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## **Three Types of Majority Rule**

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‘I am always hearing about the Middle Classes. What is it that they really want? Can you put it down on a sheet of notepaper, and I will see whether we can give it to them.’ (Harold Macmillan to Michael Fraser, 1957)

### **Abstract**

UK political history since 2010 has provided us with three examples of how the principle of majority rule can operate in democracy. 2010 produced coalition government; 2015 a return to the norm of single party government; and 2017 a minority government. Each illustrates a particular type of majority rule. Theoretically majority rule captures the value of democratic fairness, but its seeming obviousness disappears once political competition involves more than two alternatives. The traditional Westminster system skirts around this problem by making the relevant majority the parliamentary one, without the need for parliamentary majorities to rest on electoral majorities. The principle of a double majority is that governments should rest both on parliamentary and on electoral majorities, a principle illustrated by the pattern of German coalition governments. However, even in such systems there may be no overall majority position. The principle of the issue-by-issue majority is exemplified in Nordic democracies, in which minority governments need to secure ad hoc agreement on particular elements of their programme. It is possible to combine these principles and this possibility is illustrated by a possible reform of the UK House of Lords.

### **A UK Trio**

2010 - 2015 - 2017. Three elections; three results; three parliaments varying in their party balance: three types of government. Three types of majority rule.

2010 produced a hung parliament with no one party holding an overall majority of seats in the Commons, leading to a Conservative-Liberal Democrat coalition government, the first in the UK since 1945. In 2015 the UK reverted to its familiar type with one party holding a majority of parliamentary seats, and with the Conservatives able to form a single-party government. 2017 produced another hung parliament and the government exhibited yet another form: a minority government dependent on a small party, the Democratic Unionists, for confidence and supply, but without the assurance that it could carry the whole of its programme during its term of office.

Occurring within seven years these three examples illustrate the different ways in which the principle of majority rule can be interpreted. 2015 exhibits the typical pattern of government formation in the UK: one party gains a majority of seats in parliament on less than a majority of votes in the election, with the Conservatives holding just over 50% of the seats on the basis of 37% of the popular vote. This pattern conforms to the traditional view of majority rule in the UK. On this view, majority rule means government by the party that can secure a majority of seats in the legislature whether or not it has secured a majority of votes in the country. Indeed, no single-party government in the UK since 1935 has rested on an absolute majority of the popular vote. Instead UK governing parties are elected on a plurality of the popular vote, a plurality being the single largest group of voters. So in general, and as exhibited in 2015, UK government is majoritarian with respect to parliamentary support, but pluralitarian with respect to popular support.

Contrast this familiar pattern with that of the coalition government between 2010 and 2015. The Conservatives and Liberal Democrats held 56% of the seats and between them shared 59% of the popular vote. The governing parties were majoritarian in respect of both their parliamentary and their popular majorities. This pattern illustrates a second interpretation of government by majority rule, which might be called the double majority principle. In a system of double majority rule, governments with a majority status in the legislature should also command majority support among the electorate. If we are looking for an empirical example of this type of government formation, Germany by and large exemplifies this pattern.

The 2017 minority government illustrates a third understanding of majority rule. A minority vote among the electorate give rise to a minority of seats for the leading party in parliament. Support for the government continuing in office lies with a small minor party, but without the guarantee that the governing party can secure its full political programme, any item of which will depend upon an ad hoc parliamentary majority in order to pass. Majority rule therefore works issue by issue. Majority rule does not mean the rule of a party that secures a majority in parliament or the country, but instead amounts to majority decision making on an issue-by-issue basis. In the UK this pattern of majority rule is rare, but it is exemplified by minority governments in the Nordic countries where no one party or coalition of parties can guarantee to secure its programme across the full range of policies and where governments negotiate their policies on a case by case basis.

The key to understanding the logic of these different forms of parliamentary government is to be found in the way they combine a principles connecting voters to parliaments and parliaments to governments. Differing combinations are widely used in the literature on comparative politics to define different types of democracy.<sup>1</sup> The combination of an electoral plurality and a parliamentary majority gives rise to the classic Westminster understanding of democracy. The combination of electoral majorities and parliamentary coalitions yields representational or consensus democracies, a familiar type in much of western Europe. The combination of an electoral plurality and a parliamentary plurality gives us the Nordic pattern in minority government. Table 1 maps the three UK cases by this two-by-two typology.

