

FEAR OR NO NEED TO FEAR IN THE NEW ERA? THE UNFINISHED DISCUSSION ON MAJORITY RULE

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ABSTRACT

How do some states push harder to become more powerful and to have dominant voice in regional and global matters, although it is widely known that there are some unethical sides of those power-seekers. In current times, states like the Russian Federation, have explained their warlike actions (Georgia in 2008, Syria starting from 2012 and Ukraine starting from 2013 that has turned into a full-scale bloody conflict today), with some legal democratic principles based on their ‘fair elections’ and with the power they derived democratically from their own people. There can be lots of answers to give to the main question on nations’ power-seeking historically, politically or sociologically; however, in this article, our exploration will be more on political theory and philosophy which takes the “majoritarian rule” to our center. We seek to answer whether we must fear or not to fear from the powers of the so-called elections-based majorities in some states considering the gaps of democratic theory overall. Our answer will be a bit cautious regarding the future. Thus, after examining the critical views on the defects of the majority-rule that can lead the ‘majoritarian tyranny’, we will look also to the ideas of the supporters of the majoritarian procedures who are against any limitations including constitutions with the fear of ‘minority tyranny’. The central idea throughout all the dilemmas of the article will be in same line with the fact that any excessive situation in a democratic system can lead to problematic consequences, as humanity experience today in several conflicts and in the forced migrations of millions of people from their homelands.

Keywords: Majoritarian Rule, Democracies, Minorities, Tyranny, Russia.

YENİ DÖNEMDE KORKMALI MI, KORKMAMALI MI? ÇOĞUNLUK YÖNETİMİ ÜZERİNE BİTMİYEN TARTIŞMA

ÖZ

Bazı devletler, etik dışı yanları buldukları yaygın olarak bilinmekle birlikte, daha güçlü ve bölgesel ve küresel meselelerde daha baskın surette söz sahibi olmak için nasıl çokça çaba sarf edebiliyorlar? İçinde bulunduğumuz dönemde Rusya Federasyonu gibi devletler, geçmişte ve günümüzde devam eden savaş niteliğindeki eylemlerini (2008’de Gürcistan, 2012’de Suriye ve 2013’te başlayan ve bugün geniş çaplı kanlı bir çatışmaya dönüşen Ukrayna’daki gibi), iç politikalarında ‘adil seçimleri’ gibi demokratik surette kendi halklarından aldıkları yasal güce dayandırmaktadır. Milletlerin iktidar arayışları konusundaki temel soruya, tarihsel, siyasi ya da sosyolojik olarak verilecek pek çok cevap olabilir; ancak bu makalede araştırmamız, daha çok “çoğunluk yönetimi” kavramını merkeze alan siyaset teorisi ve felsefesi alanlarında olacaktır. Genel olarak demokratik teorinin boşluklarını göz önünde bulundurarak, bazı devletlerde sözde ‘seçimlere dayalı çoğunlukların’ bu yolla elde ettiği güçlerinden neden korkmamız veya neden korkmamamızı cevaplamaya çalışacağız. Cevabımız gelecekle ilgili biraz temkinli olacaktır. Bu nedenle, çoğunluk kuralının ‘çoğunlukçu tiranlığa’ yol açabilecek kusurları hakkındaki eleştirel görüşleri inceledikten sonra, ‘azınlık tiranlığı’ korkusuyla, anayasalar dâhil her türlü sınırlamaya karşı olan çoğunlukçu prosedürlerin destekçilerinin fikirlerine de bakacağız. Makalenin tüm bu ikilemlerindeki ana fikir, günümüzde birçok çatışmada ve milyonlarca kişinin kendi ülkelerinden zorla göç ettirilmesinde insanlığın tecrübe ettiği gibi, demokratik bir sistemdeki herhangi bir aşırı durumun sorunlu sonuçlara yol açabileceği gerçeği ile aynı doğrultuda olacaktır.

Anahtar Kelimeler: Çoğunluk Yönetimi, Demokrasiler, Azınlıklar, Tiranlık, Rusya.

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Against the backdrop of the superficial and populist rhetoric about democracy and a bright future based either on a market or a planned economy, but amid a true impoverishment of people and widespread shortages, no one among the powers that be was thinking about the inevitable tragic consequences for the country [Russia] (Putin 2022).

INTRODUCTION

Majorities and Democracy may be called as twins that cannot be simply separated through the history of humanity and philosophy. In fact, there are several other kinds of representation and election-mechanism in the political systems. Among democratic methods, majoritarianism is only one of them, but it is still the most favorable technique preferred by numerous countries for their presidential or parliamentary elections. Even though there are several types of majority rule, i.e. qualified majority or supermajority rule, in this article, majoritarianism will be used in line with the minimal standards which means ‘the simple-majority rule’ that signifies the minimum: ‘More than half’ or popularly speaking ‘%50+1’ to win the elections and to have the political power.

