

Majority Rule¹

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Abstract

This article provides a survey of existing studies of majority rule, outlines misconceptions of majority rule, and highlights underexplored fields of research. It argues that the reasons why the minority complies with majority decisions have been underexplored.

Majority rule is used in diverse and numerous contexts of decision-making. It is commonly referred to as if it were a natural decision rule whose functioning and legitimacy were clear to anybody. Even if the majority threshold varies, majority decisions are fundamentally characterized by a mechanism, the submission of the minority to the majority, that remains mysterious. Majority decisions can be studied under a wide variety of aspects. But even their most popular dimension, which is their use in democracies, has not been so much researched. In comparison to studies of deliberative democracy that have tremendously developed in the recent years, the rival democratic model of aggregation and majority decisions seems less theorized. If one considers that disagreement is a circumstance of political life (Waldron, *Law and Disagreement* 153), majority decisions deserve more research because majority rule is the only way to decide in spite of disagreement.² Furthermore, even theorists of deliberative democracy who criticize mere electoral democracy acknowledge that in a situation of deliberation, voting is nevertheless necessary to make a final decision (Gutmann and Thompson, *Why Deliberative Democracy?* 18).

This paper points out diverse ambiguities and obscurities concerning majority decisions. Then, it presents a survey of existing studies of majority rule and decisions. Lastly, it highlights unexplored or underexplored aspects.

1. Definition and Misconceptions of Majority Decisions

Let us define a majority decision as a proposal that has to be implemented because the aggregation of the participants' views by a specific majority rule reveals that the number of supporters of the proposal is superior to the number of its opponents. Majority rules act as transformers. Any majority rule includes four variables: (a) the majority threshold (*simple* majority, i.e. more than half of the participants in the vote; *absolute* majority, i.e. more than half of the individuals entitled to vote; *qualified* majority, which implies a threshold superior to simple majority; *relative* majority or *plurality*, which is not defined as a minimal threshold, but as the fact of receiving more votes than all the other options); (b) the number of persons entitled to vote; (c) the quorum; and (4) the distribution (or weighting) of votes to the participants. The combination of these four variables can lead to a paradoxical situation: there are more opponents than supporters of an adopted proposal. Vermeule ('Absolute Majority Rule' 648) shows that this is the case if there are 100 eligible voters, the rule is simple majority, and the quorum is 51. It can happen that a proposal is adopted because 26 out of 51 present voters supported it, while the aggregation of the views of the 100 eligible voters might have led to the rejection of the adopted proposal.

Majority decisions are sometimes defined as decisions based on the equality of participants or as democratic. In fact, apart from one case, there are no analytical links between majority decisions and those notions.

First, majority decisions are often said to be founded on the *equality* of participants.³ Yet, one has to distinguish two equalities: (a) each participant casts *the same number of votes*; and (2) each participant has *the same influence* in the decision-making process. This second conception of equality is called ‘anonymity’ in the theorem of May.

As for the first conception of equality, majority decisions do not automatically involve that each participant is granted one vote. A group can decide by majority on the basis of an unequal distribution of votes (see Brighouse and Fleurbaey). For instance, in international organizations, votes are often distributed to member states as function of diverse criteria (GDP, population...). In housing cooperatives, they are allocated on the basis of square meters.

Furthermore, to define majority as the rule that allows the equal weight of participants is not specific enough because other rules also allow this. For instance, unanimity necessarily entails the equal distribution of votes since each participant has a right to veto. To some extent, deliberation can also include some form of equality, for instance, when the participants are granted an equal time to hold the floor.

Nonetheless, deliberation cannot entail that each participant will have the same *influence* on the decision. On the contrary, when the distribution of votes is equal, majority rule can guarantee the equality of influence. But as Vermeule’s example shows, the equality of weight guarantees the equality of influence only if the rule is absolute majority – each participant entitled to take part in the decision has to be counted. The other decision rules do not guarantee that each participant has the same influence in the decision-making process. Unanimity, qualified majority and simple majority can give more influence to the minority. Therefore, majority and equality are analytically linked in one single (and in practice, rare) case of majority rule.

