

“THE PROBLEM OF MAJORITY TYRANNY”

WEEK 3 — DAVID BOBB  DIRECTOR, THE ALLAN P. KIRBY, JR. CENTER FOR CONSTITUTIONAL STUDIES AND CITIZENSHIP

AMERICA WAS GOVERNED under the Articles of Confederation from 1781 to 1789. Unable to redress the problem of “majority tyranny,” the Articles were abandoned in favor of the Constitution, which created a “more perfect union.”

LECTURE SUMMARY

The creation in the Constitution of “a more perfect union” did not mean that the union—or its people—would get more and more perfect with time. Rather, this phrase meant simply that the Constitution marked an improvement over the Articles of Confederation.

The majority tyranny that prevailed under the Articles meant that instead of strong but limited government, the nation labored under weak and ineffectual government.

The Founding Fathers featured in this week’s readings—George Washington, James Madison, and Thomas Jefferson—were united in their fear that America’s future under the Articles of Confederation would be short-lived. The Articles, they agreed, not only failed to solve the problem of majority tyranny, but in fact made that problem worse.

In *Federalist* 10, Madison outlines how the problem of majority tyranny is best solved by enlarging the republic. Factions, or groups acting adversely to the rights of citizens and the interests of the community, can thereby be multiplied, and in their multiplicity counterbalance the pernicious effects they produce. This solution is realistic but not cynical, for it is based on the idea that even though human beings are imperfect, they are still capable of self-government.

KEY PASSAGES FROM THE READINGS

FEDERALIST 10  *James Madison*

“The latent causes of faction are thus sown in the nature of man.”
(*The U.S. Constitution: A Reader*, page 233)

“No man is allowed to be a judge in his own cause because his interest would certainly bias his judgment, and, not improbably, corrupt his integrity.”
(*The U.S. Constitution: A Reader*, page 233)

CIRCULAR LETTER TO THE STATES ~ George Washington

“The foundation of our Empire was not laid in the gloomy age of Ignorance and Superstition, but at an Epocha when the rights of mankind were better understood and more clearly defined, than at any former period. . . .” (*The U.S. Constitution: A Reader*, page 174)

“Liberty is the Basis, and whoever would dare to sap the foundation, or overturn the Structure, under whatever specious pretexts he may attempt it, will merit the bitterest execration, and the severest punishment which can be inflicted by his injured Country.”
(*The U.S. Constitution: A Reader*, page 176)

“We shall be left nearly in a state of Nature, or we may find by our own unhappy experience, that there is a natural and necessary progression, from the extreme of anarchy to the extreme of Tyranny; and that arbitrary power is most easily established on the ruins of Liberty abused to licentiousness.” (*The U.S. Constitution: A Reader*, page 177)

LETTER TO JOHN JAY ~ George Washington

“We have probably had too good an opinion of human nature in forming our confederation. . . . We must take human nature as we find it. Perfection falls not to the share of mortals.” (*The U.S. Constitution: A Reader*, page 183)

NOTES ON THE STATE OF VIRGINIA, QUERY XIII: CONSTITUTION ~ Thomas Jefferson

“All the powers of government, legislative, executive, and judiciary, result to the legislative body. The concentrating these in the same hands is precisely the definition of despotic government.”
(*The U.S. Constitution: A Reader*, pages 190-191)

“One hundred seventy-three despots would surely be as oppressive as one.”
(*The U.S. Constitution: A Reader*, page 191)

“Human nature is the same on every side of the Atlantic, and will be alike influenced by the same causes. The time to guard against corruption and tyranny, is before they shall have gotten hold of us.” (*The U.S. Constitution: A Reader*, pages 191-192)

VICES OF THE POLITICAL SYSTEM OF THE UNITED STATES ~ James Madison

“If the multiplicity and mutability of laws prove a want of wisdom, their injustice betrays a defect still more alarming: more alarming not merely because it is a greater evil in itself, but because it brings more into question the fundamental principle of republican Government, that the majority who rule in such Governments, are the safest Guardians both of public Good and of private rights.” (*The U.S. Constitution: A Reader*, page 201)

STUDY QUESTIONS

1. Unlike the Constitution, which would establish a bicameral national legislature, the Articles of Confederation called for a _____ arrangement in which there was only one legislative chamber.
2. Under the Articles of Confederation, how did the national legislature raise funds? Why did this method not work?
3. What were the other major defects of the Articles of Confederation?
4. Which form of government, tried by many states and the ancient Greek city-states, is particularly susceptible to “majority tyranny”? Why did the Founders fear this form of government?
5. In the *Notes on the State of Virginia*, how does Thomas Jefferson define tyranny?

DISCUSSION QUESTIONS

1. What is the difference between strong government and tyrannical government? Why did the Founders desire strong government?
2. What is the different between a republic and a democracy? Why were the Founders so determined to form a republic instead of a democracy?
3. Is a faction in Madison’s definition the same as a special interest group in contemporary politics? How can a faction be a majority of the people?
4. What is the difference between majority rule and tyranny of the majority?
5. What did George Washington’s example of statesmanship mean to early America?



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