Concerning the methods used for elections in current democracies, loads of them are defined with their positive and negative features. For instance, it is argued that proportional representation can be regarded as more “egalitarian” and “fair” system because it can reflect the principle of popular sovereignty more accurately as a result of the proportional formula (McGann 2006: 35; Kedar et al. 2016). On the other hand, majoritarian rule is taken as an appropriate way to maintain stability of the overall system, because compared to the vagueness and possible profound divisions of the outcome of the proportional system, the representation through a majoritarian body is counted as a more direct and conclusive model regarding to the relation between voters and elected parties/individuals (Farrell 1997: 3-4).

In the light of the presence of these contradictory positions vis-à-vis the majority rule, and on the subject of the limitations upon this rule to prevent the so called “tyranny of majority,” this paper tends to give equal concern to opponent voices in the light of the recent painful experiences in world-countries. Therefore, after examining the critical views on the defects of majority-rule, the supporters of the majoritarian procedure and their views about the harmful sides of limitations (like on the constitutional limitation on majority) will be given place.

While deepening similar discussions, this article applies qualitative and interpretative research methods and analyzes democracy and deliberations on majoritarian system with a critical stance and under the effect of practical cases. At the end, Russia as a stronger state with its considerable history and its current status will be taken as a concise case study to grasp the

Fear Or No Need To Fear In The New Era?

The Unfinished Discussion On Majority Rule

risks to remain hidden beyond the curtains nurtured by democratic gaps and to use these gaps as pretexts at the level of some profit/interest-maximization attempts and belligerent actions. Taken as a whole, the core idea throughout the examinations will be in line with the fact that any extreme or disproportionate situation in a democratic system can lead to some problematic consequences. This means, if we want to have a complete picture of oppression and tyranny, where there have been certain cases that support the claim that a majority can turn into a body of oppression, there is the equal threat of status-quo and domination of a minority group who might be an assembly of diverse people or simply an elite-body of rulers who exploit the ‘will of their people’. Therefore, regarding the logic of democracy and borders of the democratic governments, we also touch upon inescapable debates on the legitimacy of limitations whether they are constitutional or arbitrary.

Relevant Literature of the Study: Understanding the Core Beliefs

The approach and methodology of the article is developed hand in hand with the support of some leading theoreticians’ ideas in the field, and with their famous secondary sources on the subjects of democracy and failures in the theory of democracy via the attempts of majority or minority groups to take advantage of the will of people in various countries during the recent past. Some of those leading theoreticians of the last decades like Robert Dahl, Ian Shapiro, Jeremy Waldron, David Held, Norberto Bobbio, Barry Holden, Seymour Martin Lipset, Larry Diamond or Arend Lijphart, who have given their pioneering works in the field of democracy-theories and have inspired also this article, agree generally on the deficiencies in the spirit of democratic procedures when checks and balances are not wisely established and when vacuums are intentionally created for more profit and interest maximization. So, “democracy may be an idea that has conquered the world, but as a form of government it is neither self-evident nor inevitable”, and this explains numerous “break-downs” of newly created democratic system in the last 50 years, despite they have formal and legal statuses on paper with a number of their elections (Graham et al 2017: 686). For Diamond the democratic decline in various countries becomes so observable that we can speak of a general “democracy demotion” today (Diamond 2019: 17-18).

At first, the majority rule, one corner stone of those democracy-discussions, Jean Jacques Rousseau’s (1712-1778) famous ‘Social Contract’ theory that puts the “general will” of the people to the center, becomes one important root of further debates. With the help of Enlightenment philosophers like Rousseau, majoritarianism has given the essential stimulation

to French Revolution (1789) and to the following key events building modern nation-states until contemporary times. Accordingly, on the side of supporters of the majoritarian rule we can hear justificatory arguments like McGann's that "[this system] is most responsive to voters' preferences and thus makes most use of the information we have about what people want" (McGann 2006: 81). However, from the side of persons who are critical on the majority-rule, there is the common view referenced to some classical philosophers like Friedrich von Hayek, who argues that even fully democratically-constructed states must be first "rights-based state" and they should be constrained in order to protect the individual (Hayek 2001). As Norberto Bobbio mentions, this belief on "limitations" is defended by scholars related to the liberal understanding of "negative liberties" of an individual who has been regarded as having immunity from the pressures of all other forces including by a majoritarian government (Bobbio 1987: 31). Hence, "power" and "liberty" are seen in contradiction, and this argument have been repeated regularly since other classical thinkers James Madison (1751-1836) and Alexis de Tocqueville (1805-1859) made their first claims on the necessity of the protection of liberties against the power of the majority-rule (Bobbio 1987: 51-54).

