

# MAJORITY RULE

Jeremy Waldron, 1999, *Law and Disagreement*.

**May's theorem:** mathematically proving that simple majority voting is the only *anonymous, neutral, and positively responsive* social choice function between two alternatives. That is, it's the only rule that meets those three categories.

**Condorcet's jury theorem**

**James M Buchanan**

*Stability of solutions:* <http://dl.law-economics.cn/book/2.pdf>

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**Condorcet's jury theorem** is a political science theorem about the relative probability of a given group of individuals arriving at a correct decision. The theorem was first expressed by the Marquis de Condorcet in his 1785 work *Essay on the Application of Analysis to the Probability of Majority Decisions*

Condorcet's jury theorem provides a theoretical basis for democracy, even if somewhat idealized, and as such continues to be studied by political scientists.

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## May's theorem

In social choice theory **May's theorem** states that simple majority voting is the only anonymous, neutral, and positively responsive social choice function between two alternatives. Further, this procedure is resolute when there are an odd number of voters and ties (indecision) are not allowed. Kenneth May first published this theory in 1952. Various modifications have been suggested by others since the original publication. Mark Fey extended the proof to an infinite number of voters. Robert Goodin and Christian List showed that, among methods of aggregating first-preference votes over multiple alternatives, plurality rule uniquely satisfies May's conditions; under approval balloting, a similar statement can be made about approval voting.

Arrow's theorem in particular does not apply to the case of two candidates, so this possibility result can be seen as a mirror analogue of that theorem. (Note that anonymity is a stronger form of non-dictatorship.)

Another way of explaining the fact that simple majority voting can successfully deal with at most two alternatives is to cite Nakamura's theorem. The theorem states that the number of alternatives that a rule can deal with successfully is less than the Nakamura number of the rule. The Nakamura number of simple majority voting is 3, except in the case of four voters. Supermajority rules may have greater Nakamura numbers.

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# MAJORITY RULE

James M Buchanan

## Stability of solutions

For example, a rule which requires a three-fourths majority may appear to produce more stable solutions than one which requires one-fourth. Such an inference may not, however, be correct. While larger investment in bargaining will be required the larger the coalition that is needed for decision, the reward to the individual member will also be less the larger the coalition. The “price” at which individuals can be induced to abandon the coalition will tend to be lower in the larger coalition than in smaller ones. **There are thus two opposing effects on the stability of the solutions** produced by the operation of voting rules, and any general conclusions relating the stability properties to the rules themselves would probably be premature.

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# MAJORITY RULE

Jeremy Waldron

The authority of law rests on the fact that there is a recognisable need for us to act in concert on various issues or to co-ordinate our behaviour in various areas with reference to a common framework, and that this need is not obviated by the fact that we disagree among ourselves as to what our common course of action or our common framework ought to be. Given this as a basis for legal authority, a person should not be surprised to find himself from time to time under a legal obligation to participate in a scheme that he himself regards as undesirable on grounds of justice (to pay taxes for example, to provide welfare assistance to people he regards as undeserving). That is more or less bound to happen, given that it is the function of law to build frameworks and orchestrate collective action in circumstances of disagreement. The point of law is to enable us to act “in the face of disagreement”.

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Jeremy Waldron

**“Tyranny of the majority”:** The most commonly expressed misgiving about unrestrained legislative authority is that minorities or individuals may suffer oppression at the hands of a majority. That is an acute danger where the votes of those who compose the differing factions represent nothing more than the particular interests or satisfaction of the voters. On that assumption, allowing a majority to prevail means allowing the interests of the minority to be sacrificed to those of the larger group. But nothing similar need happen between majorities and minorities if we assume that the members of the society are addressing controversial issues about rights in good faith, for on this assumption a vote may represent, not an individual interest, but an individual opinion on a matter of common concern.

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# MAJORITY RULE

Jeremy Waldron

It simply will not do for theorists of rights to talk about us as upright and responsible autonomous individuals when they are characterizing our need for protection against majorities, while describing the members of the majorities against whose tyranny such protection is necessary as irresponsible Hobbesian predators. They can not have it both ways.



# MAJORITY RULE

Allen Buchanan

## **Secession: Arguments against**

- "Protecting Legitimate Expectations" of those who now occupy territory claimed by secessionists, even in cases where that land was stolen
- "Self Defense" if losing part of the state would make it difficult to defend the rest of it
- "Protecting Majority Rule" and the principle that minorities must abide by them
- "Minimization of Strategic Bargaining" by making it difficult to secede, such as by imposing an exit tax
- "Soft Paternalism" because secession will be bad for secessionists or others
- "Threat of Anarchy" because smaller and smaller entities may choose to secede until there is chaos, although this is not the true meaning of the political and philosophical concept.
- "Preventing Wrongful Taking" such as the state's previous investment in infrastructure
- "Distributive Justice" arguments that wealthier areas cannot secede from poorer ones

Example: Secession of Jura from Bern (Switzerland)

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# MAJORITY RULE

## Secession:

In the case of the Canton of Jura, important questions were settled by reference to customary international law under the laws of State succession. This was particularly the case in the area of succession of goods, debts and public institutions, as well as with respect to agreements and treaties concluded by the government in Berne with foreign countries and with other Cantons. In this process, various international instruments and the reports of the International Law Commission of the United Nations were taken into consideration. Since international law was applied in this particular case of 'cantonal secession' it can be presented as an illustration of State succession. (**Succession of states** is a theory and practice in international relations regarding the recognition and acceptance of a newly created sovereign state by other states)

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# MAJORITY RULE

Free association

**Freedom of association** is the right to join or leave groups of a person's own choosing, and for the group to take collective action to pursue the interests of members. It is both an individual right and a collective right, guaranteed by all modern and democratic legal systems

The “Bern / Jura “ example:

The Bernese Council has also accepted (albeit by a narrow margin) that individual municipalities in the Bernese Jura can organize their own referendums in order to remain within the canton of Bern. This also goes the other way round: if the general referendum fails (and thus there is no merger), each municipality in the Bernese Jura can hold a vote in order to individually join the canton of Jura.

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# MAJORITY RULE

## Freedom of speech

The notion of freedom of expression is intimately linked to political debate and the concept of democracy. The norms on limiting freedom of expression mean that public debate may not be completely suppressed even in times of emergency. One of the most notable proponents of the link between freedom of speech and democracy is Alexander Meiklejohn. He argues that the concept of democracy is that of self-government by the people. For such a system to work an informed electorate is necessary. In order to be appropriately knowledgeable, there must be no constraints on the free flow of information and ideas. According to Meiklejohn, democracy will not be true to its essential ideal if those in power are able to manipulate the electorate by withholding information and stifling criticism. Meiklejohn acknowledges that the desire to manipulate opinion can stem from the motive of seeking to benefit society. However, he argues, choosing manipulation negates, in its means, the democratic ideal

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