

## The majority

*'It is unpopular minorities whom charters and bills of rights exist to protect.  
In almost any society, the majority can look after itself.'*

*- Lord Bingham*

Many years later, as I heard the results of the EU referendum, I were to remember that distant afternoon when I threw in the stone which represented the guiltiness of Socrates.

(1)

At that time, 399 BC, in Athens, the trial of Socrates was going on. Many people with twisted faces were yelling at Socrates. I looked at the City which had suffered from heavy losses because of invaders, I could not forget the war-time when my life was filled with the fear of death. So I joined the crowd and shouted:

'He is a traitor! He wanted us to believe in a new God! He deserves death!'

Socrates did not defend himself. The crowd burst into a furious groan which expressed the dissatisfaction felt in every heart. I flung my stone into the bowl.

Everybody voted and made the decision collectively, with 220 votes against and 280 in favour of his death.

In the afternoon, Socrates died because of the democracy which we were proud of and which had been re-established after we experienced the war.

Later at that night, I met God in my dream and I said,

**'This is democracy.'**

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<sup>1</sup> Tom Bingham, *The Rule of Law (2010)*, p.82

(2)

It was the 19<sup>th</sup> century. I became a 30-year-old man named Meursault, with the memory of Ancient Athens living in the France. Everything started to change after my mum left.

Many days later, a man intended to kill me using a knife, so I shot him before he took the knife fully out of his pocket.

I was brought to court.

People from the nursing home, where my mum had been living, provided much evidence against me, including that I was unwilling to see her, smoking and asking to drink coffee when I was at her wake, and the most important evidence was that I did not cry at my mom's funeral.

I could feel the anger growing among the jurors, who were all ordinary people.

My friends rejected all this evidence and argued that I was friendly and kind.

I was confused and angry, because this debate was irrelevant to the case and my personality was distorted by those unsubstantiated deductions. But when I wanted to defend myself I was shocked by the facial expressions on their faces which were exactly the same as those Athenians a thousand years ago.

Eventually I failed to persuade them. The Jury made a decision that I was guilty of murder, and the law was going to impose the death penalty on me.

I was so desperate; I did not want to die.

But I suddenly remembered what I said ages ago.

**'This is democracy.'**

I realised it was me who murdered Socrates, in a similar way to what the Jury and Judges had done to me.

In Athens, the inevitable decision had been made with 280 votes, the other 220 that also accounted for a large proportion of the total votes were ignored. We killed Socrates without thinking carefully, regarded him as a traitor and voted to his death, merely because the majority were so angry and pained at the loss of the war.

It was the same that the Jury came to a verdict of guilty mainly because I was considered unfilial, regardless of the truth.

The irony was, I was not aware that every life was so valuable until now. I could not accept that my life would be taken by people who were irrational as well as emotional and made a wrong judgment on me.

God gave me another life in America in the 20<sup>th</sup> century, so I can read my story from Camus' novel, *The Stranger*.

But what about Socrates?

Even though I realised I was wrong at that time, Socrates could not wake up again.

(3)

In 1995, all America was waiting for the result of Simpson's murder case, where a black man named O.J. Simpson was accused of murdering his ex-wife, Nicole, and one waiter in a restaurant. It was one of the most astonishing and important cases in history of western trial. Several strong pieces of evidence were provided (i.e. a glove with both Simpson's and the victims' blood on; DNA evidence that the blood on Nicole's coat belonged to Simpson), it seemed impossible for the trial to result in an acquittal. However, a prosecutor's released recording showed that the prosecutor was a racist. Meanwhile, Simpson's hand could not fit into the glove and the DNA was discovered as being contaminated already when the police handled it. Thus, these pieces of evidence were no longer valid.

I heard discussions about this case everywhere, most people held the same opinion that Simpson should die. But the law should be merciful, because there was no valid evidence to prove he was the murderer.

During those sleepless nights and days, I could not help imagining what would happen if there had been a referendum on this case.

Most people would vote for the death penalty rather than acquittal. Since Simpson acted in a socially unacceptable way, people hated him and believed he must be the murderer. He has already been investigated by police for domestic violence several times, and evidence was still seen as strong and valid by most people. In fact, only a few people had expertise in law, the majority just made a judgment based on their feelings, especially their stereotypes on the ethnic minority. Therefore, a referendum may also result in more serious discrimination against the Black, making this society more divisive.

On October 3, 1995, there were 100 million people watching or listening to the verdict announcement that Simpson was found NOT guilty.

I nearly cried. Because I knew how difficult it was for the Jury to give such a result under huge public pressure. The law was not only protecting and valuing every citizen's right to life but also granting a fair trial for everyone, instead of following the will of the majority. **'This is democracy'**, I thought.

However, there was a civil trial in 1997 and the verdict was against Simpson, using weak evidence. The poll showed, '75% blacks disagreed with the verdict and believed that it was racially motivated, while most whites surveyed said they believed justice had been served'. Even though there was not a referendum, social division and discrimination had already occurred.

Fortunately, the State should not prosecute a citizen twice in order to protect citizen's rights. I appreciated this rule and I believed the time of the tyranny of the majority had gone, God would let me die.

(4)

I am still alive in the 21<sup>st</sup> century.

On June 23<sup>rd</sup>, 2016, there was a referendum in the UK on whether the UK should leave the European Union. All the things I was imagining about Simpson's case now happened: complicated issues, discrimination against the minority and tyranny of the majority.

This referendum was extremely complex. It related to economics, politics and law, which most people are unable to understand. Instead of interpreting the issue thoroughly, people concerned more about immigration. A large amount of people thought wrongfully that immigrants took up the jobs so that immigration was the main cause of high unemployment rate. Besides, official statistics shows that the number of hate crimes soared by 41% in the month after the UK voted to leave the EU. The minority, in terms of immigrants, are now suffering from discrimination and security problems caused by the referendum.

The result was closed, where only 52% of voters voted to leave. Parliament is now planning to trigger Article 50, regardless of the will of 48% of voters. It has to listen to the result because the Parliament is legitimised by people and it should serve the people, although in theory results of referenda are not binding on Parliament.

Direct democracy finally brought about the problem of tyranny of the majority, where the minority's interest and will is scarified and ignored.

When I heard the result, I recalled that afternoon when Socrates died. I felt so depressed because this referendum was so similar to the vote on Socrates, which means going back in time.

(5)

Referendum is the only form of direct democracy existing nowadays. It is recognised as a tool to raise political participation rates and is highly democratic, the extent to which it makes the political decisions more strong and legitimate. I can understand why more referenda on important issues were held around the world recently, but in reality these referenda often forced, rather than advised, the government to implement what the majority had suggested, which would unavoidably result in tyranny of the majority and abuse of the minority's rights.

History repeats itself. I still do not know how long I am going to live.

But I hope referenda can be used more carefully, and the law, as well as the government, can always be here to protect the unpopular minorities.