In literature highly subjugated by American, British, French and German intellectuals, regarding the subject of alternatives to hinder the extremism as a result of majoritarian one voice or dominance of a small group, in addition to some "countermajoritan legislatures" (Seifter 2021), there are propositions for other systems of democratic election procedures to be studied: Like proportional and mixed systems. Norris adds, semi-proportionality can be also given as one of the four chief types of those electoral systems (Norris 1997: 298-299). Furthermore, there are some "sub-categories inside this separation; like plurality, second ballot and alternative voting systems" that could be thought within the majoritarian systems, while semi-proportional system includes single transferable vote and cumulative vote and proportional system includes list-system, and mixed system includes additional member system (Norris 1997: 298-299; Negri 2018).

Along with the alternatives, the term proportionality is analyzed and explained in detail by scholars like Jürg Steiner in his article "The Principles of Majority and Proportionality." For him, although there are some difficulties in explaining the course of the proportional model, he is doing well in arriving at a simple definition as follows: "Its [proportional model's] basic characteristic is that all groups influence a decision a proportion to their numerical strength" (Steiner 1971: 63). Furthermore, Steiner adds that in case of the conflict regulation in the system, proportional system can be the easiest way to apply, because all the units or the

Fear Or No Need To Fear In The New Era?

The Unfinished Discussion On Majority Rule

participants of the system are regarded as their equivalents. Nevertheless, as Milnor and a number of other writers mention, the contradictions or tradeoffs between stability and representation is visible in proportional systems and they are directly linked with the “great debate” about the merits of electoral systems like proportionality (Milnor 1969; Kedar et al 2016).

Within this context, as an exit from the deficiencies of democratic procedures, several scholars have a number of other complementary propositions. Dahl defends for instance, in the administration systems constructed through human history, there have been always gaps that must be renovated or rehabilitated, because “the struggles of individuals and groups to gain autonomy in relation to the control of other is, like the efforts to acquire control over others” can be seen “a fundamental tendency in political life” (Dahl 1978: 191). When we do not respond or try to renovate the system with an aim of acting against democratic failures, as Dahl suggests, all “autonomies” can be easily suppressed one day and “a hegemonic regime can prevent the development of pluralistic social and political order” (Dahl 1978: 191).

Against the risks of any attempts for tyranny, whether it is based on majoritarian decisions or on elite or minority group’s decisions in the name of masses, Dahl proposes an approach based on “polyarchy” that takes diversities seriously into account and emphasizes the need for more “pluralism” (Dahl 1978, 1989). For Held and Archibugi alternatively, the exit from tyranny-like actions can be in line with a new wave of democratization that is a need to be “more transparent”, “more accountable”, “more participatory” and “more respectful” to the rule of law (Archibugi and Held 2012: 13). Thus, they find the answers in a democratic version not in limited local versions, rather in what they call “cosmopolitan democracy” (Archibugi and Held 2012).

Majority Rule as a Threat and as a Source of Fear?

At the core of discussions on majority rule, there is the simple truth that this kind of regulation does not mean that it can be justified directly as a democratic procedure. Hence, as some writers like Guinier argue, majority rule is not “self-defining”; instead, the legitimatization of a majority rule is highly connected to the fact that it must be also a “fair procedure” (Guinier 1995: 77-78). Nevertheless, a number of essential features must be discernible within a majoritarian course of action to call that it is “fair.” They are given as “stability, efficiency, reciprocity, and accountability” (Guinier 1995; Kedar et al. 2016). First, compared to a minority-government, as a result of the numerical advantage, there is an

opportunity for a majority practice to achieve stable results. Secondly, because the preference for voters can be reduced to two, the system based on majoritarian understanding can be also efficient; for that reason, related to this competence of the majoritarian principle, there is no serious threat to democratic stability when a simple majoritarian method is followed, and when the majority-party is elected with ‘%51’ of total votes. Thirdly, the idea of reciprocity provides a legitimate base for a majoritarian rule, because “it presupposes a lack of permanency on the part of the majority” (Guinier 1995: 77). This means that today’s %49 of minority-party can turn into %51 of a majority-rule tomorrow. In addition, such an understanding is interconnected with the principle of accountability of a majority-rule which continues to be under the pressure of “periodic elections”.

Subsequently, there can be a solid ground for majority-democracy relations with the principles mentioned above. Then why is there a need for fear from this interaction? Regarding the threat caused by a majority-rule in democracy, Holden underlines the difficulty in “equat[ing] the will of the people with the will of every individual” (Holden 1974: 30). At this point, three possible kinds of dangers are mentioned as the source of the clash between individual liberty and democracy. First, there is the well-known possibility of “majority tyranny” which means that since the unanimity is not practical for every member of society, the will of people symbolizes the rule of a majority group and subordination of minority-groups. In Madison’s conceptualization, a tyranny can be understood as “every severe deprivation of a natural right” (Dahl 1956: 22-23). And as Hart mentions, there is the possibility that “a majority of theoretically independent voters may be consolidated by prejudice into a self-deafened or self-perpetuating bloc which affords no fair opportunities to a despised minority to publicize and argue its case” (Hart 1983: 218).