Table 1 also includes a theoretically possible fourth type of majority rule, namely one in which a party with a popular majority of the vote secures only a minority of seats in parliament, whilst a party with a minority of the votes holds a majority of the seats. There are no actual examples in the UK of this pattern, but the general election of 1951 comes closest with the Labour Party securing 48.8% of the vote, a higher share than the 48% gained by the Conservatives, but with Labour having only 47% of the seats compared to the Conservative's 51%. Had Labour piled up even larger majorities in its safe

constituencies in 1951, it is possible that there would have been Conservative government by an electoral minority and a parliamentary majority.

[Table 1 about here.]

The three-way gyration of government types in the UK over seven years is a consequence of the operation of its electoral system in a situation in which there is significant third party support among the electorate. Whatever the benefits and costs for the UK political system of such gyrations, their advantage for the analyst is that they provide vivid and real life examples of important theoretical possibilities. If we are rethinking democracy, we ought to begin from first principles, but we also ought to bear in mind the various ways in which those principles can be worked out in practice. The sequence of elections since 2010 shows us that different understandings of majority rule are not merely matters of abstract theoretical speculation but correspond to different ways of thinking about the foundations of democracy.

### **What is so Good about Majority Rule?**

To be a democrat is to be a majoritarian. For many people this is true by definition. After all, the principle of majority rule seems to provide an obvious solution to the problem of how to make a common decision when a group of people have to act together but differ in their views as to what should be done. If the members of a sports club have to decide between two ways of spending money – say painting the outside of their building or refurbishing the bar – then an obvious way of making the decision is to take a vote at the annual general meeting and go with the majority decision. In relation to collective decision making, the majority principle is what Schelling called a prominent solution.<sup>2</sup> Prominent solutions seem obvious in some way. In wage bargaining ‘splitting the difference’ is a prominent solution; in the sale of tickets for a concert ‘first come, first served’ is a prominent solution. Prominent solutions are the first type of solution that comes to most people’s minds when thinking about such problems. (How many people, for example, would suggest a 52:48 split in wage bargaining?) In a similar way, taking decisions by a majority vote when there is a need to determine a common course of action in the face of disagreement is so widespread in many contexts, that its value seems obvious.

As well as being obvious, the majority principle also captures the idea of fairness. Because the majority principle takes decisions only by reference to the numbers favouring one side rather than another, it captures the principle of the equality of participants. When the sports club makes its decisions by majority rule, the poorest member’s views weigh as heavily as the richest member’s views, just as the views of the newest members count as much as the views of the oldest members. The principle of majority rule is no respecter of persons. Neither is it biased towards particular types of alternatives, for example the status quo compared to a new proposal. For these reasons the principle of majority rule is democratically fair. It counts everyone as one and no more than one, whilst also being responsive to the preferences of those voting. Indeed, in meeting these conditions, the principle of majority is unique. It is the only rule that satisfies them all.<sup>3</sup>

This combination of customary familiarity and democratic fairness is the principal reason for thinking that decisions made in accordance with the majority principle rule are legitimate. Notice that this legitimacy is a procedural legitimacy. Those who favour majority rule as the obvious solution to resolving differences of political view do so because of its responsiveness to the choices of those

involved in the decision independently of the outcomes to which the rule gives rise. You can think that a particular majority decision is wrong, short-sighted, based on widely held misconceptions, or just crass. But whatever you think about any particular decision, you can still think that in the general run of political decision making, the majority principle is the right one to follow.

What are the implications for our understanding of government if we adopt this principle of democratic fairness? An important implication is that through electoral competition governments should be responsive to, or at least constrained by, the preferences of the median voter. If we imagine voters lined up from left to right in terms of their attitudes, then the median voter sits mid-way between the two extremes. Typically median voters will form a group whose members share similar political opinions. This does not automatically mean that median voters are centrist in terms of their political attitudes. If public opinion is tilted strongly to the right or strongly to the left, then the median voter will be found to the right or left of centre. However, given the distribution of public opinion in most democracies, median voters will generally be found at the centre of the distribution of opinion and often not too far from the status quo. So, they may favour some tax cuts or some tax increases, but they are unlikely to favour the sort of slash and burn economics associated with the bonfire of regulation or be sympathetic to revolutionary attempts to build the New Jerusalem on earth within two parliamentary terms. They are quintessentially an enlarged version of Harold Macmillan's middle classes.