Majority decisions are also often considered as intrinsically *democratic*. This definition is obscure and inaccurate. Majority decisions do not entail democracy, and democracy does not entail majority decision-making. Of course, as it is often the case with this notion, the problem is to decide how democracy is to be understood.

Majority decisions do not entail democracy because they occur in many more various contexts than democratic institutions and elections. Let us for instance quote elections in religious contexts (see Moulin, ‘*Sanior Pars et Major Pars*’ and ‘*Les Origines Religieuses*’; Heinberg 59).

Democracy does not entail majority decisions. According to Ober, democracy does not even originally mean majority rule. For instance, in ancient Greece, sortition, and not majority voting, was considered as the democratic mode of selection (see Manin, *Principles of Representative Government*, chapter 1). Furthermore, majoritarian democracy is not the only possible form of democracy. For instance, decisions in democratic institutions can be made by consensus or ‘amicable agreement’ (Lijphart *Democracy in Plural Societies and Democracies*; Steiner *Amicable Agreement*).

Let us add that in some cases, majority rule can be considered as a flaw of democracy that has to be corrected by counter-majoritarian institutions. Majority rule can also constitute a threat to democratic principles such as individual rights (Elster, ‘*Majority Rule and Individual Rights*’).

Lastly, majority rule seems so frequently and spontaneously implemented that it might be considered as a *rule of nature* (Heinberg 52; Waldron, *The Dignity of Legislation* 130). Nonetheless, the emergence of majority rule can be historically dated (Heinberg; see also Larsen). It seems that it was used by the Greeks and was ignored for several centuries until monks substituted the rule of *major pars* for the rule of *sanior pars* (see Moulin, Colomer and McLean, and Flaig). Besides, one has to relativize the social extension of majority rule. Majority rules are used only in certain societies, while others ignore them. Recent studies have thickened the enigma of the origins of majority rule, its nature, and its rationale by showing that majority decisions are also used in animal groups (Conradt and List).

2. Existing Studies

Apart from the historical essays already mentioned, existing studies of majority decisions offer three main contributions. First, scholars have focused on the issues raised by the aggregation of preferences and beliefs. Second, several social experiments have been made to explain decision-making in committees and the shaping of preferences. Third, the legitimacy of majority rule has been analyzed from the perspective of political theory.

First, there is no lack of studies that analyze majority rule as a technique to *aggregate views in order to produce a collective choice*. The origins of such research are the paradoxes of Borda and Condorcet on the intransitivity of preferences and Arrow's impossibility theorem (see, for instance, Dietrich and List; List and Goodin; Nummi). Further issues raised by the aggregation of views have been discovered, such as the doctrinal paradox (for an overview of this topic, see Elster, *Securities Against Misrule* chap. 1; see also Bovens and Rabinowicz), strategic voting, and the 'chaos' resulting from voting in a multidimensional setting (see McKelvey). Aggregation has also been studied from a comparative perspective, by analyzing the effects of the different majority thresholds (Vermeule, 'Submajority Rules' and 'Absolute Majority Rules'; List; see also Risse, 'On the Philosophy of Group Decisions II').

Second, several laboratory experiments have tested game theoretic models by studying majority decision-making in committees (the seminal experiment is described in Fiorina and Plott). More recently, experiments have been made to analyze the motivations of voters. Basically, these attempt to determine if motivations are shaped by self-interest or if they also have an altruistic dimension (Eavey and Miller; Sauermann and Kaiser).

Third, political theorists have investigated the *legitimacy* of majority decisions. There are two ways to raise this issue: (a) in which contexts is majority rule illegitimate? This question is addressed in studies of countermajoritarian institutions and of consociational democracies (see above and Offe); and (b) how can we justify majority decisions? Diverse justifications of majority decisions have been proposed (for an overview of these arguments, see Risse, 'On the Philosophy of Group Decisions I').

