

The Relationship Between Federalism and Individual Rights in the United States

Federalism involves the division of power between the central government and local governments. It is found in many nations. Federalism affects individual rights in many ways, both positively and negatively. Since individual rights are so precious to our happiness, it is important to determine how best to apply federalism principles.

Federalism: The Basics

Federalism is a principle of government regarding the division of power between the central government and local governments. It is a basic principle in the United States Constitution.

The term is a bit confusing. The "federal government" is another name for the national government, including the U.S. Congress and your local post offices.

But, we mean something a bit different here. A "federation" is a group of states that join together to form a nation. The states give up certain powers (such as the ability to coin money) since a national government is better equipped to do them. The result is **federalism**.

We talked about the different types of powers in a federalism system. The United States, Canada, and Mexico — to name just three nearby nations — each has a form of federalism.

Individual Rights

The Declaration of Independence proclaims we each have rights and that Great Britain failed to protect them. We use this to justify declaring our independence.

There are many kinds of rights. Civil liberties are freedoms such as free speech. Civil rights protect equality. We also have social and economic rights such as public schooling.

Federalism plays a mixed role in the promotion of the enforcement of individual rights.

A National "Floor" Of Rights

Federalism divides power between the states and the federal government.

The federal government has various powers that are used to protect rights. For instance, the Voting Rights Act is a federal law that protects voting rights. It limits state power over elections. Congress also passed a law protecting the right to obtain health benefits.

The U.S. Constitution also protects basic rights. Slavery is prohibited. A person born on U.S. soil is a citizen with basic rights. Both state and federal governments have a duty to protect these rights. Each state agrees to do so as part of being a member of the United States.

Federalism Promotes Individual Rights

We talked about the positives and negatives of federalism. How do they apply to individual rights? Federalism promotes **diversity** by allowing different states room to do things their own way. This can help promote **local needs and advance efficiency**.

These things help the promotion of individual rights. For instance, a certain state might have more people who believe the right to own a gun is very important than other states. We can have a "floor" (a basic right to own a gun) but this leaves open many possible ways to regulate.

Federalism helps to promote the individual rights local communities believe are most important. It also is often easier to govern locally, including changing things that do not work. Again, this helps individual rights. We have fifty state supreme courts protecting rights.

There is more room to **experiment** without mistakes having nationwide effects. This is all done, remember, with a national floor of rights. But, that still leaves a lot of room for choices.

What is the best way to have a fair prison system? How best to protect the rights of schoolchildren? There are thousands of individual decisions to make. Federalism allows us to try things out. A "one size fits all" national approach can threaten liberty.

Federalism divides power. Too much power in the national government can threaten liberty. Federalism helps there too. Congress is divided into state delegations, each state having two senators. The needs (and rights) of the people of each state are represented.

Federalism Threatens Individual Rights

Yes, we also learned that [federalism has a dark side](#).

The Constitution was ratified because we discovered that the weaker [Articles of Confederation](#) caused many problems. A stronger national government protects rights.

Experience has shown smaller groups of people, with less diversity (such as different types of religious belief), can be more dangerous to our freedom. "State rights" can lead to individual wrongs. A national government provides safety to minorities and those with less power.

Federalism also can be **inefficient**. Power is open to abuse. But, sometimes, power is necessary to do good things. Federalism can divide power too much and make it too hard for a majority to do things. This not only threatens majority rule. It threatens the protection of our rights.

Democracy is also threatened. One person, one vote principles are violated by having states with very different populations each having two senators. The Electoral College led to multiple presidents being voted by fewer people than the losing candidate.

And, more power to individual states allows state governments to threaten the rights of their own people. The local police officer is often more of a threat than an FBI agent.

Final Thoughts

A basic principle that we soon learn is that life is complicated. Students are likely to find that out just trying to balance their lives. It is a basic principle of history and government.

Federalism and individual rights are very complicated. We have a range of debates on what rights we have and how best to protect them. Federalism is but one part of this debate.

The Founding Fathers found this all rather complicated. Don't worry if it is for you too.