Democratic fairness also puts a break on the projects of passionate minorities who occupy government office. The less responsive a government needs to be to the median voter, the more freedom it will have to pursue ideologically inspired goals through policies that would otherwise be punished by opposition from median voters. For example, if a party only needs around 40% of the electorate's support in order to gain a majority in parliament and form a government, then the effective pivotal voters will be found around that 40% mark, and the party's policy programmes and campaigning will be aimed at that group, irrespective of what median voters think. Avoiding this drift away from the centre does not strictly require that in order to gain a parliamentary majority at least 50% of the popular vote is required. The gravitational pull of the median voter will be exercised in elections in which two parties are dominant, with each competing for a winning share of the popular vote. If third party interventions are small in scale, then neither of the two dominant parties will need a 50% share of the vote in order to gain a parliamentary majority, but they will need something close.

In short the procedural justification for the majority principle as a principle of democratic legitimacy is that it captures a basic sense of fairness among citizens. It does not give disproportionate weight to one group or type of voter relative to others. This virtue will carry over to parliaments if governments depend upon majorities that themselves capture the views of the median voter.

One doubt often raised about the procedural justification for majority rule is prompted by examples in which unconstrained majority rule seems to lead to tyranny and oppression, as with segregation in the southern states of the USA in the first part of the twentieth century or the Nazi seizure of power in Germany in 1933. In fact, in each of these cases there are grounds for arguing that it was the suppression, rather than the empowerment, of majorities that was the main problem. In the US south, great efforts were made to exclude African-Americans from the vote, and true majority voting required the imposition of federal standards on electoral administration after 1965. In 1933 the National Socialists gained their largest share of the vote at around 44%, but their decisive seizure of control came with their abuse of the emergency powers granted after the *Reichstag* fire. However, even if we allow that the untrammelled operation of majority rule can lead to tyranny, so that certain

political and civil rights need to be protected from its scope by counter-majoritarian institutions, there is still a large area of public life that will fall within the domain of majority rule, including those cases where a political decision is needed to resolve dilemmas that are thrown up by conflicts among rights.<sup>4</sup>

In any case, the main challenge to the obvious fairness of majority rule comes not from any potential conflict between majority preference and individual rights but from the difficulties of understanding the meaning and implications of the majority principle when a choice has to be made between more than two alternatives. The difficulties can be illustrated by reference to the case of the sports club having to make a decision on priorities for maintenance and improvement. If, instead of two possible projects, there is a third alternative, for example turfing a pitch as an alternative either to refurbishing the bar or painting the outside, there may be no overall majority in favour of any one option. In this case, the club could adopt the plurality interpretation of the majority principle and adopt the alternative that garners the single largest number of supporters, or it could try some exhaustive ballot system and ask its members to vote on each alternative pitched against the two others. The result of the second type of procedure need not coincide with the plurality preference, particularly when one alternative is favoured as second-best by a large number of people in addition to those for whom it is first best. The sports club will have to decide which procedure is the fairer of the two without either being obvious.

One important cause of an increase in parties, and thus of more than two-party competition, in democracies is the rise of issues that cannot be thought of in simple left-right terms and so have the potential to divide party supporters who are otherwise united in left-right terms. The gyrating forms of UK governments since 2010 arise from the presence of a significant third force in party competition, whether that be the Liberal Democrats or the Scottish National Party. In the present context it does not matter if we assign the rise of these forces to social and economic change or to the skill of political entrepreneurs in picking on and promoting those issues known to be disruptive. In terms of understanding the meaning of the majority principle, the existence of political contests that are three-way, or even more than three-way, poses significant problems for the meaning of majority rule and therefore of its legitimacy. The problem is how to define the equivalent of a majoritarian procedure in circumstances in which an absolute or near-absolute majority does not emerge given that there is no simple 'either/or' pair of alternatives. In other words, the challenge to the legitimacy of majority rule comes from having to provide a fair way of making party and policy choices in situations in which political pluralism has increased. What might be the meaning of majority rule in those circumstances? There are at least three options: the Westminster system; coalitional government; or government in accordance with the principle of the issue-by-issue majority.