First, we need to distinguish the sociological explanations from the theoretical and philosophical justifications of majority decisions. Given that sociological research is barely developed, we will deal with the sociological explanations in the following section ('Underexplored and unexplored aspects'). Yet, we may cite Simmel's *Excursus on Outvoting* (176). Simmel describes majority voting as a substitute for fight. A group decides by majority votes because votes show to the minority that they are anyway less numerous than their opponents. Similarly, Przeworski argues that majority voting is a 'proxy for the outcome of war' ('Minimalist conception of democracy'). Therefore, majority voting avoids the costs of a fight. However, this explanation is not grounded on sufficient empirical or historical evidence; furthermore, the strength of a group does not result of the sole number of its members, and a smaller group can be physically stronger than a bigger one (see the criticism of physicalist explanations by Waldron, *The Dignity of Legislation* 131).

As for the theoretical and philosophical arguments in favor of majority rule, Risse has shown through an in-depth analysis that they are not fully satisfactory, partly because they could be arguments in support of other decision rules (Risse, 'Arguing for Majority Rule').

Given the high cost of majority decisions, the submission of the minority, their justifications often refer to another question: 'why is unanimity not used?' (on the myth of unanimity, see Moulin, '*Les origines religieuses*' 134). If one assumes that unanimity is normatively superior to majority rule and at the same time acknowledges that unanimity is in practice too difficult to reach, then majority rule is justified on the ground of this practical acknowledgement: majority rule is the *second-best rule* (Locke VIII, 98). The political unity of the group justifies and explains that, unanimity being considered as utopic, the minority complies with the decision of the

majority (Locke VIII, 95 and Simmel 222). This argument is questionable under both its justificatory and explanatory aspect. It assumes that the minority accepts the decision of the majority because they constitute together a single entity. But on the normative level, one cannot justify the minority compliance by assuming that the community members have on principle to approve *any* decision made by the majority because they constitute a single community. Furthermore, this argument cannot explain the phenomenon of compliance by invoking a fiction such as the permanent awareness of the social contract.

Far from implying that majority rule is a second-best rule, several justifications argue that it has *intrinsic advantages*.

First, majority decisions are legitimate because they guarantee the *equal respect* of participants. The most developed argument along these lines is that of Waldron (*The Dignity of Legislation* 148). According to him, 'no other principle gives greater weight to the views of any individual member, except by giving their views greater weight than that assigned to those of some other individual member.' This argument is grounded on May's theorem. But given that equality of influence is guaranteed only by the absolute majority rule, such justification makes sense only for this rule. In contexts of democratic elections and legislative decision-making, absolute majority rule is much less often used than simple majority. This situation limits drastically the scope of the equality argument, which is undermined by the fact that abstention and nonregistration on electoral lists are widespread in modern liberal democracies.

Manin offers a different argument in favor of majority rule that is powerful and applies to all the various majority rules. Majority rule does not assume that voters should agree. On the contrary, it 'respects' the plurality of views (Manin, 'On legitimacy and political deliberation').

Third, Kelsen invoked another virtue intrinsic to majority rule: it maximizes the *autonomy* of the participants. Since there are more individuals in the majority than in the minority, one is more likely to be autonomous than nonautonomous. Furthermore, majority rule gives the same pivotal power to each voter. As the first argument, it is relevant only for absolute majority rule.

Fourth, Condorcet's theorem of the jury demonstrated *epistemic* virtues of the majority rule. According to this theorem, given that each voter has a more than 50% chance of voting correctly, it is more likely that the majority makes the right decisions (on the theorem and epistemic democracy, see List and Goodin; Estlund). Yet, this justification is weak because it cannot include moral decisions for which factual rightness and falseness are not relevant criteria.

Lastly, one can justify majority rule by arguing that it is optimal from the *procedural* point of view. May demonstrated that simple majority rule is the only decision rule that satisfies four conditions: decisiveness, anonymity, neutrality, and positive responsiveness (for discussions, see Goodin and List, 'A Conditional Defense'; Ackerman 277; Waldron, *Law and Disagreement* 109).