Second, there is the well-known philosophical and sociological general discussion which can be named as ‘Individualism vs. Communitarianism’ debate. According to the defenders of individualist position, there is a complete subordination and ignorance of the individual identity vis-à-vis the importance of community and society in a democratic procedure. And the third view is based on the idea that since democratic government takes its power from all of people and can legitimate itself as a result of democratic elections, they can be counted much more powerful, and maybe “more threatening” than any other government (i.e. than an autocratic government which can be regarded powerful only because of “its own power,” not because of the ‘will of people’) (Holden 1974: 29-32).

Fear Or No Need To Fear In The New Era?

The Unfinished Discussion On Majority Rule

From the other side of the coin, if we look to the classical scholars and their ways to begin the discussion, some particular results can be derived from prominent names like Madison. He argues that “[n]o man is allowed to be judge in his own cause because his interest would certainly bias his judgment, and, not improbably, corrupt his integrity. With equal, nay with greater reason, a body of men are unfit to be both judges and parties at the same time” (Madison 2001: 22-26). Held argues that some important similarities can be found between Madison’s idea of protective democracy and Hobbesian conception of human nature in that within both of these two traditions, “power” and “profit” appear as “inescapable” consequences (Held 2006: 71). This similarity is also visible in the plans to restrain majoritarian rule and in the so called “majoritarian tyranny.” Therefore, similar to Hobbesian *Leviathan* (1651), Madison anticipates a strong state and constitutional body “to protect individuals from powerful collectives” which appear as majorities in a democratic system (Held 2006: 74).

Furthermore, related to the philosophical discussions, some writers like Elster, finds significant similarities between majority-rule and the philosophy of utilitarianism. The motive is given as the simple logic of preference that “if more people prefer x to y, then the choice of x is likely to yield more aggregate welfare than would be realized if y were chosen” (Elster 1993: 178). For Elster, this linkage is also illustrated by some extra ways like “they have the same opponent [which is] the defender of individual rights” (Elster 1993: 178). Accordingly, the unconstructive effects of a majoritarian rule against the individual can be classified in three different categories: In the first category where we have rights related to the “equal political participation” like the right to vote or freedom of speech and assembly, the majoritarian government often tend to “manipulate political rights to increase its chances of re-election” (Elster 1993: 182). It includes economic instruments as well as political and constitutional ones like changing or adjusting the electoral system.

In the second category we have the rights that are related to the acceptance and application of the general principle of the rule of law, like the right to fair trial, prohibition of retroactive methods of justice, etc. In view of that, there is the abuse of law (and of the rule of law) by the majority rule and the result is the extreme governmental attitude against rights. This can happen “under the sway of a standing interest” or “a momentary passion” during “emergency-situations” like the war-time (Elster 1993). And in the third category there are rights which are related to ethnic and religious groups that are seen as direct objects of oppression of a majoritarian system. The immigrants and unwanted nationals from another

country can be included in this third party. The “standing passion[s]” that can be found within the traditional beliefs of the majority of a society, and that have implications on the majority rule of this society might be helpful to comprehend problematic majority-minority relations in this third category (Elster 1993: 182-183). Thus, a case of repression which might be undertaken by a majoritarian governing body, in the name of stability or in the name to protect the ‘holy land’ from outsiders, can be easily interpreted as a direct complexity between democratic ways of government via majority and rights-protection through the principle of pluralism (Lipset 2003). In such complexities, there are strong claims that the protection of rights of individual against the “intolerant majorities” must lie “at the heart of democracy” (Saward 1998: 79).

Although majoritarian triumph and minority losers are “inevitable part” of democracy, and they can be regarded like “the part of the game” (Saward 1998: 131), there are some consequences which turn to be continuous and always lead to the crush of a certain group of minorities whether they are politically an oppositional group or ethnically or religiously separate identities. In view of that, compared to the normality of majority-minority relations, the result of “persistent minorities” (Saward 1998: 131), which is against the spirit of democracy overall (also of majoritarian rule which anticipates first, ‘today’s minority can be tomorrow’s majority’) must be evaluated in a different context. Even if votes of majority have a significant meaning in a democratic system, the usage of such votes in an arbitrary manner can lead to the deterioration of situations of some groups of people.

Accordingly, Przeworski (1999) talks about a “space” left “for the majority to exploit minority.” This space is defined as “between the democratic authorization of the majority to pursue its interests and the constitutional protection of rights” and in this way it seems to be two possibilities for a majority: “favour[ing] interests of some majority and as a well as their own at the expense of a minority” or “pursu[ing] their own interests or values at the expense of everyone” (Przeworski 1999: 39). Whether the damaged people are called minority or groups that are outside the majority, there is a difficulty in reversing the acts of the majoritarian initiative against them. Pettit calls some of these acts as a result of “majoritarian passion,” and he adds that one of the real dangers lies in the “difficulty” of “challenging and criticizing” the majority (Pettit 1999: 177). Then, if you attempt to criticize, you can be accused of behaving like an ‘elitist’ from another ‘supreme’ world or in the worst scenario as an ‘anarchist’ or even ‘traitor’ who challenges the holiness of majorities counted to be equal to the “will of people” or to the whole nation. Pettit claims that the result can be interpreted in the light of “the moral immunity” of egalitarianism among the ordinary people (Pettit 1999: 178) and such an

Fear Or No Need To Fear In The New Era?

