minorities, and although the constitution protected the Phelps family, they did not protect those targeted by their hate speech: homosexual members of the military. The bill of rights and the supposed protection has also been undermined in previous years in cases of national security. The establishment of Guantanamo Bay for example, conflicts with

the 1st, 5th, 6th, 7th and 8th amendment, and so it could be argued that no minority group or civil liberty is entirely protected by the constitution.

Another way the constitution attempts to defend minority parties is through federalism, the idea that there is a balance of power between the individual state governments and the federal government. The idea is that no one establishment dominates and the state governments are able to deal with the individual needs of the local area. In Texas for example, they were able to reject the expansion of Medicaid. The California Dream Act in 2011 also opened up opportunities within that state for illegal immigrants to start a life, and in Arizona there have been several state initiatives including the legalisation of same sex marriage, and in California the raising of the minimum wage. This helps to deter the tyranny of the majority, for one central administration is not making all the decisions for the entire country, each state can work to put forward their own needs which may differ from the bordering state. As a result, States such as Wyoming or Vermont and their needs are not neglected for being minority groups with less representatives due to their population size. Certainly each state no matter their size or population has two senators so as to avoid this issue.

The checks and balances within government also help to ensure that minorities are protected. This is because no branch of government or individual is able to dominate and consequently abuse their power. The Senate for example, is able to confirm or deny presidential appointments and ratify treaties, the Judiciary has the power of the Judicial Review, and the executive can veto legislation from congress. Arguably then no institution

should get too much power, and yet arguably, congress does have considerably more, indeed they can override the presidential veto. However, as both the house of representatives and the senate have to compromise and agree to pass legislation, there is a large amount of consensus needed. As a result, the procedure can take time due to scrutiny from each side and so it is unlikely any minority group would be overlooked lightly.

Overall, the US constitution attempts to fend against the 'tyranny of the majority' through the bill of rights, the federal system and the checks and balances that comes with the separation of powers. The problem lies however, where the constitution is not prepared for two minority parties in dispute as can often take place in court cases and in cases of national security where the safety and protection of the individual can be overlooked. It could also be argued that Congress have gained too much power and could potentially overlook the minority party during the legislative process. Arguably however, overall thanks to the state governments no one state can become a minority and individual needs can be tended to. For the majority the bill of rights does protect civil liberties and provides the public with a single document with which they can defend their rights and finally the large amount of consensus needed to amend the constitution means that in the US human rights are well protected and so, so is the minority.