Majority rule offers two other procedural advantages that to my knowledge have been overlooked by existing studies – maybe because they appear as simplistic (but see Offe 712–713): (a) majority rule allows groups to make unambiguous and procedurally undisputable decisions; and (b) majority rule allows a more productive use of time. First, majority rule entails a translation of views into an unambiguous code ('yes'/'no'; a candidate's name...). Such formalization is a guarantee against procedural contestation. By contrast, the principle according to which the minority has to accept the decision of the majority can be contested. Furthermore, participants in a deliberation formulate their position in natural language, which raises the issue of their accurate interpretation. Majority rule shares the property of nonambiguity with other rules based on a counting of formalized views. In the case of majority rule, this advantage is combined with another procedural advantage: majority rule allows a group to use time more productively than deliberation and unanimity rule, which tends to block the decision-making process. This procedural justification has a wider scope than the previous justifications because it includes the different majority thresholds (even inframajority, which means that a proposal can be adopted if

it is supported by a proportion of voters inferior to 50% [see Vermeule, ‘Supermajority Rules’]). Yet, from the procedural point of view, the issues raised by the aggregation of views are not solved. Furthermore, the procedural justification overlooks the core mechanism – the submission of the minority.

Thus, most justifications of majority rule are relevant only for absolute majority rule. Qualified majority rule has not been so deeply studied from the normative point of view even though it is used when stakes are high (for instance to amend constitutions). Scholars have raised an important issue, the arbitrariness of qualified majority threshold (Goodin and List, ‘Special Majorities Rationalized’; Schwartzberg, ‘The arbitrariness of supermajority rules’). This point needs to be further investigated, partly because the threshold is not always arbitrary but can result of complex political negotiations, as it is the case in international organizations. The origins of supermajority rule, its link to unanimity, and the fact that it gives more influence to the minority are extensively analyzed by Melissa Schwartzberg in her recent book *Counting the Many: The Origins and Limits of Supermajority Rule*.

3. Underexplored and Unexplored Aspects

Some issues raised by majority decisions have been overlooked, at least partly because sociological research on majority decisions is hardly developed. Although some psychological experiments were made (see above), they have not addressed some major questions that require ethnological investigations. Furthermore, as Fiorina and Plott point out, the applicability of laboratory results is problematic. For instance, in the article already quoted, they observed a discrepancy between results for experiments in which the stakes were low, and results for experiments in which the stakes were high. To my knowledge, three main questions have not been addressed or only barely.

First, sociologists have rarely attempted to explain *why and how groups choose to decide by majority* rather than by unanimity, consensus, deliberation, or negotiation. Although Simmel raised this question, his essay has not generated much comparative research. An exception is the work by Urfalino, who compares majority voting and consensus used, respectively, by the US and French committees of medical experts (Urfalino, ‘Reasons and Preferences’) and has recently offered an innovative analysis of the rule of non-opposition (Urfalino, ‘The Rule of Non-Opposition’). As pointed out by Urfalino, the few sociologists and anthropologists who refer to decision rules used in specific societies tend to argue that holistic societies decide by unanimity while individualistic societies decide by majority voting. Yet, these correlations are far from clear.

Surprisingly, we also lack studies of the social interactions that lead to the choice of decision rules. Exceptions are the research by Elster on the American Federal Convention, the French *Assemblée Constituante* and other constitutional assemblies (Elster, *Securities Against Misrule*), and by Moulin on elections in religious orders (Moulin, ‘*Sanior Pars et Major Pars*’ and ‘*Les Origines Religieuses*’). Other major cases have barely been investigated such as, for instance, the adoption of decision rules in international organizations. Given the actors, representatives of nation-states, and the high stakes of several of these organizations, one can assume that the distribution of votes and the choice of a majority threshold result from complex social interactions.

Second, the core mechanism on which majority decisions are grounded remains a mystery: *why and how does the minority comply with majority decisions?* Even if majority rule is frequent, the fact that the minority so often accepts the decision of the majority remains a real mystery for the sociologist and the social psychologist. One could argue that this question is not relevant because groups choose their decision rules. Therefore, only our previous question would make sense. Nonetheless, the rule is often imposed on the participants. Moreover, groups sometimes spontaneously choose to decide by simple majority, for instance, when they have to swiftly make a decision. In those cases, why will the minority so often accept the decision of the majority?

To investigate the submission of the minority, we need further behavioral accounts of phenomena of noncompliance in various settings (for a theoretical approach of this question, see Offe 723). Furthermore, a few research hypotheses can be suggested, depending on the decision-making context.