The Unfinished Discussion On Majority Rule

explanation can be examined within the same basket with what Tocqueville mentions about the “power” of majorities:

“[N]o monarch is so absolute as to combine all the powers of society in his own hands, and to conquer all opposition, (...) The authority of a king is purely physical, and it controls the actions of the subject without subduing his private will; but the majority possesses a power which is physical and moral at the same time; it acts upon the will as well as upon the actions of men, and it represses not all contest, but all controversy” (Tocqueville 2001: 29).

Further than the level of philosophical debates on rights, there are some other reasons to be skeptic about the legitimacy of majority-rule, if we think the consequences that are derived from the elections in a democratic system that lead to the triumph of a majority-rule. Riker is one of the prominent scholars who questions the fairness of voting procedures. His focal thesis is in line with the understanding that voting results cannot be thought as “accurate amalgamations of voters’ values” (Riker 1988: 236). As a result of divergent values of voters and of the impossibility to know whether voters’ preferences and judgments are manipulated, true and fair results of an election constitute the major problem, and the majority rule who claims inevitable rights from such an election start to lose one of its strongest bases.

Cohen supports the view of Riker in that majority decision could not be reflection of a common view; rather it could be just a result of “particular institutional constraints” that brings “incoherence,” because decisions under majority are away from our will, and they might be “governed by the institutions” (Cohen 2002: 99). Holden continues to question the validity of the majority rule and underlines the problematic aspect of majoritarianism within its justification that since unanimity is not possible for most of the cases, majority rule “comes nearest to being the decision of all” (Holden 1974: 104). According to this mathematical formulation, there is no serious objection when the supporters are 999 out of 1000 people; but when the number decreases to 700 or even 501 (that the mere level of a simple majority), the logical mathematics behind the legitimacy can be surely open to discussion (Holden 1974: 104). However, in our opinion, even the support is 999 out of 1000 people; there might be always a number of catalysts to be skeptic in evaluating human-created ruling systems.

No Need to Fear? Majority Rule as a Natural Result of Democracy

Although majority rule is criticized because of its neglecting of preferences other than majority, there are advantages which have been explained commonly as the good sides of

majoritarian system compared to its alternatives. For instance, as a response to the plans of rectification of the majoritarian gaps through different methods, such as via unanimity, minority vote, or super-majorities, Saward (1998) reminds potential threats of these methods inside the democratic model: Unanimity can lead to the impossibility of changes and to the continuation of the status-quo because of the difficulty to reach unanimous decisions, and of the exaggerated value of a small section of citizens who can veto any decision and rule. Similarly, minority rule and super-majority can play a pessimistic role in the general “well-being of the community,” when they give only a chance to the small section of society to institutionalize its hegemony over the majority of equal citizens. McGann derives the conclusion as “if we diverge from majority rule, then we must either privilege some voters over others, or privilege some alternatives over others”; on the other hand, in the case of a supermajoritarian formula there is the problem that “we advantage the status quo” (McGann 2006: 62).

As we try to explain, perhaps, one of the most considerable objections regarding the majority rule is about the possibility of tyranny or oppression by a majoritarian government in a democratic system. Some writers argue about the theoretical difficulties about these claims and say that “there is no ‘tyranny of majority’ because there is no single, cohesive majority ready to dominate everyone else” (McGann 2006: 111). Other writers like Shapiro emphasizes practical difficulties and unpredictable results of a possible removal of majoritarianism. Nonetheless, he underlines the “liberal fear of majority rule” (Shapiro 1996) and argues that in the light of what was going in the world, these fears cannot be wholly skipped. In view of that, for liberals, the best decision-making process in which no individual will be harmed through the decisions of others is defined as unanimity (Shapiro 1996: 227). However, the practical difficulties and impossibilities of unanimity constitute the most essential burden upon the liberal dreams. Within the context, the discernible linkage between unanimity and status-quo can bring the supremacy of number special groups that might transform into dominant minorities which are in fact “rationally equal” with tyranny of majorities (Shapiro 1996: 228).

In this regard, Dahl emphasizes on the similarity between the tyrannies of majority and minority. In his seminal work *A Preface to Democratic Theory*, he gives some hypotheses in connection with the sayings of Madison in his *Federalist* papers. In the third and fourth hypotheses, he mentions:

Hypothesis 3: If unrestrained by external checks, a minority of individuals will tyrannize over a majority of individuals.

Hypothesis 4: If unrestrained by external checks, a majority of individuals will tyrannize over a minority of individuals (Dahl 1956: 7).