### **The Westminster System**

In the UK governments normally enjoy a majority in parliament without the need to gain a majority of votes in an election. The Westminster system therefore is typically majoritarian in respect of parliament-executive relations, but pluritarian with respect to voter-parliament relations. Although voter-parliament and parliament-executive relations are logically distinct dimensions of democracy, the Westminster combination is often justified by a single rationale. If the purpose of an election is to have 'strong and stable' government, then a pluritarian electoral system will usually produce that end. It does this by reducing the incentives for third parties to form and by raising the barriers of success once they do form. The parties for whom it is easiest to jump those barriers are those which are

geographically concentrated, like the nationalist parties, or those which adopt a localist strategy, as the Liberal Democrats and their predecessors have done. However, in the nature of the case, geographically concentrated political forces find it hard to establish the scale of presence that the two major parties have. Moreover, if accountability is an important value, then it can be argued that pluritarian democracy achieves that goal. With one party government there are fewer opportunities for blame-shifting by governments. Blame-shifting clearly occurs particularly at the beginning of the parliamentary term, when incoming governments can attribute all the problems to their predecessors and all the successes to themselves. Over time, however, blame-shifting becomes increasingly implausible, and certainly if a party wins successive elections, it becomes virtually impossible. No one but the Thatcher government was responsible for the Poll Tax, just as no one but the Blair government was responsible for the Iraq war. And everyone knew it.

From one point of view, this line of argument suggests a tension between the value of accountability and the value of majority rule. Someone in favour of strong and stable government seems to be in favour of clarity of blame-attribution over the requirement to secure majority support in the population at large. Provided one is majoritarian at the parliamentary level, it seems to matter less that one is pluritarian at the electoral level. From another point of view, however, clarity of accountability might be said to provide an incentive for responsiveness to the views of electors. Only a relatively small change in party preference among the electorate will produce a large change in the balance of seats in parliament. In this way, it might be argued, governments have an incentive to be particularly responsive to voter concerns. On this account UK governments are responsive precisely because they typically rest on less than an absolute majority of the popular vote.

Of course, this supposed virtue may be turned on its head. If UK governments are peculiarly sensitive to relatively small changes in popular support, that can lead them into a pattern of chop-and-change policy making. A long-standing critique of the Westminster system is that its adversary politics underpinned by the electoral system induces frequent and counter-productive swings in public policy. The tendency of the electoral system to magnify relatively small swings in votes to relatively large changes of seats led to a damaging politics of see-saws in government policy.

The argument also prompts a larger question about accountability. One way of thinking about the principle of accountability is to see it as bringing together two requirements on agents responsible for making decisions.<sup>5</sup> The first is the requirement to explain and justify those decisions. The second is the requirement to be liable for sanction. Single party government, however, provides little incentive for questioning and deliberation in the making of legislation, even when that legislation turns out to be unpopular in electoral terms and indeed could have been predicted to be unpopular. Moreover, the sanction mechanism is weak. The principle of ministerial responsibility is fiction not fact; many of the problems of policy show up long after governments have left office; UK governments often rush through legislation and policy without the opportunity to deliberate on problems; and few governments are confronted with the need to negotiate with other parties. Before the Thatcher governments of the 1980s, some of the problems of one-party government were mitigated by conventions aimed at cross-party consensus, for example the use of royal commissions and committees of enquiry, as well as retaining a strong policy analysis capacity in the civil service. But those practices no longer exist.

These developments mean that it is hard to put too much weight on accountability. In its deliberative dimension – the aspect of accountability that is concerned with explaining and justifying policy choices – the mechanisms for governments to seek out a broadly acceptable view are weak under the

Westminster system. In its sanctions dimension – the aspect that is concerned with providing an incentive for governments to seek out those broadly acceptable views – the practice is weak or non-existent. Ministers do not resign for failure or have left office by the time that failure becomes manifest. And an election covers a multitude of sins.

So it is hard to argue in practice that the virtues of accountability are so clear and obvious that they should outweigh the disadvantages of giving power to a party that secures only a plurality of the vote. Of course, it is not necessary to insist that a governing party secures at least 50% of the popular vote before it can claim some majoritarian legitimacy. If a party secures, say, 48% of the vote with no other party within 5%, then one can argue that, given the inevitable presence of some third party, this is as close to the median mandate as one can get in practice. However, as the plurality support for a single party in government falls below 48%, the sense of legitimacy weakens. For myself, I find the sweeping Thatcher reforms with large parliamentary majorities resting on a share of the popular vote that never rose above 44% illegitimate in terms of majority rule, but others may judge differently. However, when a plurality falls below 40%, it is hard to say that a government rests on anything but a minority. When a government secures a parliamentary majority with only 37% of the popular vote, we are clearly in the territory of minority rule, with all the dangers that brings.

