

Majority Rule and Respect for Minority Rights¹

DEMOCRACY IS A WAY OF GOVERNMENT OF THE PEOPLE WHICH IS RULED BY THE PEOPLE.

Democracies understand the importance of protecting the rights, cultural identities, social practices, and religious practices of all individuals. In order for the people's will to govern, a system of majority rule with respect to minority rights has been put into place.

Majority rule is a way of organizing government where citizens freely make political decisions through voting for representatives. The representatives with the most votes then represent the will of the people through majority rule.

Minority rights are rights that are guaranteed to everyone, even if they are not a part of the majority. These rights cannot be de eliminated by a majority vote. Minorities must trust that the majority will keep in mind the wishes of the minority when making decisions that affect everyone. The minority today will not necessarily be the minority of tomorrow.

The concept of majority rule and respect for minority rights is demonstrated in several places in the Constitution.

The first three Articles in the Constitution identify how the people will elect representatives into the Congress and how

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those elected officials will then elect officials into the judicial and executive branches, thus giving direct and indirect representation to the majority. The articles also identify the duties of three separate branches of the government, the LEGISLATIVE, EXECUTIVE, and JUDICIAL branches. While each branch has its own duties; they are dependent on each other.

- It is the duty of the LEGISLATIVE branch to create a law.
- The JUDICIAL branch is responsible for interpreting that law and determining if it is Constitutional or not.
- The EXECUTIVE branch can veto the law, which then sends the legislative branch back to the drawing board.

The above not only shows how each branch is separate but related, it also shows how the different branches act as a check and balance system for one another. It is through the **checks and balances system** that the framers ensured that each branch would be fair and efficient.

The Constitution also demonstrates majority rule and respect for minority rights through Article V of the Constitution which explains that the Constitution can be amended in two ways.

1. The first way is through the Congress passing a proposal, with a two-thirds vote, to the states to ratify. The amendment is ratified when approved by three-fourths of the states.
2. The other way is through a national convention. This is where two-thirds of the states petition Congress to propose amendments. The proposal still has to receive a three-fourths vote by the states. This Article allows the people to

make changes to the Constitution throughout time as the majority and minority positions change.

Two other places the Constitution addresses majority rule and minority rights are in Article VI of the Constitution and the First Amendment.

Article VI ensures that the Constitution, federal laws, and treaties take precedence over state laws. **This Article binds all judges to abide to the same principles in court. This Article ensured that the majority rule of the nation trumped the majority will of the individual states.**

The First Amendment gives all citizens basic rights. It is through these rights that the minority stays protected. The right to free speech and the right to assemble allow the minority to be heard, which gives them the opportunity to grow and become the majority.

There are several instances in which the concept of majority rule with respect to minority rights has played a significant factor in American government and policy.

One example is the case of Plessy v. Ferguson 1896. In this case HOMER PLESSY, a man who appeared white, but was one-eighth black, was arrested in Louisiana for sitting on the white railroad car and refusing to move to the black railroad car (Zimmerman, 1997). According to Louisiana law, all persons with a black blood line, regardless of how small, were to be considered black and must be segregated from the white people. After being released from prison, Plessy took his case to the US Supreme Court. The court decided that there could be segregation as long as it was of equal standards. This case demonstrates the will of

the majority to allow for segregation as well as protecting the minority by requiring “EQUAL STANDARDS”.

The next example of majority rule with respect to minority rights challenges the PLESSY V. FERGUSON decision in the case of BROWN V. BOARD OF EDUCATION Topeka, KS 1954. This historic case dismantled the segregation that was allowed in the Plessy case (Brown v. Board of Education). The Brown case involved 13 minority parents and their children who were denied access to a school closer to their home because of segregation laws. The case showed that the separate schools were in fact not equal. The case also showed that the segregation laws were a violation under the EQUAL PROTECTION CLAUSE. This case demonstrates how the minorities do have a voice, and the majority taking on their responsibility to also protect and serve the minority. This case was also the catalyst for social change in the United States towards the treatment of non-whites, this social change was the beginning of the minority becoming the majority.

Majority rule with respect to minority rights is vital to a democratic government. This process allows for citizens to maintain individual rights while following the direction of the majority. It also allows for the citizens to make changes to the laws as society, the majorities, and the minorities change.