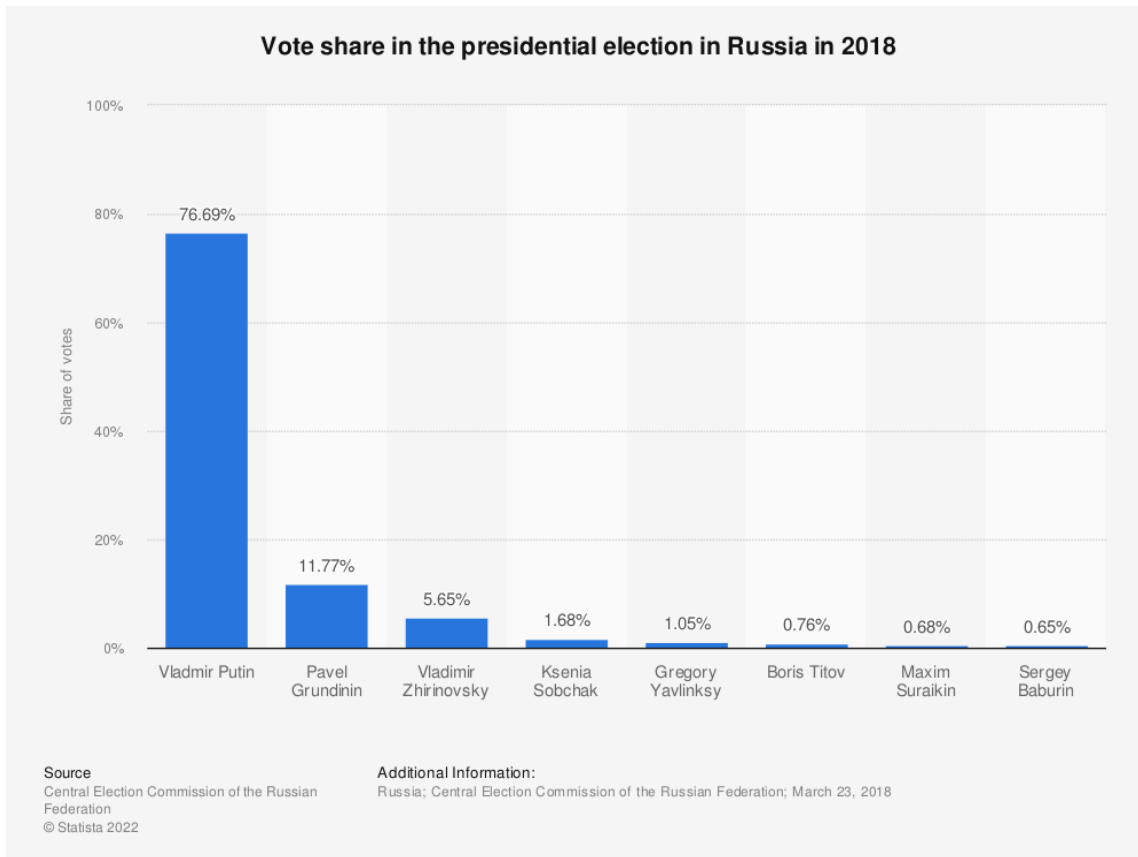
Fear Or No Need To Fear In The New Era?

The Unfinished Discussion On Majority Rule

From the arguments above, Dahl arrives at an important conclusion different from Madison who had argued much more on the dangers of majority rule against rights of individuals. Thus, for Dahl, “both majorities and minorities” can be “weighed on the same scales” which means, “whatever its size,” the ruling group can turn into an obstacle to “natural rights” of citizens (Dahl 1956: 9-10). However, despite the “imperfect” character of majority rule, there is no satisfactory reason to “replace” it with alternative systems which are seen also “deeply flawed” (Dahl 1989: 152). Dahl’s principal position is more or less similar to various other writers’ views who claim, whether the electoral system is majoritarian or proportional, “a party-system extremism” is another risk in every democracy (Dow 2011).

In addition, according to Dahl, there are certain ambiguities within the meanings of key terms of Madisonian ideology, like “natural right,” “tyranny,” or “faction.” Related to his claims on pluralist societies, Dahl mentions that majorities like minorities can be “unstable,” “transitory,” or “politically ineffective.” He knows that such an understanding is directly challenging Madison and his supporters who tend to see the majority as the only potential source of tyranny (Dahl 1956: 24-28). As Held argues, against the claim of the thinkers, such J.S.Mill, Madison or Tocqueville, Dahl insists that the terms majority and tyranny cannot be considered in the same way. This is because there is no “firm majority” and the democratic techniques leads to the creation of various groups and identities in the system before they turn into majority. The said variety is the reason of hopes for “the minority opposition” which symbolizes and revitalizes “the value of the democratic process” (Held 2006: 163-164).

Russia as a Concise Case: Searching for Limitations against Majority or Minority?