Note that this argument is not the same as the argument that was often made under the Thatcher government, namely that the then government was opposed by the majority. It might look as though a government having a parliamentary majority with a plurality of the vote is equivalent to the theoretical case suggested by the 1951 result, namely a popular majority securing only a parliamentary plurality. If the Thatcher government's electoral plurality led to a parliamentary majority, is that not the same as saying that the opposition's electoral majority has only secured a parliamentary plurality? But the two are not mirror image cases. It is true to say that the Thatcher government could have been defeated by an opposing majority if that majority had been united into one force. But it never was. In fact, what the Thatcher governments faced were opposing minorities, of roughly equal size, represented by Labour and the Liberals/Social Democrats, but each smaller than the minority that supported the Conservatives. The situation was one of opposing pluralities, not of a single electoral majority deprived of its rightful parliamentary share of seats.

If one is going to defend the Westminster system, given the principle of majority rule, one either has to show that the principle of accountability does actually provide a way of securing responsiveness to the views of a majority or that the virtues of accountability trump those of majoritarian responsiveness. Either of these claims seems hard to uphold. A third alternative is to say that one should not be too literal about the principle of majority rule and that some plurality short of a strict majority is still a good enough practical approximation. Whilst that may seem plausible for governments resting on, say, 48% of the popular vote, but it becomes increasingly implausible the further support for the government falls away from that figure.

### **Double Majority Government**

Double majority governments require both a parliamentary and an electoral majority. It is no accident that of post-1945 governments in the UK the 2010 coalition has been the only government to satisfy the double majority requirement. Outside of those increasingly rare cases in which two parties dominate the electoral landscape, it is hard for a single party to secure enough popular support for it to be able to command an absolute majority in the country, even if the party can secure a majority in the

legislature. In consequence, the double majority principle favours coalition government. It does not follow, however, that legislative majorities produced by coalition always rest on popular majorities. German coalition governments sometimes rest only on parties that between them have less than 50% of the popular vote, for example the 2009 coalition that rested on only 49% of the popular vote.

Yet German experience also highlights the distinction between Westminster majoritarianism and coalitional majoritarianism. In 2009 the German Christian parties won around 34% of the popular vote, not far short of the 37% that David Cameron's Conservatives had in the UK in 2015. Yet, in Germany the Christian parties were nowhere near forming a parliamentary majority, whereas Cameron's Conservatives had a good working majority. Even if, strictly speaking, coalitional majority governments do not always rest on a popular majority, they will always come close to doing so, given that the electoral system produces roughly proportional results. In that sense they gravitate towards median voters.

However, the system of coalitional majorities also exemplifies the complexity of majority rule. Elections can throw up results in which there are a potentially large number of alternative coalitions. Consider the German election result of 2017, in which there were six parties, counting the two Christian parties as one, elected to the *Bundestag*. These were, with their share of seats in brackets, the CDU/CSU (35%), the Social Democrats (21%), the Alternative for Germany (13%), the Free Democrats (11%), the Left (10%) and the Greens (9%). From this array of parties, and if, quite contrary to fact, there were no constraining factors, there are in principle a large number of minimal winning coalitions, that is to say coalitions involving combinations of parties in which the withdrawal of one party would turn the coalition from being winning to losing. Of course, neither the Alternative nor the Left were acceptable coalition partners for the two leading parties (or for one another), but were we to assume that these constraints did not operate, there would be eleven possible minimal winning coalitions given the results. With real world constraints in operation there were only two possible minimal winning coalitions: the 'Jamaica' coalition, involving the Christian, Green and Free Democratic parties, that Angela Merkel sought to form after the September 2017 elections and the grand coalition between the Christian and Social Democratic parties that Merkel eventually negotiated. Although each of these coalitions can be validly called a majority coalition, the policies that they would be likely to follow could be significantly different from one another.

Remember that the justification for majoritarianism was that it provided for a fair reconciliation of the balance of opinion among a group of citizens in a situation in which there were different and incompatible views about what should be done collectively. The key idea is that government policy is responsive to, or at least constrained by, the preferences of the median voter. Yet, in what sense is the government constrained by the median voter when it is made up of one type of coalition that could be very different in composition and policy orientation than another coalition that might have governed? The double majority condition, which at first sight seems to impose quite tight constraints on which governments can form, seems in practice to allow for different coalitions that are quite diverse in character.