A frequent explanation of the submission of the minority to the majority refers to the *succession* of democratic votes or elections. The members of the minority for a given vote know that they could be part of the majority in a future vote (see Offe 714). Yet, the ‘shadow of the future’ can only partly explain the submission of the minority in democratic votes because the minority can also comply in cases of one-shot game. One may cite, for instance, the referendums held in several nation-states to decide whether they would join the European Union (EU) or adopt an EU treaty. These cases are especially relevant for the study of minority compliance; since after a majority of voters had rejected the membership or a treaty, some governments organized another referendum. One can also cite the complex game that, after the EU Constitutional Treaty was rejected, led to the adoption of the largely equivalent Lisbon Treaty.

The comparison between iterated games and one-shot games reveals that we have to disentangle, among other factors, the *strategic* aspect (the minority accepts the decision of the majority under the shadow of the future) and *force of precedent* (the minority complies under the shadow of the past or under the pressure of an unquestioned tradition).

The force of precedent hypothesis differs from the hypothesis of *conformism*. The compliance of the minority might result of its conformism. Asch’s famous experiment showed how individuals distort their judgment under the influence of others’ judgment even if others are wrong. This experiment does not pertain to a collective decision context but is nonetheless suggestive. To research the impact of conformism, one needs to distinguish different origins of conformism. For instance, the minority might unconsciously comply with the majority opinion, really believing that its opinion was wrong. But the minority might also consciously comply because it does not want to be seen as isolated.

Lastly, one could return to the question of legitimacy, by asking whether the minority complies because it *believes that majority rule is intrinsically legitimate*. Assuming this to be the case, one needs to investigate the origins of this belief. Is it grounded in the conviction that the majority is physically more powerful? Does the minority think that the majority is right and does it want to conform with the majority decision for this reason – like children who think that their parents ‘were right’ when they voted for the elected candidate? Does the minority comply because it thinks that majority rule is egalitarian? Or because it believes that majority equals democracy? Ironically, misconceptions of majority rule may ground the common belief in its legitimacy.

Third, sociologists and social psychologists have hardly studied *the effects of the different majority thresholds*. Those effects have been studied by formal and normative theories, but we lack information on the behaviors that the different decision rules generate. Even if, as Waldron argues, majority rule has the advantage of allowing the expression of dissent, the expression might be partly and diversely determined by the different majority thresholds. One should distinguish the following: (a) the strategic game with rules, i.e. how the participants use the rules – for instance, do not vote sincerely – to favor a specific result; and (b) the pressure exercised by the rule on the expression of views and how it can generate self-censorship. The first aspect has been treated by formal theory. The second aspect requires further experiments and ethnological observation. Such research could have normative implications. When a group has to choose among different decision rules, it could take into account their effect on the expression of views and their ability to minimize self-censorship.

Thus, while majority decisions have been mostly studied by formal theorists, further research is needed in the fields of law, history, sociology, anthropology and political theory to improve our understanding of the submission of the minority to the majority.

Short Biography

Stéphanie Novak is an alumna of the *École Normale Supérieure* (Paris) and a *professeure agrégée* in philosophy. She holds a PhD in political science from *Sciences Po Paris* where she has taught political philosophy and the history of political ideas. She has been a Max Weber Postdoctoral Fellow at the European University Institute (Florence) and the assistant of Professor Jon Elster at *Collège de France*. They co-edited the volume *Majority Decisions: Principles and Practices* (Cambridge University Press, 2014). Her main fields of specialization are decision-making theory and sociology and EU institutions. She has recently published 'The Silence of Ministers: Consensus and Blame-Avoidance in the Council of the European Union', *Journal of Common Market Studies*, 51(6), 2013. She is currently a Roman Herzog research fellow at the Hertie School of Governance in Berlin.

Notes

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² A few books are entirely devoted to majority rule: Konopczinski offers a history of the majority principle. Spitz study the principle from the perspective of political science. Stawski offers a legal perspective.

³ 'Majority rule perceives all voices as equal. (...) Majority rule is a radical principle that makes all voters equal. (...) equality is only a necessary and not a sufficient condition for the application of majority rule.', Flaig.

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