In the graph given above for the last Russian Presidential elections in 2018 (Statista 2018), we see a super-majoritarian support to the existing President Vladimir Putin who has held this position more 20 years. In the Russian system, as in other majoritarian democracies, the president is elected by direct popular vote in a two-round majoritarian election (Sakwa 2010). If no candidate wins over 50% of the vote in the first round, the two candidates with the most votes go to a second round where there will be a decisive victory, even the winner has %50.1 and the loser %49.9 For several scholars, in the light of all these examples, where the candidate has a supermajoritarian support like Putin with nearly %80 of votes, or where another country's candidate is the winner with a simple result like %51, democracy must be designed with "a self-binding concept" which means that there must be some balances and "democracy can be limited in the name of democracy" (Saward 1998: 54).

Hence, while explaining the relation between constitutionalism and democracy, Saward rejects the "inherent" contradictions between these concepts; for him, democracy must be understood within a context in which it "incorporates a conception of constitutionalism" that is based on some substantial provisions which support the general functioning of the democratic system: First "basic rules" that govern the political process and framework of institutions; second, "democratic rights," which are necessary for the process: and thirdly there are others'

Fear Or No Need To Fear In The New Era?

The Unfinished Discussion On Majority Rule

“rights and values” that is necessary for the meaning of democracy. These must be the three main provisions in a constitution (Saward 1998: 59-60). Then, restriction on majoritarian decisions and denial of “unrestricted majority” are the natural results of the self-binding characteristic of democracy even the so-called ‘support’ has continuously stronger levels like nearly %80 as in Russia.

Nevertheless, although constitutions are considerable counter-majoritarian measures, they are thought as having some crucial dilemmas (Weale 2007: 202-206). It is claimed that “constitutions cannot protect rights” in certain circumstances. This strong argument is based on the practical experiences that despite a constitution might be designed to define and protect rights of individuals or some minority groups, it must not be forgotten that the mechanism of rights-protection is heavily depended on “action” too, and mostly on the action of governing bodies (Lijphart 2012). This is why some well-known authoritarian governments like the Soviet Communist Party or today’s ‘well-designed democracies’ on paper have given as examples to illustrate the failure of an existing detailed constitution in the absence of the governmental initiatives for a true rights-protection mechanism (McGann 2006: 104-105). When constitutions remain only as written texts rather than true ‘action-plans’, they do not have any meanings more than vehicle-agendas of upcoming interests/profits.

Furthermore, even if a system is highly ‘Westernized’, in other words reached the zenith of democratic discussions for the literature, considering for instance the American system, Shapiro reminds us that “courts are themselves majoritarian institutions.” He tries to explain that similar to legislators, judges have not immunity from the problem of “cycles” and “manipulation” (Shapiro 1996: 13). In that regard, the act of a judicial body based on the assumption that “it knows how the conflict should be resolved” can lead to the question of the “imposition” of some results according to the mere evaluation of one body again. Instead, the solution must be in line with “forcing [legislatures] to rethink ways of working their majoritarian wills that do not countenance domination” (Shapiro 1996: 66-67). Because there are still contradictory points about the enforcement mechanism, from this point of discussion, it seems that there is a vicious circle between the issues of minority protection, majority rule and limitation upon majorities as well. Also the recent “Trumpism” in America as an “expected feature of majoritarian democracy” and the last status of him as an “outlier” in the whole system can be a topic of further discussions in another article within a similar context (Murtazashvili et al. 2021).

So, are there any other counter-majoritarian alternatives? For this question, there are several answers. For example, judicial review of the constitution in a case of contradiction, and the proper separation of powers especially in the name of guaranteeing the mechanism of an independent legal system are given as supporting solutions to the counter-majoritarian measures (Elster 1993). McGann argues that supermajoritarian measures (like %60+) against tyranny of majority can lead to the continuation of the status quo in the long term. In the short term such measures can be thought as helpful and protective to the minority groups, but in the following periods, it should be kept in mind for the cases like Russia that the persistent problem remains as “we cannot know what the status quo will be in the futures” (McGann 1996: 91).

What we say in theory above, is what we are facing now in countries like Russia where a supermajoritarian Presidents has had new surprises in their hats every year not only for their own countries, but for the whole regional and world order. Subsequently, the solutions other than the majority rule or towards the supermajority and unanimity are not in line with the autonomous decisions despite they provide “more stable status quo”, while they turn “less democratic” (McGann 1996: 90). At that time, perhaps democratically smart actions of minority groups to “defend themselves by overturning unfavourable outcomes” can have key importance. Also for the sake of true democratic governance and in favor of universal human rights and moral good, more people must think and behave according to universal ethical principles and they must do that beyond their mere nationalistic and patriotic agendas.

In the light of all these discussions above, if we look to today’s Moscow or any other Russian Federation’s (RF) streets for instance, how many big-scale demonstrations can happen against the decisions based on military solutions by the Russian central government in Georgia, Syria in the near past or in Ukraine today that led the way for thousands of killings in these countries and millions of forced migrations from the homelands? Or, if such events would happen, how many of them could have considered as successful as the enduring oppositional forces in RF today?

