Reading Number 11
from *The Tyranny of the Majority*
by Lani Guinier

p. 63, ¶ 2– “To me, fair play means that the rules encourage everyone to play.”

p. 64, ¶ 3– “The traditional answer to the magazine’s problem would been a zero-sum solution: ‘The children– all the children– will play tag, and only tag.’ A zero-sum solution, everything is seen in terms of “I win;, you lose.””

p. 65, ¶ 1– “To expand the range of the argument, I first consider...” [through end of the ¶]

Ibid., ¶ 2– “For Madison, majority tyranny represented the great danger to our early constitutional democracy.”

Ibid., ¶ 3– “The debate about majority tyranny reflected Madison’s concern that the majority may not represent the whole. In a homogeneous society, the interest of the majority would likely be that of the minority also. But in a heterogeneous community, the majority may not represent all competing interests.”

Ibid., ¶ 5– “Yet even a self-interested majority can govern fairly if it cooperates with the minority.”

Ibid., ¶ 6– “So the argument for the majority principle connects it with the value of reciprocity: You cooperate when you lose in part because members of the current majority will cooperate when they lose.”

p. 66, ¶ 2– “The problem of the majority tyranny arises, however, when the self-interested majority does not need to worry about defectors. When the majority is fixed and permanent, there are no checks on its ability to be overbearing.

Ibid., ¶ 3– “But if a group is unfairly treated, for example, when it forms a racial minority, and if the problems of unfairness are not cured by conventional assumptions about majority rule, then what is to be done? The answer is that we may need an alternative to winner-take-all majoritarianism.”

Ibid., ¶ 4– “I explore decisionmaking rules that might work in a multi-racial society to ensure that majority rule does not become majority tyranny.”

Ibid., ¶ 6– “Instead of automatically rewarding the preferences of the monolithic majority, a taking-turns approach anticipates that the majority rules, but is not overbearing.”

Ibid., ¶ 7– “In the end, I do not believe that democracy should encourage rule by the powerful– even a powerful majority.”

p. 67, ¶ 2– “It is no fair if we engage in the periodic ritual of elections, but only the permanent majority
gets to choose who is elected.

**Ibid., ¶ 3**—“Some of my ideas about democratic fair play were grossly mischaracterized in the controversy over my nomination to be Assistant Attorney General for Civil Rights.”

**Ibid.**—“‘What is required to create political institutions that address the needs and aspirations of all Americans, not simply whites, who have long enjoyed racial privilege, but people of color who have long suffered racial exclusion from the policymaking forums?’”

**Ibid.**—“But I have a predisposition, reflected in my son’s yearning for a positive-sum solution, to seek an integrated body politic in which all perspectives are represented and in which all people work together to find common ground.”

**Ibid., ¶ 4**—“Concern over majority tyranny has typically focused on the need to monitor and constrain the substantive policy outputs of the decisionmaking process.”

**p. 68, ¶ 2**—“For these reasons, I sometimes explore alternatives to simple winner-take-all majority rule. I do not advocate any one procedural rules as a universal panacea for unfairness.”

**Ibid., ¶ 3**—“Outside of litigation, I propose these approaches as political solutions if, depending on the local context, the better approximate the goals of democratic fair play.

**Ibid., ¶ 6**—“Cumulative voting is based on the principle of one-person–one vote because each voter gets the same number of votes.”

**Question:** What exactly is cumulative voting? That is, be able to recognize the process when described.

**p. 69, ¶ 3**—“Normally the exclusion threshold in a head-to-head contest is 50 percent, which means that only groups that can organize a majority can get elected.”

**Ibid., ¶ 6**—“As a solution that permits voters to self-select their identities, cumulative voting also encourages cross-racial coalition building.”

**p. 70, ¶ 3**—“There is a final benefit from cumulative voting. It eliminates gerrymandering.”

**Ibid., ¶ 4**—“My nomination became an unfortunate metaphor for the state of race relations in America. My nomination suggested that as a country, we are in a state of denial about issues of race and racism.”