However, any sense of arbitrariness at this point would be misplaced. When there are potentially quite different coalitions that might be formed out of a given electoral result, this is normally a sign that parties are being elected to parliament on the basis of very different appeals to electors. In particular, it suggests that some electors care strongly about some issues, whilst others care strongly about other issues. As a result, parties will be elected for different reasons. A green party may secure as many votes as an anti-immigrant party, or an anti-free trade party as many as a libertarian party. In



forming any coalition, therefore, it may be necessary to combine opposites, but such opposites can be defined in different ways.

In a simple one-dimensional political world, in which the main political forces line up on a left-right spectrum, the coalitions that are likely to form are ones that will be centrist and compatible with one another in policy terms. However, when more than one dimension of political conflict is in play, intelligible connections between parties may not exist. Much depends on how close in the two or more dimensions the parties are, in a situation in which it is possible for parties to be close in one dimension and far apart in another. For example, low tax parties can differ from one another on such topics as immigration or social morality, making a joint coalition hard or impossible. There may be no simple answer to the question of how close to the median voter a governing coalition is. It is not that different and incompatible minimal winning coalitions fail to encompass the median voter. It may simply be that there is no one median group of voters seen from all points of view. No group is median with respect to the left-right spectrum, social morality, the environment, national unification or immigration. There is no single centre taking all these dimensions of policy together. Yet, while there may be no median voter seen from all points of view, there will be median voters seen from the point of view of any one policy dimension. This leads naturally to the issue-by-issue majority principle.

### **The Issue by Issue Majority**

Suppose that the median group can only be identified with respect to particular policy issues. There will be a median voter on tax issues, on environment, on migration, on social morality and so on. Suppose also that parties campaign making some of these issues a point of specific concern. If a sufficient numbers of voters prioritise some particular concerns over others, and so are drawn to specific parties, then proportional representation electoral systems will give those parties seats in the legislature. Yet, just as with the electors, there may be no party in the legislature that is the median for all dimensions of policy. For each dimension of policy, however, there will be median parties. The way is opened up for issue-by-issue coalitions, in which parties vote together on some issues and against one another on different issues. For example in Denmark in the 1980s a conservative government secured its measures on financial and economic affairs with support from opposition parties, but conceded to the alternative ‘green majority’ made up of governing and non-governing parties on environmental policies.<sup>6</sup> The combination of policies that resulted were therefore fiscally conservative but environmentally progressive.

This pattern of policy making is one that is typical of minority governments in the Nordic states, in which some parties will support others in office, without entering the government themselves, and in which legislation is passed by ad hoc coalitions on particular issues of policy. For example, between 1945 and 2011 over three-fifths of governments in Norway were minority governments, in Sweden the figure is over 70% and in Denmark nearly 90%. Indeed, in European countries in general, minority governments are common around one-third of the time.<sup>7</sup> Such governments have to make compromises on their budgets and legislation, just as the 2017 Conservative government had to promise the DUP extra spending in Northern Ireland, and had to recoil from proposed legislation on fox hunting and grammar schools.

The principle of majority rule exhibited in these types of systems is one in which ad hoc majorities on different issues get their way without there being any one majority that ends up with the combination

of policies that it favours. Indeed, it is easy to show with issue-by-issue majority voting that one can theoretically end up with a situation in which no one favours the combination of policies that emerge from a sequence of votes. Nonetheless, there is a clear sense in which there is majority rule, even if the composition of the majority varies by issue. Of course it may be said that there are some issues that are intrinsically connected together so that the separability of issues that issue-by-issue voting will be limited in scope. For example, fiscal conservatism may be combined with environmental progressivism, since the first concerns taxation and public spending and the second regulation, so that the policies for one can be reasonably separated from the policies for the others. However, within a fixed public budget, it is not possible fully to isolate the priority given to one spending commitment from the implications for other spending commitments. This may be one reason why public spending is typically higher in Nordic democracies than elsewhere, because issue-by-issue voting leads to pressure to relax the budget constraint. The same logic was nicely illustrated in the UK in 2017, when the Conservatives, having campaigned on the claim that there was ‘no magic money tree’ to increase public expenditure suddenly found that there was such a tree, worth £1bn, and it grew in Northern Ireland.