The recent polls in RF then again shows us; maybe with a skilful and populist rhetoric based on anti-Western attitudes and on a mixed character between Occidental-Oriental feelings, patrons in Moscow have still the popular support of nearly %80 (Statista 2018). What we have derived from the discussions that unless the majority is able to have the appropriate vehicles to check the minority group who is given the political power through democratic mechanisms like elections, then there is no decisive line separating majority from minority tyranny, because they both turn into equal parts of showing arbitrary and brutal decisions. In both of these worst

Fear Or No Need To Fear In The New Era?

The Unfinished Discussion On Majority Rule

scenarios based on tyranny there will be continuing use of peoples' untainted feelings and thoughts whether they are based on national, patriotic, ethnic or religious values.

CONCLUSION

As seen from the article, majority rule continues to be the subject of some unfinished discussions within the broad realm of theories on democracy. Since classical writers, such as Madison or Tocqueville, there have been always some scholars who have not hesitated to declare his/her worries about the features of a representative government in a democratic system, and about the majority-rule which has been one of the most commonly-used type of representative governments. However, what Waldron claims in his article, is also accurate to the whole argument that is aimed to be given through this essay. Waldron claims that sometimes “‘tyranny of majority’ trips so easily off the tongue, [and] we tend to forget about other forms of tyranny” (Waldron 2002: 68). For instance, in our times, the rising ‘strong states’ rhetoric’ based on glory past and legitimate aggressiveness in both internal and external policies might be seen complementary and normal for nationalistic or patriotic feelings. Such strong states and their minority elites cannot be taken as direct examples of tyranny, however the results we have today have proved at least that under the mask of democratic legitimacy through majoritarian principles, there are like “pre-tyrant” governments overall.

As this article tries to suggest, some limitations have always been necessary to protect the individual from the majority rule which is controlled in fact by other individuals. A pure Hobbesian approach that there is an uneven clash between the humans might be too classical in that regard; but classical philosophies based on ‘human nature’ are helpful to approach our basic measures today. Incidentally, it is discernible that limitations, such as constitutions, have played a complementary position for the current meaning of democracy despite their “question-begging” character similar to the majority rule (Waldron 2002: 71). Yet, wisely-designed and sometimes re-designed constitutions as limitations are needed against the risk of profit-based rational governments that are chosen maybe by the high percentage of majorities, but are turned into minority elites who may think and act far from an ethical base, or just maybe “with dirty hands” at the end of the day (Waldron 2018).

At this point we must be careful on what Bellamy argues that usage of rights as “trumps” and right’s status above every procedure, including majoritarian decisions can lead another problems, because there is still a continuing “disagreement” about the essentials of “human

good” and about certain dimensions of the concept of right. To give special responsibilities to some politically-oriented judges through constitutional mechanism may not go afar the action based on another majoritarian method and human preference (Bellamy 1999: 176-177). The humans like states might be always flawed, but they might be checked and balanced also by other ethical individuals in the name of the decent and universal ‘good’. Everyone is aware that such procedures of check and balances can be challenging, and what Seifter argues is the risk to have only “countermajoritarian legislatures” at the end of the day (Seifter 2021: 1733-1734). Regrettably, history has showed several times, even the wisest kings, leaders, viziers, philosophers, commanders or judges may transform into another source of suppression under the shadow of profit/interest maximization against the rights of people.

Practical experiences inside the modern-world nowadays have illustrated suitably, in especially ethnically and culturally-divided societies, the concepts of democracy and majority-rule have turned to be the subjects of more tense discussions. Especially this can be the case where “the majority is racially [or culturally] prejudiced” (Guinier 1995: 102-103). The prejudice for a majority can mean the exclusion of minority, or unequal treatment to a specified group of people by another special group who equalize themselves with “state”, but are nothing more than tyrant minorities using the feelings and support of their majorities in the name to keep their position and power. This can be accompanied by a “winner-take-all attitude” through which the “disproportional majority power” can bring an end to the interaction and mutual understanding between majority and minority groups and among whole community members. In the final scene, a pure “populism” might be the only result that may turn democracy into a mere formality (Zakaria 2016: 9-10; Riker 1988).

Consequently, we must always keep in mind that although a majority-rule can have legitimacy thanks to the differences found among the people, it can be damaged preserving fundamental rights and liberties which may belong particularly to some other individuals or to smaller groups other than majority, whether they are opposition party members, immigrants, guest workers, enemy-states’ citizens, or just simply a human being who keeps staying outside of the ‘holy’ community or national boundaries. The real combination of individuals’ conscience and mind to protect their rights is the strongest moral anchor against any radical and practically destructive program made up in the name of the so called ‘general will’ of a community. The digital world and faster connections among conscious individuals today raise hopes therefore for the future of debates on democracy. That can be a following topic of our further researches.

Fear Or No Need To Fear In The New Era?
The Unfinished Discussion On Majority Rule

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Fear Or No Need To Fear In The New Era?
The Unfinished Discussion On Majority Rule