The crucial condition that makes issue-by-issue voting possible is a separation of questions to do with the continuation of the governing party or coalition in office from questions about matters of particular legislation. Whether a parliament grants confidence to a government to continue in office is a different matter from whether a parliamentary majority can be mustered for the political programme of that government. The implication is that parties in government will not be able to secure the passage of their whole programme, because they cannot muster a sufficient majority in parliament on all issues. However, minority governments can still *govern*. They can propose measures, they can implement agreed policies, they can conduct foreign affairs and so on. What they cannot guarantee is that they will get their way on particular matters of policy and legislation. In this respect minority governments and their conventions of majority voting are at the opposite end of the spectrum from governments in Westminster systems.

## **Second Chambers**

So far I have discussed these three interpretations of the majority principle on the assumption that they characterised mutually exclusive political institutions. Since the three different ways of thinking about majority rule correspond to different ways of classifying democracies, there is an obvious logic to this assumption. However, recently Steffen Ganghof has drawn attention to the fact that this assumption is an over-simplification, since it implicitly makes the role and operation of second chambers redundant in our understanding of democracy.<sup>8</sup> By ignoring second chambers, we risk neglecting the possibility of combining different principles of majority rule in one functioning system. In particular, Ganghof argues that democracy is best served by separating the functions of maintaining the executive in office on the one hand and passing legislation on the other, and that these two functions can be allocated to different houses of parliament. He shows that something like this system is approximated in the Australian Commonwealth, and well as in the Australian states of New South Wales, South Australia and Tasmania. Ganghof himself suggests that these systems combine the clarity of responsibility associated with the Westminster system with the responsiveness to the plurality of interests and values associated with issue by issue majoritarianism.

If one transposed this logic to the UK, it would provide a clear basis for reform of the House of Lords. If the Commons continued to be elected on the current first-past-the-post system, then a government

would be formed from whatever party or parties commanded a majority in the Commons. However, a reformed House of Lords could be elected by a highly proportional system. It could be denied the power to pass a vote of no confidence in the government, as is effectively the case now, but it would be able to vote down measures proposed by the government if those measures could not command majority support in the chamber. In effect, this is to turn the existing Salisbury convention on its head. The Salisbury convention means that the Lords will not veto legislation that had been promised in the manifesto of the governing party. By contrast, were the Lords to acquire the power to reject legislation that could not command a majority in the second chamber, the government of the day would have to craft its legislative proposals in such a way that it could reasonably anticipate sufficient cross-party consensus to secure passage of the legislation. It would replicate in two-chamber form some of the features of the single-chamber Nordic systems. The House of Lords would become a house of laws.

I do not mention this possibility to advocate it (though I do think it has merit). There are many detailed questions that would have to be considered, even to entertain the prospect. Where does the right of initiative lie, do the terms of office of the two chambers coincide or not, what arrangements have to be made for joint activities by both chambers, would there be a danger of legislative deadlock? Moreover, there may be other calls on the function of a second chamber, as there are in Germany in institutionalising the federal system. However, the idea of separating the role of parliamentary chambers in respect of their confidence and their legislative functions does offer a workable example of the way in which two types of majority rule could be combined. It also provides a way in which some of the objections to the practice of so called 'accountable' government in the Westminster system could be met. Even if the sanctions part of accountability remained weak, the deliberative part would be enhanced. Different types of majority may complement rather than compete with one another.

## **Conclusion**

The principal justification of majority rule is that it provides a fair way of coming to a common policy when people disagree. In situations in which only two alternatives are in play, that democratic fairness is relatively easy to observe. However, where there are three or more alternatives seriously involved, there are different types of majority rule each with their own distinctive characteristics. The three very different types of government that the UK has had since 2010 illustrate the different ways in which majority rule can be institutionalised in the face of electoral pluralism. People often ask in these circumstances what is the right way for finding the majority. But this is to pose the wrong question. We should not imagine in situations of political pluralism that there is a majority hidden but struggling to come out as the will of the people, like the proverbial thin man trying to get out of the fat one. What is needed instead are fair and open ways of institutionalising political negotiation among different groups in a way that embraces an incentive towards encompassing different interests and opinions. Coalition government, issue-by-issue voting in minority government and two-chamber government in which one chamber is purely legislative all provide ways in which this can be done. If this sounds like empowering minorities that majorities might emerge, there is neither irony nor contradiction in that claim.



**Table 1**

		<b>Popular Vote</b>	
		<b>Majority</b>	<b>Plurality</b>
<b>Legislative Balance</b>	<b>Majority</b>	2010 Coalition	2015 One Party
	<b>Plurality</b>	Null. 1951 Close	2017 Minority

## References

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